

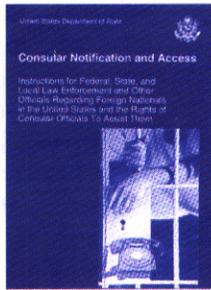
consultations

To assist and inform the diplomatic and consular communities

Consular Notification and Access: Help Us to Help You

by M. Elizabeth Swope
Senior Coordinator for Consular Notification

The United States was a leader in the successful efforts in the 1960s to negotiate the Vienna Convention on Consular Relations (VCCR) to which more than 165 nations are now party. The VCCR requires the "competent authorities" to ask detained foreigners whether they wish their consular officials notified of their arrest/detention. It also requires the authorities to notify consular officials in the event of a death, serious accidents, air crash, or trusteeship or guardianship situation involving a foreign national. The U.S. is also party to numerous bilateral consular conventions (treaties) which contain specific language (mandatory notification clauses) requiring that, when nationals of the country are arrested or detained, consular officers be notified regardless of the national's wishes.



the Department published its brochure *Consular Notification and Access. Instructions for Federal, State and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them*. While original copies of this publication are available only to law enforcement and other government personnel, it can be found on the Department of State website www.state.gov under Publications (Press and Public Affairs). The Department has greatly expanded its outreach to law enforcement, training and criminal justice (prosecutors) personnel throughout the United States. The Secretary and the Legal Adviser directly sought the assistance of governors, state attorneys general and federal district and



M. Elizabeth Swope, Senior Coordinator for Consular Notification (L/CA), and Thomas E. Burns, Senior Adviser to the Deputy Assistant Secretary (OFM), discuss the agenda for an upcoming seminar.

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In 1998, the Secretary of State named a Senior Coordinator for Consular Notification, Senior Foreign Service Officer Elizabeth Swope. Ms. Swope has addressed many professional associations, such as the Virginia Commonwealth's Attorneys Association, the International Association of Chiefs of Police, the Florida Sheriffs Association, the California Criminal Justice Warrant Officers Association, and the Washington, DC, Council of Government's Police Chiefs Committee. One of the messages Ms. Swope, as a career consular officer, gives to foreign consular officers in the U.S. is "...get out of your office and go out and meet local and state law enforcement (police) officials BEFORE you have a problem. Explain to the police and other officials what you can do to help them."

About the Insert
As a supplement to this edition of the newsletter, we are pleased to provide a current copy of Senior Department of State Officials. We will continue to maintain this list and plan to issue periodic updates.

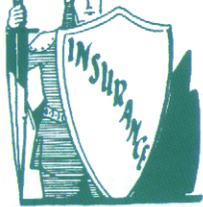
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OFM Procedure

How to Acquire Motor Vehicle Insurance

A trusty overcoat can protect a person from the elements on a blustery day; likewise, adequate insurance can provide useful coverage in case of an accident.

When acquiring a new or used vehicle it is important to consider that the Mission, its members and their dependents are required to maintain third-party liability coverage on all vehicles registered with the Department of State.

The Diplomatic Motor Vehicle Office is legally bound by Congress to ensure that all vehicles owned and operated by members of the diplomatic community maintain third-party liability coverage. To determine the optimal levels of coverage, OFM commissioned a study of the insurance industry. This study verified that the following limits were adequate to satisfy 99.9 percent of all third-party liability claims awarded in motor vehicle accidents in the United States. These limits meet the Congressional requirement and, in nearly all cases, ensure that diplomatic drivers are adequately covered. The Department therefore requires the following coverage limits for all registered vehicles.

Members of the diplomatic community may acquire insurance from a variety of sources. Coverage can be purchased directly through an insurance provider or through an agent which may sell insurance for a variety of companies. Phone numbers for insurance providers can be obtained in the telephone directories such as The Yellow Pages or online, using automobile insurance as the subject heading. As with most purchases, it is a good idea to shop around for insurance rates. Most insurance agents and providers will quote rates for coverage over the phone, or in some cases, may e-mail or fax the information. A number of web sites permit people to shop for insurance by comparing the rates of different companies at one time. Embassy colleagues can also be a valuable source of information when looking for an insurance provider.

After a provider is selected, the insurer should forward the policy information to the OFM office. All new applications for registration should be submitted with proof of insurance. Accepted proof of insurance is a declaration page or binder which lists the following:

Vehicles	Motorcycles
\$300,000 combined single limit	\$100,000 Bodily Injury/Person
Split limits of:	\$300,000 Bodily Injury/Accident
\$100,000 Bodily Injury/Person	\$50,000 Property Damage/Accident
\$300,000 Bodily Injury/Accident	
\$100,000 Property Damage/Accident	

(Consular Notification and Access: Help Us to Help You continued from pg 1)

magistrate judges. Training sessions have been held in 20 cities with large foreign populations. Recent activities include a second Olympics-related seminar in Salt Lake and a seminar in Denver. One clear benefit of the seminars has been the creation of a training team of officers drawn from the Office of Foreign Missions, the Office of Protocol, the Legal Adviser's Office, and the Bureau of Diplomatic Security. The seminars cover not only consular notification and access issues, but also diplomatic and consular immunity, the Department's motor vehicle program, and law enforcement liaison, protective security and other issues relevant to federal, state, and local law enforcement. Generally the Senior Coordinator with some members of this team call on senior-level state and local officials whenever possible to keep them informed of the Department's concerns and to ensure that they know about upcoming training opportunities for their personnel and the Department's efforts to improve U.S. compliance with consular notification and access requirements.

One recent innovation is having a meeting with senior foreign consular officials in connection with a law enforcement seminar. These meetings are usually sponsored by the local office of protocol or the consular corps and have helped to improve communication between the Department and consular officers throughout the United States. More importantly, they provide the Department's team the opportunity to share information about our activities, while at the same time giving your officers a forum for sharing concerns directly with us. These meetings help inform us of problem areas prior to the training sessions for law enforcement. Feedback from field consular and law enforcement officers alike has been very positive.

The Department of State assists in cases of failure to notify or provide access and investigates complaints by foreign governments, although we do ask that consular officers try to resolve minor issues before calling the Department. This summer, the Senior Coordinator's responsibilities will become a part of an expanded outreach and compliance program in the Bureau of Consular Affairs.

- * Insurance provider's name, address and phone number
- * Policy number (if new policy, then Binder number)
- * Coverage limits
- * Vehicle identification numbers for vehicle(s) covered under the policy
- * Dates of coverage

If a new vehicle is added to an existing policy, it is important that the insurer forward the updated policy information to OFM. Failure to provide updated information may delay processing of the new registration. Also, any changes in policy and renewal notices should be forwarded to the Insurance Verification Unit at 3507 International Place NW, Washington, DC 20008 or by fax to the Insurance Verification Unit at (202) 895-3646. Include personal identification number (PID) and license plate number on any policy information.

How to Establish a Foreign Mission Outside Washington

When a decision has been made to establish a foreign mission **outside** Washington, DC, there is plenty of assistance available in your regional office as guidance. To begin the process, the embassy sends a diplomatic note to the U.S. Department of State (DOS), Office of Protocol, Washington, DC, requesting permission to open a new office. The request must include city and state of desired location. Once the Office of Protocol grants permission by diplomatic note, the mission is then free to choose an exact location for the new office.

Often mission members begin looking for a location before approval is received. While it is acceptable to do site surveys, it is important to remember not to enter into any contract or legal obligation on the property until you have received the Office of Protocol approval to open the mission. Once that approval has been granted, approval must then be obtained from the Office of Foreign Missions (OFM) for the exact address of the mission location. For missions outside Washington, DC, this request may be sent to the appropriate OFM regional office.

Please note that **two** different approvals must be received. The first approval is from the Office of Protocol for the right to open the office, and the second is from OFM for permission

to open the office at a specific location. Once OFM grants permission to lease or purchase property in that specific location, your mission is ready to begin the work of outfitting and staffing the office. When the new location is officially occupied, another letter or note needs to be sent to OFM stating the mission is ready to do business in that location. The foreign mission may also send that correspondence to its regional office.

OFM regional offices can also assist with questions or concerns that may arise in establishing a new mission. Just call your regional office if there is any uncertainty about whom to call or what to do next. We have a great deal of experience with the local establishment of new missions. We also have the local contacts to make the transition to the new area easy. Listed below are the OFM regional offices and their areas of responsibility.

San Francisco — Northwestern region
 Los Angeles — Southwestern region
 Chicago — Central region
 New York — Northeastern region
 Honolulu — State of Hawaii
 (Southeastern region is handled by Washington OFM)

A Regional Director's View: What Makes the New York Office Unique

Of the four OFM regional offices throughout the United States that provide service to diplomats and consuls who are not assigned in the Washington area, the largest is in New York. New York, of course, is the headquarters of the United Nations, as well as the commercial and (some say) cultural capital of the country. There are nearly 400 missions and consulates in New York City alone, varying in size from tiny to enormous. Also in our region are consulates in Boston and Philadelphia, as well as Newark and Paterson, New Jersey, and New Bedford, Massachusetts. All in all, we serve some 10,000 diplomats and consuls and are responsible for registering 3,000 automobiles annually.

We are not only large; we are unique. Because of the number of establishments that we serve, we, like OFM in Washington, produce and issue our own documents and license plates. This process isn't as simple as it sounds: we don't just press a button and create a new license or tax card. Well, maybe we do, but we are linked to the main OFM computers in Washington, and data transmission over this distance periodically breaks down or develops glitches. Nonetheless, we pride ourselves in being able to meet our customers' expectations.

In New York, OFM can't claim to be the major State Department office, as our colleagues in Chicago, Los Angeles and San Francisco can. We work in the real shadow of



the United States Mission to the United Nations (USUN). While their main mission is to represent the United States at the United Nations, their Office of Host Country Affairs has responsibility for issues involving diplomats assigned to UN missions and for high-level UN officials accorded diplomatic status. OFM/New York and USUN provide the best service to the UN missions with the least amount of overlap. OFM also attends meetings of the UN's Committee on Relations with the Host Country, through which member states can discuss issues as guests in the United States. And there are 101 consulates in New York which are entirely our responsibility.

As the host city to the largest diplomatic and consular presence in the world, New York City also has a commission that deals with UN, consular and protocol issues. Because the City Commission is answerable to the Mayor and, ultimately,



PHONEBOOK

Key Personnel

Managing Director for Operations
Ronald Rabens
(202) 895-3500

Director of Property and Travel
Richard Massey
(202) 647-4554

Director of Diplomatic Motor Vehicles
Jacqueline Robinson
(202) 895-3521

Director of Duty-free Customs Entry and Tax Exemption
Robert Hyams
(202) 895-3563

Legal Counsel
Ron Mlotek
(202) 895-3501

Chicago Regional Office Director
Denise Duclon
(312) 353-5762

Honolulu Regional Office Director
Nancy "Sam" Finn
(808) 522-8125

Los Angeles Regional Office Director
Evan Press
(310) 235-6292

New York Regional Office Director
Jim Bond
(212) 826-4500

San Francisco Regional Office Director
Leroy Dal Porto
(415) 744-2910

Protocol: Diplomatic and Consular Liaison
Lawrence Dunham
(202) 647-1985

Diplomatic Security Protective Liaison
Director Johnny Guy
(202) 647-7277

Visa Office: Diplomatic Liaison
William Bent
(202) 663-3211

Department of State Licensee Driving Offenses: Year 2000	
Number of Cases	Type of Offense
26	Reckless driving resulting in a "must appear" summons
15	"Must appear" cases, usually in connection with an accident
19	Alcohol-related cases resulting in:
	* 14 one-year driving suspensions
	* 3 court-imposed driving suspensions (45 days to 1 year)
	* 2 expulsions from the U.S.

(A Regional Director's View: What Makes the New York Office Unique continued from pg 3)

New York Regional Office		
866 UN Plaza, Suite 265, New York, NY 10017-1811		
	Fax	212 826-4508
James B. Bond	Regional Director	212 826-4411
Murray Smith	Deputy Director, Diplomatic Motor Vehicles	212 826-4499
Xu Xu	Vehicle Titles and Registrations	212 826-4408
Janet Wakabayashi	Driver Licenses	212 826-4546
Robert Gebbia	Deputy Director, Tax and Customs	212 826-4466
Luis Nunez	Tax Exemption	212 826-4453
Dan Garber	Customs	212 826-4510
Andrew Maffey	Administrative Assistant	212 826-4506
Carmen Fernandez	Receptionist	212 826-4500

to the citizens of New York City, its focus is understandably local. Residents (that is, voters) in New York City — especially those who live on the East Side, where the vast majority of diplomatic and consular establishments are — might see these establishments as unwelcome intruders who claim guaranteed parking, a very scarce and expensive commodity in the city. We work with the City Commission and USUN to try to ensure that the diplomats and consuls are good neighbors, while still receiving the immunities and treatment that allow them to do their very important work.

Like the other regional offices, OFM/New York gets its share of inquiries from American citizens and others who want something from

the State Department but aren't sure just exactly what it is they want or whom they want to talk to. So our receptionist and the other staff members need an active imagination and a Department of State phone book handy!

The OFM/New York staff looks forward to the opportunity to serve the diplomatic and consular community in our region. We conduct business by phone, by fax, and in person.

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Editor-in-Chief: Theodore Strickler
QUESTIONS SHOULD BE ADDRESSED TO:
Editor: Kathy Nagle
Phone: (202) 895-3561
Fax: (202) 895-3649
Email: Consultation@state.gov

Consultations

Office of Foreign Missions
DS/OFM Room 2238
2201 C Street NW
Washington, DC 20520

