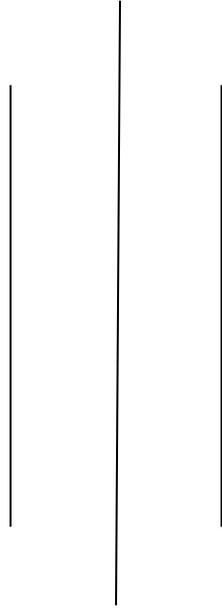


Diplomatic Code of Conduct, 2011



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 decision of the Government of Nepal (Council of Ministers).

1. Short Title and Commencement

1.1 This Code of Conduct shall be called the "Diplomatic Code of Conduct, 2011."

1.2 This Code of Conduct shall come into effect at once.

2. Definition

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

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 order of the authority or entity 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 through 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 Honorary Consulates abroad and other agencies as designated by the Government of Nepal through 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 Honorary 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 specified 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 of Conduct

- 3.1 This Code of Conduct shall apply 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 of Conduct.

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 officials of the 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 to invite the representative of the Ministry of Foreign Affairs or other Ministries concerned to the meeting under special circumstances, the agency concerned should make available to the Ministry of Foreign Affairs summary report of the talks held 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 to the Government of Nepal, the Chief Secretary to the 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 national interest and the gravity 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 appropriate rank. The Ministry of Foreign Affairs and the Nepalese diplomatic missions abroad should make arrangements for meetings and discussions accordingly. For that purpose, the agencies concerned should write to the Ministry of Foreign Affairs well in advance.
- 4.4 Taking into account the level and gravity 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 Nepalese Honorary Consuls-General or Honorary 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 such 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, Commitments and Diplomatic Correspondence

- 6.1 While concluding agreements or understandings of any kind with a foreign government or a regional or an international organization or in situations of creating any obligation to the Government of Nepal, prior approval and participation of the Ministry of Foreign Affairs must be ensured in keeping with

the Government of Nepal (Allocation of Business) Rules and the Government of Nepal (Transaction of Business) Rules.

- 6.2 Commitments made by officials of ministries, constitutional bodies and other government agencies 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. The Ministry of Foreign Affairs and its officials should also keep the relevant agencies of the Government of Nepal informed whenever their own activities are related to those agencies and facilitate as may be necessary. Annual progress report of the performance 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 next fiscal year.
- 6.3 Concurrence of the Ministry of Foreign Affairs shall have to be obtained before inviting foreign government counterparts and other guests for a visit to 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 Government of Nepal (Allocation of Business) Rules and the Government of Nepal (Transaction of Business) Rules. The Ministry of Foreign Affairs may provide necessary advice or suggestion to the agency concerned with regard to such correspondence as soon as possible.
- 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 or program must be consistent 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 Government of Nepal (Allocation of Business) Rules. No one should affix initial on any type of understanding or minutes without prior approval of the competent authority or entity.
- 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 business 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 Rules while visiting abroad on official business.
- 7.6 Correspondence relating to the foreign trips of government delegations should be made through the Ministry of Foreign Affairs. In case the Ministry of Foreign Affairs holds different opinion as regards the advisability of any visit proposed, the agency concerned should be informed accordingly in time for reconsideration.

8. Language and Dress Code

- 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 attire.
- 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 foreign dignitaries, the Ministry of Foreign Affairs may be approached and the Ministry shall depute a qualified foreign-service officer for that purpose. Officials who do not have the requisite level of proficiency in English shall communicate through the interpreter.
- 8.5 Due consideration should be given to accuracy, courteousness and clarity in the use of 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 working in diplomatic capacities 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 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 records 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 ensure regular supervision and monitoring for the effective implementation and full compliance of this provision.
- 9.8 While creating welfare funds in the Missions for the rescue or in the interest of Nepalese workers abroad, prior approval of the Ministry of Foreign Affairs should be obtained while also ensuring provision of necessary directives, standards and operating procedures and arrangements for maintaining the records 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 transmitted 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 at the earliest. 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 of Conduct by the individuals and officials with diplomatic functions and responsibilities to the Council of Ministers of the Government of Nepal.

10. Prohibited Acts

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

- 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 Issue 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 official thereof, without prior approval of the Government of Nepal or of the agency concerned.

The term "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 official 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 official 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, or 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 benefit.
- 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 of Conduct

- 11.1 There shall be a High-Level Monitoring Committee and a Standing Monitoring Committee to monitor the compliance of this Code of Conduct.
- 11.2 **High-Level Monitoring Committee:** With respect to the 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

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| (d) | Secretary, Ministry of Law and Justice | Member |
| (e) | Secretary, Ministry of Home Affairs | Member |
| (f) | Secretary, Ministry of Foreign Affairs | Member |

The Chief of Protocol of the Ministry of Foreign Affairs shall act as Secretary to the High-Level Monitoring Committee.

11.3 **Standing Monitoring Committee:** With respect to the officials of the rank of Gazetted First Class or below, there shall be a Standing Monitoring Committee consisting of the following:

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| (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 at the Ministry of Foreign Affairs shall act as Secretary to the Standing Monitoring Committee.

11.4 Coordinators of both the committees shall call the meetings of the committee as necessary and may invite officials or individuals to participate in the meetings, as deemed appropriate. Both the committees may, as necessary, draw the attention of organizations or individuals concerned, verbally or in writing, for the compliance of this Code of Conduct. Both the committees may formulate their own rules of procedure, as necessary.

11.5 Whenever a person holding a public office is found to have violated this Code of Conduct, 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 The Ministry of Foreign Affairs may issue instructions to individuals assigned as Heads of Nepalese Mission abroad as regards additional codes of conduct to be observed by them as per prevailing Nepalese laws and it shall be the duty of such individuals to abide by those instructions.

12.2 Officials of the ranks of Gazetted Special Class or above from the Office of the Prime Minister and Council of Ministers may inspect the work of Nepalese Missions abroad in accordance with the Government of Nepal (Allocation of Business) Rules. Written reports shall have to be submitted to the immediate supervisor as and when such inspections take place.

12.3 This Code of Conduct 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 of Conduct and any other Code of Conduct adopted by any other agencies, this Code of Conduct shall prevail with regard to diplomatic conduct and courtesies.
