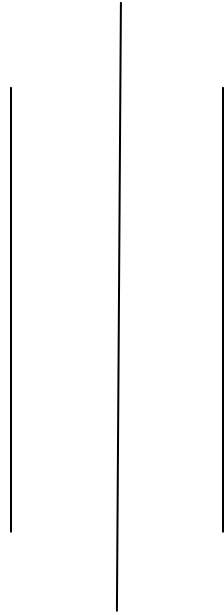


# **Diplomatic Code of Conduct, 2011**



Ministry of Foreign Affairs

Kathmandu, 2011

# **Diplomatic Code of Conduct, 2011**

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# Diplomatic Code of Conduct, 2011

## Preamble

With the objective of conducting the official meetings, contacts, negotiations and communications of the Government of Nepal with foreign governments, international organizations, their representatives and other officials in a more systematic and dignified manner consistent with diplomatic norms and international practices, this Diplomatic Code of Conduct has hereby been issued as per the Cabinet decision of the Government of Nepal.

## 1. Short Title and Commencement

- 1.1 This code shall be called the "Diplomatic Code of Conduct, 2011."
- 1.2 This Code shall come into effect immediately.

## 2. Definition

Unless the subject or context otherwise requires, in this Code:-

- 2.1 "Person holding public office" means any individual holding a position empowered to exercise public authority, observe any duty or shoulder any responsibility in accordance with the constitution or any other prevailing law or the decision or instructions of the organization or officer concerned. This phrase also refers to the officials and staff occupying positions in public institutions or any other officer so designated from time to time by the Government of Nepal by a notice published in the Nepal Gazette.
- 2.2 "Nepalese Mission" refers to Nepalese Embassies, Permanent Missions of Nepal to the United Nations, Consulates-General, Consulates, Honorary Consulates-General and Consulates abroad and other agencies as designated by the Government of Nepal by a notice published in the Nepal Gazette.
- 2.3 "Foreign Mission" means Nepal-based foreign Embassies, Missions, Consulates-General, Consulates, Liaison Offices and Honorary Consulates-General or Consulates.
- 2.4 "International Organization" refers to the United Nations, specialized and other agencies under it, the SAARC Secretariat or the Delegation of the European

Union. This phrase also refers to the inter-governmental organizations of regional or international nature.

- 2.5 "International Non-Governmental Organization" means the non-governmental organizations registered in a country and conducting activities in two or more countries. This phrase also refers to the organizations of regional nature based in Nepal.
- 2.6 "Foreign Diplomats" means diplomatic officials of Nepal-based foreign missions. This phrase also refers to any other officials enjoying diplomatic privileges as decided by the Government of Nepal.
- 2.7 "Administrative and Technical Staff of Foreign Missions" means all non-Nepalese employees working in foreign missions other than diplomats.
- 2.8 "Local staff" means Nepalese employees of foreign missions, United Nations and other international and regional organizations based in Nepal and the non-diplomatic staff working in Nepalese missions abroad.

### **3. Observance of the Code**

- 3.1 This code is applicable to persons holding public office and officials drawing remunerations and perks from the state treasury.
- 3.2 It shall be the duty of all, including persons holding public office and officials drawing remunerations from the state treasury, to observe this Code.

### **4. Courtesy Calls, Official Talks and Meetings**

- 4.1 Ministers of the Government of Nepal or officials of the constitutional bodies or other senior officials should invite representative of the Ministry of Foreign Affairs and other related ministries while meeting ministers, ambassadors or senior government officials of foreign governments. The representative of the Ministry of Foreign Affairs should prepare the record of talks held on those occasions. In case of the inability of the representative of the Ministry of Foreign Affairs to be present in the meeting because of short notice or other special reasons, the agency concerned should make available to the Ministry of Foreign Affairs summary report of the talks and the matters discussed during the meeting. Likewise, summary report of meetings, contacts and discussions held by officials of the Ministry of Foreign Affairs should be sent to the Office of the Prime Minister and Council of Ministers.

- 4.2 Ministers of the Government of Nepal or officials of the constitutional bodies or other senior officials should, as far as possible, give prior intimation to the Ministry of Foreign Affairs while receiving foreign diplomats or other officials for courtesy or farewell calls, formal talks and meetings. Summary report of the talks and discussions held during such meetings should be made available to the Office of the Prime Minister and Council of Ministers and the Ministry of Foreign Affairs. The supervisor of the individual concerned should be informed verbally or in writing before holding such meetings and talks. In the case of Secretaries of Government of Nepal, the Chief Secretary of Government of Nepal shall be the supervising official.
- 4.3 Ministers of the Government of Nepal or officials of the constitutional bodies or other senior officials should generally contact and hold substantive discussions or talks, other than courtesy meetings, with their counterpart foreign officials. Taking into account the overall interest of the nation and the seriousness of the meeting or issues of discussion, and also keeping in mind the existing hierarchical arrangements and delegation of authority in the country or organization concerned, meetings and discussions may be held with foreign officials of suitable rank. The Ministry of Foreign Affairs and the Nepalese diplomatic missions abroad should make arrangements for meetings and discussions accordingly. For that, the agencies concerned should write to the Ministry of Foreign Affairs well in advance.
- 4.4 Taking into account the level and seriousness of the meeting or talks with foreigners, the officials concerned should seek the advice of the Ministry of Foreign Affairs on background information and matters to be raised during such talks. It shall be the duty of the Ministry of Foreign Affairs to provide necessary suggestions and relevant information available.
- 4.5 The Honorary Nepalese Consuls-General or Consuls should inform the Ministry of Foreign Affairs and the Mission concerned about matters relating to Nepal or Nepalese citizens or any other subject including talks on bilateral political, economic, commercial, cultural and other relations, published materials and other matters having direct implications for Nepal that come to their knowledge.

## **5. Organizing Official Ceremonies, Participation and Courtesies**

- 5.1 While accepting invitations to attend events including luncheons, dinners and other social or recreational programs other than receptions, luncheons and dinners organized on the occasion of the visit of foreign government ministers,

officials and delegations, receptions organized by foreign missions to celebrate their National Days and other state programs, such aspects as status of the host, as far as available the level of other invitees, the nature of the event and the purpose of the invitation must be taken into consideration. The Ministry of Foreign Affairs may be consulted in case of any doubt about the advisability of attending any program. One should inform his/her supervisor, verbally or in writing as necessary, about participation in such programs and the conversation and discussions held on those occasions.

- 5.2 Officials attending recreational programs in course of public functions or meetings should maintain the decorum befitting their position while dining and conversing.
- 5.3 Generally, public officials at the level of Gazetted Special Class or above may accept invitations received for programs hosted by the heads of foreign missions or the heads of regional or international organizations. In case of any confusion in this regard, the Ministry of Foreign Affairs may be consulted.
- 5.4 Persons holding public office and other government officials, while inviting foreigners to such programs as luncheons, dinners or receptions organized on various occasions including the National Day, must take into account such aspects as reciprocity and status as well as goodwill, friendliness and cooperative feelings towards Nepal and the Nepalese people to determine the appropriateness of such invitation.

## **6. Agreements and Commitments with Foreigners and Diplomatic Correspondence**

- 6.1 While concluding an agreement or an understanding of any kind with a foreign government or a regional or an international organization or in situations creating any obligation, prior approval and participation of the Ministry of Foreign Affairs must be ensured in keeping with the Rules of Business Allocation of the Government of Nepal.
- 6.2 Commitments made by ministries, constitutional bodies and other government agency officials in meetings held at home or abroad with the representatives of foreign governments and organizations must be communicated to the Ministry of Foreign Affairs as soon as possible. Likewise, the Ministry of Foreign Affairs and its officials should keep the relevant agencies of the Government of Nepal informed about their own activities if related to these agencies and facilitate as necessary. Annual progress report of the performances of Nepalese diplomatic

officials and representatives abroad should be prepared and submitted by the Ministry of Foreign Affairs to the Office of the Prime Minister and Council of Ministers within three months of the end of the fiscal year.

- 6.3 Concurrence of the Ministry of Foreign Affairs shall have to be obtained before inviting foreign government counterparts and other guests to visit Nepal.
- 6.4 Correspondence done on behalf of the Government of Nepal with foreign missions, resident representatives of regional and international organizations and diplomatic officials must be sent through the Ministry of Foreign Affairs in keeping with the Rules of Business Allocation of the Government of Nepal. The Ministry of Foreign Affairs may provide any advice or suggestion to the agencies concerned as necessary.
- 6.5 Correspondence on behalf of the Government of Nepal with foreign governments or organizations, must be channeled through the Nepalese mission stationed in or accredited to the country or organization concerned. In case such correspondence is needed to be done through foreign missions in Nepal for some practical reasons, the details must immediately be made available to the Nepalese mission abroad concerned.
- 6.6 Various agencies of the Government of Nepal, while designating focal point for correspondence and contact with foreign governments, agencies and regional and international organizations, must designate the agency concerned of the Government of Nepal or a particular position, not an individual. The postal and email addresses and phone and fax numbers of the designated focal point should be those of the government agency concerned. For official business, the official contact number and address must be used.

## **7. Foreign Visits, Representations, Presentations and Reporting**

- 7.1 The address, speech, statement or remarks to be made by Nepalese delegations or officials visiting abroad to attend any meeting, conference, ceremony, debate and programs must be in accordance with the policies of the Government of Nepal. The opinion of the Ministry of Foreign Affairs should be sought in respect of the policy position, address, speech, statement or comments to be made abroad by the leader and members of the delegation on behalf of the Government of Nepal. Similarly, concurrence of the Ministry of Foreign Affairs must be obtained before submitting proposals to the Cabinet on matters requiring the Ministry to issue credentials. It shall be the duty of Nepalese

missions concerned to extend necessary cooperation on substantive part of related programs to the high-level delegations visiting abroad in connection with official business. Those individuals must submit summary report to the agency concerned upon completion of the visit. The agency concerned must provide information promptly to the Ministry of Foreign Affairs on matters so required in accordance with the rules of Business Allocation. No one should initial on any type of understanding without having prior approval from the authorized official on agency.

- 7.2 While sending delegations on behalf of the Government of Nepal for participation in various events at the invitation of foreign governments or the regional or international organizations, the ministry or agency concerned should channel its communication with the host country, mission or organization through the Ministry of Foreign Affairs.
- 7.3 Every Nepalese delegation led by an official of or above the Gazetted Special Class visiting abroad on official assignment must, as far as possible, include representatives from the Nepalese mission concerned and the Ministry of Foreign Affairs as necessary.
- 7.4 Representation of the Ministry of foreign Affairs must be ensured in internal discussions preparatory to the participation of Nepalese delegations to meetings abroad.
- 7.5 Persons holding public office must use the kind of passport as specified in the Passport Act and the Passport Regulations while visiting abroad on official business.
- 7.6 Correspondences relating the foreign trips of government delegations should be made through the Ministry of Foreign Affairs. In case Ministry of Foreign Affairs holds contrary opinion regarding the appropriateness of certain visits, that should be communicated to the agencies concerned for reconsideration well in time.

## **8. Dress Code and Language**

- 8.1 Persons holding public office, while attending events like formal ceremony, luncheon, dinner, reception etc. on the occasion of the National Day of Nepal or of any foreign country, should wear the National dress or formal attire in



accordance with international practice also taking into account the dress code indicated in the invitation card.

- 8.2 Persons holding public office and government officials should wear a decent dress befitting the occasion or a formal dress in accordance with international practice at formal meetings, negotiations and discussions with representatives of foreign governments or agencies and officials of international organizations.
- 8.3 All personnel working at the Ministry of Foreign Affairs and the Nepalese missions abroad should behave with courtesy and wear suitable and decent dress.
- 8.4 Courteous and decent language should be used during contacts, communications and interactions with foreigners. If an English language interpreter is needed for a formal interaction with foreigners, the Ministry of Foreign Affairs may be approached and the Ministry shall depute a qualified foreign-service officer for the purpose. Officials who do not have the requisite level of proficiency in English shall communicate through the interpreter.
- 8.5 Care should be given to use correct, courteous and comprehensible language.

## **9. Conduct of Diplomatic Functionaries or Those Holding Such Responsibilities**

- 9.1 All individuals including public office bearers performing diplomatic functions and holding diplomatic responsibilities shall have to conduct in accordance with international standards.
- 9.2 Foreign Secretary and members of Nepal Foreign Service as well as Nepalese Ambassadors, Consuls-General and other officials from outside the Foreign Service should conduct in accordance with the internationally accepted diplomatic norms, values and practices.
- 9.3 Heads of Nepalese Diplomatic Missions and other officials of the Mission should not abuse their diplomatic privileges and immunities.
- 9.4 The Heads of Nepalese Diplomatic Missions or their spouses or diplomatic officials should not hold any position of benefit or engage in business activities.
- 9.5 Diplomatic Bag/Pouch should not be used for private purposes.
- 9.6 Persons holding public office should not give statements, publish materials and engage in activities detrimental to the existing relations of Nepal with friendly

countries, or be part of any such activities. They should neither act in contravention to the agreements concluded with regional and multilateral organizations to which Nepal is a party nor be part of any such acts.

- 9.7 The Heads of Mission and other officials should not charge any kind of fee or money to Nepalese or foreign nationals, except as provided for by the existing laws, rules, and bylaws or as otherwise determined by the Ministry of Foreign Affairs or any other agency of the Government of Nepal on the basis of specified standards, directives or decisions. The record of income and expenditure of funds collected as above should be maintained in a transparent manner and the statement of which should be reported to the Ministry of Foreign Affairs regularly. The Ministry of Foreign Affairs and the Head of the Mission concerned should regularly supervise and monitor for ensuring the effective implementation and full compliance of this provision.
- 9.8 While creating welfare funds in the Missions for the benefit or rescue of Nepalese workers abroad, prior approval of the Ministry of Foreign Affairs should be obtained and necessary directives, standards and operating procedures in this regard should be prepared and arrangements should be made to maintain the record of income and expenditure in a transparent manner. The receipt of any salary, allowance, insurance, or blood money payable to the Nepalese workers abroad or their legal heirs, when received through any Mission, should be communicated to the Ministry of Foreign Affairs, and the person concerned or his/her legal heirs as soon as possible. Arrangement should be made to handover such amount of money to the person concerned through the Ministry of Foreign Affairs as soon as possible. The Ministry of Foreign Affairs and the Head of Mission concerned should regularly supervise and monitor for ensuring the effective implementation and full compliance of this provision.
- 9.9 The Ministry of Foreign Affairs should submit an annual report of compliance of this Code by the individuals and officials with diplomatic functions and responsibilities to the Council of Ministers.

## **10. Prohibited Acts**

Individuals holding public offices and those drawing remuneration or other perks from the national treasury are prohibited to do the following:

- 10.1 Provide any confidential and sensitive national information to anyone including foreign diplomats and administrative or technical employees and local staff of foreign missions.

- 10.2 Leak or publicize information relating to talks or negotiations, while they are in progress, in a manner that could affect the outcome of such talks or negotiations.
- 10.3 Issuance of public notice relating to the Ministry of Foreign Affairs or to the conduct of foreign relations of Nepal by individuals other than the Minister for Foreign Affairs, Foreign Secretary and Spokesperson of the Ministry of Foreign Affairs or any other authorized official.
- 10.4 Accept any gift, donation, grant, loan, remuneration or any other special favor except simple gifts offered during special occasions by any foreign diplomat, mission or officer thereof, without prior approval of the Government of Nepal or of the agency concerned.

"Special Occasion" refers to National Days, festivals, exchange of bilateral visits at various levels and courtesy or farewell calls.

- 10.5 Avail or make efforts to avail any personal benefit, expensive gifts except simple gifts offered as a token of courtesy, or any other favor relating to such opportunities as employment, scholarship or medical treatment for oneself or family members from functionally associated foreign individuals, organizations, governments or agencies.
- 10.6 Be a partner or an associate in the establishment, registration or management of any foreign company or organization.
- 10.7 Accept any full time or part time outside job supported and endorsed by a foreign diplomat or a foreign mission.
- 10.8 Unnecessarily share information with foreigners on the pay or other emoluments and benefits of oneself or of others or make comments on aspects of personal life such as marital status, age and the like.
- 10.9 Seek personal invitation or financial assistance from any foreign mission, regional or international inter-governmental organization or international non-governmental organization for study tours or any other visit without proper authorization.
- 10.10 Request any foreign mission, regional or international inter-governmental organization or international non-governmental organization or an officer thereof to invest in or provide assistance to projects exclusively designed on

political considerations or to cater to the interest of a person or certain individuals or of any other vested interest group.

- 10.11 Make unauthorized correspondence or contact or meet and discuss with foreign diplomats or any officer in a foreign mission or with officials of any regional or international inter-governmental organization or international non-governmental organization.
- 10.12 Make unauthorized representation or unauthorized commitment on behalf of the Government to foreign diplomats or foreign missions.
- 10.13 Make false claims as regards one's own official status and authority with foreign diplomats, employees of foreign missions or anyone else.
- 10.14 Accept invitation to; deliver a speech, address or make statement, express views or make comments in programs not relevant to one's own official duty and responsibility.
- 10.15 Abuse authority in a manner to mete special favor to any foreign diplomat or an employee of a foreign mission.
- 10.16 Accept invitations to functions that are not relevant and consistent with the individual's official responsibility, status or position.
- 10.17 Correspond with countries or foreign organizations not recognized by the Government of Nepal or meet with representatives thereof and participate in events organized by such organizations and individuals.
- 10.18 Establish undignified contacts or relations with or take personal benefits from foreign governments, diplomats, diplomatic agencies or delegations.
- 10.19 Accept any foreign decoration, medal, honor or honorary degree other than academic degrees or those that are directly connected with academic achievement or academic excellence without prior approval of the Government of Nepal.
- 10.20 Use foreign diplomats, foreign missions or employees of regional or international inter-governmental or international non-governmental organizations or development co-operation missions in putting undue pressure or influence on officials of the Government of Nepal or any other agency for personal interest.
- 10.21 Enter into the chancery or residential premises of foreign diplomatic missions based in Nepal except for formal programs or duly accepted invitations.

10.22 Oppose prevailing laws, official policies, plans, proclamations, decisions and approved programs of the Government of Nepal or make adverse comments thereof.

## 11. Monitoring of the Observance of the Code

11.1 There shall be one High-level Monitoring Committee and one Standing Monitoring Committee to monitor the compliance of this Code.

11.2 **High-level Committee for Monitoring:** For officials equivalent to or above the rank of Gazetted Special Class of the Government of Nepal, there shall be a High-level Monitoring Committee consisting of the following:

(a)	Minister for Foreign Affairs	Coordinator
(b)	Chief Secretary to the Government of Nepal	Member
(c)	Secretary, Office of Prime Minister and Council of Ministers	Member
(d)	Secretary, Ministry of Law and Justice	Member
(e)	Secretary, Ministry of Home Affairs	Member
(f)	Secretary, Ministry of Foreign Affairs	Member

Chief of Protocol of the Ministry of Foreign Affairs shall act as Secretary of the High-level Committee for Monitoring.

11.3 **Standing Committee for Monitoring:** For officials of the rank of Gazetted First Class or below, there shall be a Permanent Monitoring Committee consisting of the following:

(a)	Secretary, Ministry of Foreign Affairs	Coordinator
(b)	Joint Secretary, Office of the Prime Minister and Council of Ministers	Member
(c)	Joint Secretary, Ministry of Finance	Member
(d)	Joint Secretary, Ministry of Law and Justice	Member
(e)	Joint Secretary, Ministry of Home Affairs	Member
(f)	Joint Secretary, Ministry of General Administration	Member

(g) Chief of Protocol, Ministry of Foreign Affairs

Member

Deputy Chief of Protocol of the Ministry of Foreign Affairs will act as Secretary of the Standing Committee for Monitoring.

- 11.4 Coordinators of both the committees shall call committee meetings as necessary and may invite any officials or individuals to participate in the meetings, as deemed necessary. Both the committees may, as necessary, draw the attention of organizations or individuals concerned, verbally or in writing, for the compliance of this Code. Both the committees may formulate their own working procedures, as necessary.
- 11.5 Whenever a person holding a public office is found to have violated this Code, it shall be the duty of persons holding public office as well as every Nepalese citizen to bring it to the notice of the monitoring committee concerned as early as possible.
- 11.6 Provisions contained in the prevailing laws of Nepal shall apply as they are.

## **12. Miscellaneous**

- 12.1 As for additional conducts to be undertaken by an individual to be assigned as the Head of the Nepalese missions abroad, the Ministry of Foreign Affairs may provide the necessary guidelines. It shall be the duty of such officials to carry out those directives.
- 12.2 Officials of the ranks of Gazetted Special Class or above from the Office of the Prime Minister and Council of Ministers may supervise the work of Nepalese missions abroad in accordance with the Rules of Business Allocation of the Government of Nepal. Written reports shall have to be submitted to the immediate supervisor.
- 12.3 This Code shall not impede the enforcement of existing Codes of Conduct being implemented for officials of elected and constitutional bodies, civil service, security agencies, and various other agencies of the Government of Nepal.
- 12.4 In case of any confusion in the implementation of this Code and any other Code of Conduct adopted by other government agencies, this Code shall prevail with regard to diplomatic conduct and courtesies.

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