OUTLINE PIAN FOR FOREIGN OFFICE and•

FOREIGN SERVICE OF THE JEWISH STATE

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THE FOREIGN OFFICE

1• The following scheme is drawn up on the assumption that we should not spend more money on a Foreign Office than is absolutely necessary.. At the same time, oven a Foreign Office and Foreign Servico run on modest lines must cost a good deal of money. It will therefore be bettor to make reasonable financial allowance from the start than to risk spoiling the ship for a hap^rth of tar. v2. Tho scheme envisages the appointment at an early stage of a Director-General, under whose general supervision and responsibility.tho Foreign Office will operate. He will be responsible to the Minister for the proper functioning of the F9reign Office as a whole.

3. The Foreign Office shall contain seven geographic divisions:

\* (a) Middle East Division, to include Egypt, Syria, Lebanon, Transjordan,

Iraqi, Saudi Arabia, Yemen, Turkey, Iran, the Arab League.

(b) Western European Division, to include France, Italy, Spain, Portugal, Greece, Belgium, Holland, Luxemburg, Norway, Denmark, Sweden, Iceland, Finland, Switzerland, Monaco, Lichtenstein, San Marino.

(c) ^ Eastern European Division, to include U.S.S.R., Poland, Czechoslovakia,\* Rumania, Yugoslavia, Bulgaria, Hungary, Albania.

(d) North American Division, to cover the U.S.A.'

(e) Latin American Division, to include all countries of Central andSouth America. - ־

(f) British Empire Division, to include United Kingdom and colonies,

Canada, Australia, New Zealand, South Africa.

(g) Asian and African Division, to include India, Pakistan, Afghanistan,

China, Siam, Philippines, Indonesia, Burma, Ethiopia, Liboria.

4. Some ro-arrangement of countries is possible, and changescan at any time be

made in tho light of oxperience. The divisions aro not of eqiual importance;e

aid "g", for instance, cannot rank in importance with the others. In its final form'the structure of the Foreign Office must provide for factors in foreign affairs that cover more than one group of countries, notably the Vatican

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5• Tho Foreign Office shail contain six functional divisions: v

1. United Nations Division, to bo responsible for all U.N. work and for all work connoctod with international conferences.
2. Consular Division, to bo responsible for passports and visas (see under ״Passports and Visas״ below), matters of personal status and all other specifically 'consular matters, including supervision of consular offices, and protection of citizens

abroad. ' ־ ‘

1. Economic Division, to be responsible for economic matters in so far as they impinge upon foreign affairs, in cooperation with the Ministry for Trade and Industry.
2. Legal Division, to bo responsible for all legal matters, include . • ing the drafting of treaties and agreements, that arise in the

course of foreign relations.

(0) Information Division, to be responsible for propaganda and in- formation work abroad, for contacts with foreign correspondents, and for the work of cultural attaches (if any are appointed).,

(f) Training and •Research Division, to be responsible for research work for all departments, for the training of cadet officers and \* ' the management of tho Public Service College, and for the Foreign

Office Library.

1. There shall be a Secretary-General responsible to the Director-General for the following services:
2. Establishment and general administrative services.
3. Finance.
4. Registry, to include check of incoming and outgoing mail,

*j* filing, communications, cypher office, typists*1* pool,

cartographic and photographic work, etc.

1. ׳ Protocol.
2. In tho absence of tho Director-General, the Secretary-General shall act.as

his deputy. , ־

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1. The Director-General shall issue regulations defining exactly the functions and responsibilities of the geographic and functional divisions (paras 3 and 3

above) and of the sections (soo para.6) subordinate to the Secretary-General.

9• The language usod in tho Foreign Office and for correspondence between the Foreign Office and Foreign Service establishments abroad, shall be Hebrew, subject to any spocial oxigencies of the sorvice. The Director-General shall take an

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10. At a later stage the appointment may be envisaged of three Deputy Directors-

־ General:

1. One D.D.-G. to be responsible for all the geographic divisions. \*
2. One D.D.-G. to be responsible for all the functional divisions.
3. One D.D.-G. to be Secretary-General, the latter title being abolished.

THE FOREIGN SERVICE

1. The diplomatic and consular services shall be regarded as .one service, to be called "the Foreign Servico״.
2. The personnel of the Foreign Servico shall be interchangeable with that of the Foreign Office. Pay shall bo on the established civil servico scales, but with passage, expatriation, representation and cost of living allowances adapted to the ׳conditipns of the country in which its officers serve.
3. The Foreign Servico shall bo constituted in the first instance on as modest a scale as possible, but its expansion shall be carried on as rapidly as conditions

allow or demand

1. The highest rank in the Foreign Service shall bo that of Minister in charge of

a Legation (technically, Envoy Extraordinary and Minister Plenipotentiary)•

5• The following scheme is suggested for the first six months after the establish- ment of the Jewish State. The letters A, B and C indicate priorities. ״AM in- dicates that the post in question shall be set up immediately, HBW that it shall be set up as soon as possible, "C" that it be set up before six months have passed.

I. Legations

A London\* A. ,Moscow\*

A Washington\* A Paris\*

B Shanghai\* B י Prague\*

B Ankara\*

B Teheran

•II. Consulates General

(for the Far East)

(for Eastern and South-Eastern Europe)

C Stockholm\*

(for Scandinavia)

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III• Consulates

B Warsaw\*

B Home\*

C" Bombay\* ׳

\* C Brussels (for Benelux)

C Johannesburg\*

C Montreal\* (or Ottowa)

C' Melbourne (or Sydney\*)

IV. Passport Control Offices (for the transaction of visa business only)

\* A Hanover A Berlin B Budapest

A Munich A Bucharest C Algiers

A Vienna • B Aden י C Sofia

6. Commercial attaches shall be appointed to all foreign service establishments

marked with an asterisk above.

7• Every Legation will normally have a consular section.

8. No consular office will have political functions except in countries Miore

there is no diplomatic representation, and then only subject to express orders from the'Foreign Office. ' - ׳

7• Ministers in charge of Legations shall be appointed by the Cabinet on the recommendation of the Minister for Foreign Affairs after consultation with the . Director-General and the Hoad of the Division concerned.

1. Other members of the Foreign Service Staff shall be appointed by the Minister for Foreign Affairs on the recommendation of the Director-General after consultation with the Head. of the Division concerned.

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1. Personnel in the‘ lower grades (clerical assistants, etc.) may be appointed locally by the Minister, Consul General or Consul*■,* subject to the limits of the . establishment approved for the post concerned.
2. Ministers in charge of Legations shall rank with the Director-General. Consuls- General shall rank with tho Hoads of Divisions. The rank of Consuls shall be determined in each particular case. Future expansion plans shall provide for the appointment of Vico-Consuls, Honorary Consuls and Consular Agents, whenever

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nocossary.

1. Ministers in charge of Legations shall be rosponsih3J^° the Minister for

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**be responsible to the Director-General, as** follows:

through the head of the geographic division concerned, for ׳ political matters; , .

through the Head, of the Consular Division, for visas, protection of citizens abroad, matters of personal status, etc.,

through the Hoad of the Economic Division, for trade and other economic matters;

through the Head of the Information Division, for information, press, propaganda and cultural matters;

through the Secretary-General, for matters connected with finance, establishment, communications, etc.

In countries whore the Jewish State has both diplomatic and consular posts, special

arrangements governing relations between the two shall be made at the direction of

the Director-General.

14 ׳. Tho'chain cf command is as above, in inverse order;

15• It shall be a basic principle of the Eoroign Service that nobody who. is not

a Palestinian (i.e. normally resident in Palestine) shall be appointed to a

Foreign Service post. (The Foreign Office itself, o^course, may with advantage

draw some of its staff from among Jews now outside Palestine).

PROCEDURE FOR SETTING UP THE FOREIGN OFFICE AND FOREIGN SERVICE

1. The building-up of the Foreign Office and of the Foreign Service shall pro- coed pari passu.
2. Tho aim shall be to have ready by the 15th May, 1948:
3. the nucleus of a working Foreign Office;
4. tho most essential Fa־ eign Service officers at 24 hours♦ notice to leave.
5. The nucleus of a working Foreign Office shall include:
6. Director-General.
7. Secretary-General.
8. Heads of Divisions.
9. Heads of Sections under the Secretary-General.
10. Typists and other clerical staff.
11. Essential equipment (typewriters,stationery,rubber stamps, desks, chairs)
12. Detailed regulations for the proper functioning of the nucleus.

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1. **The most essential** Foreign Service officers shall include:
2. Ministers and their staffs for London, Paris, Moscow and Washington.
3. Passport Control Officers for Hanover, Munich, Berlin, Vienna, Bucharest.
4. ' The first appointment shall be that of a Director-General, who shall bo re-

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sponsible for organising the Foreign Office and Foreign Service, starting as soon as possible. His appointment should be made as soon aftert February 1, 1948 as possible. It should be followed without delay by the appointment of a Secretary- General. These and all other appointments shall be subject to confirmation by the Civil .Service Commission.

1. It will be important to secure recognition of the Jewish State by a 'considerable.

number of countries on or very soon after June 1st, To secure this recognition,

Foreign Service Officers should be sent out on special missions not later than

April 1st to the following countries:

״ ״ (a) One officer to Uruguay, Guatemala, Brazil, Venezuela, Bolivia,

Panama and other Latin .American countries. (In view of the distancos involved, this officer should set out not lator than March l^th).

1. One officer to Moscow, Warsaw and Prague.
2. One officer to Paris, Brussels, The Hophe, Stockholm, Copenhagen, Oslo ,Rome.
3. If possible, one officer to Australia, Mow Zealand and South Africa.

Recognition by the U.S.A. and Britain can !Drobably bo negotiated by our present representatives on the spot. י . •

7• The logal question will have to be examined whether emissaries as envisaged in para.6 can be sent out and accredited before the setting up of a Provisional Council of Government for the Jewish State, If the worst comes to the worst, and owing to delay in the arrival of the United Nations Commission no Provisional Council of Government can be set up before about May,'we may want to send them out in the name of the Jewish Agency for Palestine - which, in view of the d\_e facto recognition accorded to the Agency by the United Nations, should be feasible.[[1]](#footnote-1)

8. , A rough time-table may therefore be set up as follows:

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1st February, 194-8 Appointment of Director-General

10th יי יי יי Secretary-General

10th יי to 15.3,48 Organisation of Foreign Office and Foreign

Service, 'provisional appointment of senior ' x ' officers in both.

15th March to 1st April Despatch of representatives to negotiate \*

recognition with foreign Governments. ;

15th May (say) ”Z״-day - the whole machinery to be at

immediate notice,

9. It will be desirable that Foreign Office and Foreign Service personnel shall have as much time as possible in which to prepare^their tasks. With this^end in viow:

1. Senior appointments should be made as soon as possible after Feb.l5th.
2. The Director-General should bo responsible for organising courses on whatever matters he deems important.

ESTABLISHMENT.

1. On Z-Day the Foreign Office, as indicatod under ״Procedure” above, should have the following staff as a( minimum, ready in their places:
2. The Director-General 1׳ .
3. The Secretary-General .1
4. Heads of Divisions 13
5. Heads of Sections under the Secretary-General 4
6. Assistant Heads of Divisions and Sections 17 ׳
7. Typists and other clerical staff 34 Total *0ך*
8. With a personal assistant and secretary for the Foreign Minister, this makes a total of 72 persons. '
9. Further increases of staff shpll bo made in the light of needs arising. It is likely, for instance, that the Latin American Division may for several months not need more than a minimum staff (i.e. head of division, assistant head, typist- clerk \*•total 3 persons). Other divisions will have to be expanded immediately.
10. It shall bo the responsibility of Heads of Divisions to ascertain their staff needs, bearing, in mind always the need for a modest establishment, and to inform the Secretary-General of them.

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1. **It shall be the responsibility of ;bhe Secretory-**General to supply these staff needs through his Establishment Section\* In the event of a dispute between the Secretary-General and the Head of the Division concerned, the latter shall have the right to refer the question to the Director-General for adjudication,
2. ' It ,is recommended that Assistant Heads of Divisions shall be recruited as far as possible from the Public Service College, on the following main grounds: .
3. This will make for unified working through the Foreign Office,
4. Students of the College have been specially trained for work and responsibility of this nature,

7• The Director-General and ,Secretary-General shall be appointed by the Minister

for Foreign Affairs,

Hoads of Divisions shall be appointed by the Minister on the recommendation of

the Director-General,

9• Assistant Heads of Divisions shall be appointed by the Director-General after consultation with the Head of the Division concerned. The same shall apply to all other officers who are charged with independent and responsible work corresponding to the ,administrative grade of the civil service in Groat Britain,

10, All other staff shall be supplied by the Secretary-General,

11• Foreign Service Personnel,

The following Foreign Service personnel are to be ready by Z-Day;

1. ■ Four‘Ministers 4
2. Four Counsellors , 4 <
3. Four First Secretaries 4 ׳
4. , Eight Secretary-Typists (linguists) 8
5. Four Passport Control Officers 4
6. Four Assistant Passport Control Officers 4
7. Twelve Secretary-typists , 12 40

12, Other Foreign Service personnel, to the number of about 50 (including about 20 secretary-typists), shall be recruited and sent to their posts during the first, few months following the establishment of the Foreign •Office, in accordance with the priorities noted under 11Foroigii Service" above (para.3.),

13• Thereafter the Foreign Service shall grow gradually in accordance with the • decisions of the Minister, taken in consultation with the Director-General, x

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FINANCE

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1. It is difficult to estimate the budgetary noeds of the Foreign Office, as there is no experience to go on. The main expense is salaries• The rest comes under, the Reading of administrative expenditure\* These items may be briefly tabu lated as follows:

1. Salaries:
2. Office upkeep.
3. Upkeep of Foreign Service establishments abroad.
4. Communi cat ions.

2• A rough estimate may be suggested as follows:

Salaries: The annual salaries of the 112 officers

to be ready by Z-Day will not be less than LP. 85,000

־ t Allowances for Foreign Service Officers 20,000

The annual salaries of other officers to be

appointed within 12 months of Z-Day will also bo 100,000L

(b) Offico Upkeep: (excluding capital expenditure) annually 15,000

' Upkeep of Establishments abroad during first year after

Z-Day wil3 not be less than 50,000

(d) Communications annually, including travelling expenses 30,000

Total LP. 300,000

3• Therefore, allowing for a reasonable margin of error, and for special ex- pendituro (o.g• intelligence services), the total cost of the Foreign Office may bo conservatively estimated at'LP.350,000. To allow for special emergencies it may bo advisable to create a reserve fund of LP.50,000 - bringing the total allocation required to LP.400,000\* .

4• Of this sum one-quarter (i.e. LP. 100,000) will bo required before Z-Day, if Z-Day is not later than June 1st, 1948•

'\* Cf• Foreign Office and Foreign Service expenditure of other countries: Egypt (1945) LP.436,700

Iraq ; (1945 budget) 386,000

Lebanon (1948 estimates) 383,000

Portugal (1945 estimates) 515,500

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FOREIGN OFFICE LIAISON

1. Tho Foreign Office cannot work in isolation. There *are many other branches of* Government with which it must cooperate.-and which must cooperate with it.
2. Liaison will lie principcally in the following fields:

(a) Economic: The Economic־ Division of the Foreign Office will be responsible for maintaining liaison with the Ministry for Trade and Industry• Commercial attaches shall be *appointed* as shown under "The Foreign Service” above. They *shall be* members of the Foreign Service with diplomatic status, and shall report to the Foreign Office and the Ministry for *Trade* and Industry through the Economic Division. (Note: Trade Commissioners and agents maintained abroad by the *Ministry* of Trade and Industry shall be responsible to that Ministry and shall not enjoy diplomatic status. The *Economic Division* of the Foreign Office will be kept informed by the Ministry of the places at which such trade agencies are *established),*

v Cultural: The Information Division of the Foreign Office is

responsible for all information work abroad and for relations - “ ' with the foreign preso in Palestine. It shall maintain liaison

with all other Ministries and other relevant organisations, including cultural bodies• No other Ministry shall conduct a • press conference for foreign press representatives *except by* agreement with the Information Division.

Legoj: The Legal Division of the Foreign Offico shall maintain

liaison with the Ministry of Justice, particularly on matters concerning tho status of foreigners, foreign property in the y Jewish State, property of Jewish citizens abroad, etc.

(d) Finance: The Secretary-General shall *bo* responsible for liaison .

with tho Ministry of Finance on financial matters.

3• General responsibility for liaison shall lie with the Director-General *who*

shall make special arrangements from time to time as the need arises, *specific*

responsibility shall be delegated^in every case to the Head of the Division concerned,

who shall charge one member of his. staff with the task of effecting -׳'nd maintaining

the liaison work of his Division.

יי SECURITY ־

1• Without a properly conceived and properly understood security system no Foreign Offico can work effectively.

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2, Each official, beforo ho is engagod for omploymont in the Foreign Office,

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shall bo mado tho subject of a security screening. On entering the service, the

Hoad of his Division shall explain to him the moaning of security and shall obtain

his signaturo to a documont stating that tho moaning of security has been explained

>to him and that ho understands it, that he undertakes to keop secret anything !which

ho may learn in the course of his employment, and that he is aware of the penalties

involved in.any breach of secrecy# 'י . \*

3• To give effect to these penalties, tho Parliament of the Jewish State should

be asked at an early stage to pass legislation on the model of the Official Secrets

Act. (N#B# It would be sufficient if the present Official Secrets Ordinance re-

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mained in force).

4. To assist in the maintenance of security, all documents (other than leave

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returns, stationery orders, etc.) that pass in the Foreign Office and between the Foreign Office and Foreign Sorvico posts abroad shall bear secrecy gradings as follows:

(a) Top Secret; (b) Secret; (c) Confidential.

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Tho Director-Gonoral shall issue detailed instructions concerning tho uso of those gradings. ' ■

5• Tho Director-General shall appoint a Socurity Officer, who shall bo attached to tho Socrotary-Genoral’s ,Staff. This Officer’s duties shall bo separately defined 6'. Tho Socurity Officer shall, as his first task, draw up security regulations to bo observed in tho Foreign Office and in all Foreign Service establishments abroad, subject to tho approval of the Director-General. ׳ ,

FOREIGN OFFICE LIBRARY .

1. •Probably tho single most important piece of equipment for the Foreign Office is a library. J
2. The library at tho Public Servico College is quite useless as a Foreign
3. 11

3• Tho Foroign Office library should include tho following classes of books:

(a) Works on intornational law, troaty sorios, etc. י \*(b) United Notions Publications, records of mootings, etc,

1. Publications ׳of foroign governments. .
2. Roferonco books on foroign countries.
3. Books on tho history of Palestine, particularly under the

Mandate, official reports, etc.

4. An inquiry has been instituted concerning the availability of such works, lists have been prepared and steps are being taken to purchase the books both in Palestine and abroad.

3• For this purpose the sum of IP.1,000 will be required immediately (i.e. before the Foreign Office actually starts working). This sum may be provisionally .

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guaranteed by the Political Department of thfe lewish Agency,

. - י ׳ COMMUNICATIONS

1. Effective communications are essontial to tho working of a Foroign Offico.
2. To bo offcctivo, communications must fulfil three conditions. They must be:

(a) accurate; (b) speedy; (c) secure.

1. Communications tako tho following form: '
2. By lottor, oither through normal postal channels or carried by messenger.
3. By tologram or coble, either in cypher or in clear. \
4. By tolophono.
5. • By word ^f mouth, either direct or through a personal mossongor.
6. A Communications Officer shall bo appointed, who shall be responsible to tho Socrotary-Gonoral for the accuracy, spood and security of Foroign Offico communico- tions. Ho shall cooperato with tho Security Officer in maintaining the security of communications.
7. The Communications Officer shall be among the first officers to be appointed by the Director-General, and he shall havo worked out a scheme of effective communi- x cations not later than one month before Z-Day for the approval of the Director- Gonoral.

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to internal

determined by his functions•

6. Tho responsibilities of the Communications Officer shall extend communications such as office, telephonos, messenger service, etc.

**7• His exact status in tho Secretary-General^ department shall bo**

tho Secretary-General, having duo rogard for the vital importance of

’ ACCOMMODATION AM) SUPPLIES

1. Ultimately, of courso, tho Foreign Office will have a building of its own•

Tho following $lan is made on the assumption that it will have to be housed tern- pprarily in some other place•

2• The minimum accommodation required to start with is 30 rooms•

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3♦ The number of desks and desk-chairs that will be required to start with is

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**73 of each, \***

4• **Telephones** will **have** to bo **installed in all rooms** by Z-Day•

3• Tho Socretary-Cenoral, as soon as ho is appointed, shall bo responsible for

securing accommodation and all nocossary supplies, including supplies not mentioned׳ above•

6• The Socrotary-G-onoral shall, through one of his sections, bo permanently re- spondiblc for supplies of every kind, including the nocossary cquipmont for foreign service establishments abroad•

PASSPORTS Alb VISAS

1• It is proposed that passports shall be issued by a separate Passport Office under tho jurisdiction of tho Ministry of the Interior•

2«־ Consular officers abroad **0**&ו issue passports will do so on the basis of instructions from the Consular Division of the Foreign Office which should act in accordance with directives received from tho Ministry of the Interior• They will

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request instructions and mako their **periodical returns through the same channel. 3• Visa policy will bo laid down by the Ministry of the Interior, which will adviso consular officers through tho Consular Division of the Foreign Office.**

**But latitude shall be allowed to consular officers, in accordance with rules to bo agreed with tho Ministry of tho Interior, to use thoir discretion in tho grant**

**ing of transit and visitors״ visas (see below)**

**4. Diplomatic passports shall bo grantod only to persons enjoying genuine**

**diplomatic immunity, i.e. foreign service officers procoeding abroad. They shall**

**,bo issued by the Protocol Section of the Secretory-General יs office).**

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**5• It is suggested that visas shall be of three kinds, only:**

1. **Immigrants״ visas,**
2. **Visitors״ visas (for all temporary visitors, tourists,**

**businessmen, students, etc.),**

**״ (c) Transit visas, '**

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**and that visa fees shall be kept os low as possible. If possible, immigrants״ visas shall be issued free.**

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Af P.EHDIX

Office of the Legal Adviser January, 1948.

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To: ’ ;Dr, Walter Eytan From: Dr. Bernard Joseph

In reply to your request for my opinion regarding the matters dealt with in paras.6 and 7 (p\*6) of the Outline Plan for the־ Foreign Office and Foreign Ser- vice of the Jewish State, I bog to set out my opinion־below.

1, It is not clear to me why June 1st is mentioned as a relevant date. By the terms of the United Nations Resolution of November 29,1947, the relevant dates are:

1. April 1, 1948 - latest date for solocting a Provisional Council - of Governmont.
2. Augudt '1, 1948 - latest date for termination of the Mandate and withdrawal of British troops.

“ (c) October 1,1948 - latest date for elections to the Constituent Assembly.

1. The date (unknown, but possibly some days later than October 1,1948) for the choosing of a Provisional Government by the Constituent Assembly.
2. The dato (unknown) of tho Declaration 11before independence״ of the Provisional Government in the terms required by the United Nations Rosolution. This will presumably be followed by a ״Declaration of Independence” of the Jewish State made by the Provisional Govern- , ment (or the Constituent Assembly).

Only after the date of tho Declaration of Independence will the Jewish State exist in a form that will render it capable of recognition by foreign States.

So long as the Mandatory Power adheres to its present declared intention of laying down its Mandate on May 15th and of .withdrawing its troops at some later date, June 1st would appear to be a premature date for the establishment of an independent Jewish State.

2. There can be no question of accroditing emissaries to foreign.governments before the setting up of a Provisional Council of Government, nor, indeed, prior to tho ׳ existence of a Provisional Government and tho Declaration ״before independence”,

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there be any־authority legally entitled to accredit anyone to foreign States. (There would appear to be confusion in para.7 - on page 6 - of the Outline Plan between tho Provisional Council of Government and the Provisional Government.

The establishment of the former is intended by the United Notions Resolution to take place before April 1st and not "before about May").

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1. No State will recognise a State which does not exist as such - de jure nor do facto. In tho case of the proposod Jewish State, in view of the fact that it is to come into existence by virtue of the United Nations Resolution one must assume that it will only sbo given recognition when established do jure according to the terms or intention of that resolution, unless the position as regards Palestino changes radically.
2. It would seem to mo that all that could be done before the Jewish State comes

into existence-is'• to prepare the ground for recognition at the earliest .possible

date by informal demarche. This could be done either by a representative of tho

Jewish Agency or possibly by an emissary of tho Provisional Council of Government,

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although it may bo doubted whether authority to send such emissaries would be in- eluded in tho powers that will'be conferred Upon it.

3. It remains open to doubt whether it is desirable or necessary for any such

preparatory representations to be mode. It is clear that no Government will take

a decision to accord recognition until the independent Jewish State exists. It is

also reasonable to assume that the States whoso recognition we shall be seeking in

the first place will accord that recognition almost as a matter of course, because

the Jewish State is being established in consequence of a decision of tho United

Nations - a decision to which, in tho great majority of those cases, they were

parties. In support of this view tho following statement of tho international law

on tho subject is relevant: '

"While tho granting of recognition is within the discretion of States, it is not a matter of arbitrary will and must bo given or refused in accordance with legal principle.' That principle, which applies alike to recognition of States, of Governments, and of belligerency, is that certain conditions of fact, not in themselves inconsistent with • .

International Law, impose tho duty of and confer the right to recogni- tion; that recognition is not an act of arbitrary discretion or a

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political concession; and that it is constitutive of the rightsand duties•pertaining to statehood, governmental capacity, orbelligerency*.*

wIn recognising a now**'State as a member of the international com- *munity the existing States* declare that in their opinion the new** State fulfils the conditions of **statehood as required by International** Law, **In thus acting, the** existing States **perform, in the full ex- ercise of their discretion, a** quasi-judicial duty. In the absence **of** a **special** organ competent to fulfil that function, they are entrusted **by International**Law **with the** task of ascertaining whether the con-**ditions of Statehood as laid** down byInternational**Law exist in** any , given case, The bulk of the practice of States probablysupport*s* **the** *'* view that Governments do not deem themselves free to grant or refuse recognition to now States in an arbitrary manner, by executiv*e* **refer-** once to thoir.ownpolitical interests, and regardless of legal prin- ciple״. (Opponhoim’s International **law,***Vol.I, pp.122-23),*

*6*, In those circumstances I venture to enquire whether there is any good

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reason for prematurely pressing thoseStates to promise to do at some unknown futuredate what they will in oil likelihood *do* aS a matter of course when the time comes.

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1. See note by Dr.B.Joseph in Appendix. [↑](#footnote-ref-1)