

# 7 FAM 1000 PROTECTION OF FOREIGN INTERESTS AND THIRD COUNTRY PROTECTING POWER

## 7 FAM 1010 INTRODUCTION

*(CT:CON-138; 05-17-2006)  
(Office of Origin: CA/OCS/PRI)*

### 7 FAM 1011 SUMMARY

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- a. **Country A** may request that **Country B** protects its interests in **Country C**, if **Country A** has not established or has severed or withdrawn diplomatic or consular relations with **Country C**.
- b. The protection of foreign interests involves essentially the extension of friendly services on the part of **Country B** (generally known as the “**protecting power**”) on behalf of nationals and other interests of **Country A** (generally known as the “**protected power**”) within territory subject to the sovereignty or control of **Country C** (for convenience, referred to in these regulations as the “local power”).
- c. The United States has experience in both serving as a protecting power for foreign states and entering into bilateral agreements for U.S. interests to be protected abroad in countries with which the United States does not have diplomatic or consular relations. The United States also permits certain foreign states to serve as protecting powers in the United States for countries with which the United States does not have diplomatic or consular relations.
- d. The area and scope of protecting power arrangements vary from country to country and have evolved over time as the protecting country confers with the United States on specific cases.
- e. However, general guidance to officers responsible for implementing protection arrangements usually includes the following elements:
  - (1) Jurisdiction of protecting power;

- (2) Protection and documentation of the property of the protected power;
  - (3) Communications between protecting and protected powers;
  - (4) Financial arrangements for staff and equipment;
  - (5) Services that the protecting power will render on behalf of the nationals of the protected country; and
  - (6) Relinquishment of protecting power arrangements.
- f. At the present time, the United States has three protecting power relationships that are facilitated by third country representation.
- (1) The oldest such relationship relates to Cuba. The United States does not have full diplomatic relations with Cuba. Diplomatic relations were broken on January 3, 1961. The United States provides consular and other services through the U.S. Interests Section in Havana, which operates under the legal protection of Switzerland.
  - (2) Switzerland represents U.S. interests in Iran.
  - (3) United States' Interests in the Democratic People's Republic of Korea (DPRK) are represented by Sweden, with assistance from Germany as needed.
- g. Pursuant to Section 126 of the Compacts of Free Association with the Federated States of Micronesia (FAS), the Republic of the Marshall Islands and the Republic of Palau, U.S. embassies and consulates abroad provide limited consular protection services to citizens of the Freely Associated States in third countries where those nations do not have diplomatic or consular representation. The U.S. embassies in Kolonia, Majuro and Koror relay information to the home governments regarding problems of their nationals reported by U.S. embassies and consulates in third countries. Historically, these services have been invoked infrequently, sometimes related to lost and stolen FAS passports, arrests, deaths or other emergency assistance. U.S. assistance does not extend to furnishing repatriation or Emergency Medical and Dietary Assistance loans to FAS citizens.

## **7 FAM 1012 ACTION OFFICES**

*(CT:CON-138; 05-17-2006)*

Responsible officers may obtain guidance from the following offices in the Department:

- (1) CA/OCS/ACS on consular services;

- (2) CA/EX and regional bureau Executive Offices (EX) on financial support for protecting power services;
- (3) OBO on real property issues;
- (4) L/CA, L/DL, L/LM and CA/OCS/PRI on bilateral agreement issues;
- (5) HR/OE on Locally Employed Staff issues;
- (6) DS/OFM in connection with any protecting power issue that does, or may involve the establishment of protecting power arrangements by foreign governments within the United States; and
- (7) Regional EX Offices, generally.

## **7 FAM 1013 ROLE OF PROTECTING POWER**

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- a. The protection of foreign interests may involve the exercise of informal good offices or the assumption of a more formal representation of interests. Both types of protection require the formal or tacit acquiescence of the local power.
- b. When the protecting power is formally representing the interests of the protected power, the protecting power's jurisdiction and responsibilities are generally set out in a bilateral agreement. The bilateral agreement may include the following elements:
  - (1) Full or limited diplomatic and consular representation;
  - (2) Country-wide or single consular district jurisdiction of protecting power;
  - (3) Number and types of services that the protecting power will perform;
  - (4) Whether or not a second protecting power will assist;
  - (5) Point of contact between the protecting and protected powers;
  - (6) Provisions for financial reimbursement and accountability for expenses that the protecting power incurs on behalf of the protected power's nationals, including staff and equipment
  - (7) Non-liability of the protecting power for services provided on behalf of the protected power.

## **7 FAM 1014 THROUGH 1019 UNASSIGNED**