

Some Specificities of the Ambassador at Large Diplomatic Institute

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Summary

Development of diplomatic service in general is in the process of deregulation and even de-formalization. In the EU these processes have been in the uncertain, but recently rapid course. We are witnessing the very initiation of the European Diplomatic Service. According to some announcements, it should be a pathway towards the EU single diplomatic presence. However, it seems that such kind of trend remains only a postulate, as the EU Diplomatic Service's interests are not equal to interests of all EU member-states when it comes to a substantial part of the foreign policy issues. The fact of importance is that the EU is an international legal entity different from a state, and that its structure is established by means of treaties which have sometimes been revised by amendments. The norms contained in them are similar, by their effects, to constitutional norms. In order to get the correct conclusions and acceptable review it is not enough just to get the EU legislature analyzed. By our opinion, it is necessary to carry out a number of comparative analyses of the other non-state entities. In addition to that, it is necessary to carry out analyses of both relevant phenomena within institutions and these institutions identity building processes. Therewith, variant diplomatic institutes, such as the Ambassador at Large, illustrate the abundance of scope of diplomatic activities of states in general as well as of variant international judicial entities. By analyzing them, at least partial presentation of the above diplomatic institute could be made and some of its features pointed at, though as objectively as possible in the frame of this paper.

Keywords: diplomatic service, organizational structure, institutions, legislation, basic contracts, entities, immunities, privileges

Introduction

The Ambassador at Large is the highest profile diplomat or a minister accredited to represent a country in international community. There are many various definitions of this diplomatic institute. It considers a diplomat not appointed to a special diplomatic position but charged with a special mission. The Merriam Webster Encyclopedic Dictionary reads: "It is a high-profile personality who is not accredited to any particular foreign government or sovereign."

The Free Dictionary definition, by Farlex, reads very shortly: "It is an Ambassador not appointed to a particular country". The English Collins Dictionary: "An Ambassador at Large is the ambassador with special assignments which can be appointed to more than one government" This type of ambassador may be appointed as a consultant to the head of a state, a prime minister, or a foreign minister - concerning particular issues only. Usually, his or her activity relates to several neighboring countries, or a region as a whole. He or she can often be seated at an intergovernmental international organization, such as the United Nations, the Council of Europe, or the European Union. The person's position is different from the position of a sedentary diplomacy ambassador staying, by the rule, at the embassy as the representative of his or her country in the host country.

The Ambassador at Large can be occasionally appointed to assist governments and countries in special cases, or to give them necessary advice. Previously, the Ambassadors at Large were on certain occasions appointed members of special teams coordinated for special situation requirements, especially in the cases of distant countries where variety of missions were to be carried out.

Ambassadors at Large in the USA

The President of the United States appointed, on March 12, 1949, the first official diplomat ranked as the Ambassador at Large, in accordance to the Article II, Paragraph 2 of the USA Constitution, to deal with specific foreign policy problems. Later on, it has become a widespread practice.¹ Section II of the USA Constitution authorizes the President of the USA to appoint, upon consultation with the Senate and obtaining its consent, an Ambassador, a Minister Plenipotentiary, or a consul. Special missions have been, by the rule, established overseas.²

In the US, there are the following kinds of the Ambassador at Large positions: 1) Ambassador at Large for International Religious Freedom; 2) Ambassador at Large for Terrorism; 3) Ambassador at Large for Monitoring of and Fight against Human Trafficking; 4) Ambassador at Large for Global Issues of Women.

1) Ambassador at Large for International Religious

Freedom the Ambassador at large for international religious freedom heads the USA State Department Office of International Religious Freedom. The reason for establishment of it is the fact that, according to the USA Government position, it is necessary to prevent any violations of religious freedom all around the World. It is necessary to publish reports on both violations and assaults of these rights. Adequate efficient actions are recommended by the USA Government in order to get these absolutely non-acceptable acts eliminated and precluded. The Ambassador is usually, regarding his or her personal qualities, a consultant of the USA President or of the Secretary of State when it comes to the following:

- 1) USA politics with states violating religious freedom and personal rights on religion and free religious practice;
- 2) Politics oriented towards promotion and extension of religious and confessional freedom in foreign countries;
- 3) On the basis of instructions and orders of the President of the United States and of the USA Secretary of State, he or she represents the United States in matters related to religious freedom in foreign countries. Concerning that, the most important relations are those with foreign governments, international organizations and specialized agencies, the United Nations, the OSCE and the other international organizations in which the USA has special interests in this area;
- 4) He or she participates in international conventions and meetings important to religious and confessional freedom. His or her activities include elaborated contacts, travel and various forms and kinds of expert aid he or she gives. In order to cope with these duties, the additional professional assisting staff is appointed, if necessary.

The first non-Christian heading the State Department Office of Religious Freedom was Rabbi David Saperstein, appointed by the President Obama on July 28 2014, as being approved by the Senate. Previously, he had been the Manager of the Center for Religious Action for Reform of Judaism. His 2013 Report reads that we were witnessing extensive movements of modern religious communities. The Report also points at the fact that religious communities around the World, especially the minority ones, are faced with discrimination. For example, in Homs, Syria, there were approximately 160 thousand Christians living there before the war, and now there are only 1000 remained. There is mass violence against Muslim population recorded in the Western Burma, making fairly big number of them, around 140 thousand, to leave the territory. Distinct anti-Semitism is present in many European countries as well. Number of Jews in their population has decreased by more than 48%.

Double accreditation of this kind of ambassador is possible as well. A concurrent responsibility is established in this case. The duality of the kind is united in one person, in a form that could cause certain problems in specific situations requiring concomitant obligations to be carried on.

¹See: F.G.Kennan, American Diplomacy, New York 1951.

² The first American Ambassador at Large was Philip C. Jessup. He was a judge with the International Tribunal of Justice in the 1960-1969 periods. He was appointed to numerous diplomatic positions, among which as a participant of both the USA Delegation to the Breton-Woods financial negotiation as a head consultant and to the OUN San Fransisco Convention in 1945.

He was also the Assistant to the UNRRA Aid and Renovation Programme Secretary General in the aftermath of the WWII. In the 1925-1961 period he was a Professor of International Public Law at the NYC Collumbia University.

There were cases of accreditations carried out in two states. One of them is usually resident and the other is non-resident one. Multi-state accreditation is possible, but it rarely happens. Sometimes, in specific situations, such aspects include the Ambassador at Large status as well.³

2) Ambassador at Large for Terrorism Issues

There are many aspects of fight against terrorism. In addition to the others, it includes business expansion, since it is necessary to get airport defense stronger, to establish the appropriate reaction to combat operations, to distribute facilities and multiply number of patrols. It was necessary to specify every particular case of the threat, because it is the only possible way to fight terrorism efficiently. Naturally, concerning the methodology of fighting, that attitude precluded any kind or possibility for potential flighty action to be done. The specific training conditions, from shooting halls to gymnasiums, are considered necessary as well. The rise of anti-Americanism around the World makes the growing number of Americans potential targets. Monitoring activities must be therefore carried out seriously and professionally. All forms of flighty attitudes are hundredfold harmful, as has been already shown by statistics including the increasing number of people killed around the World.

When it comes to definition of terrorism, the fact is that they are numerous. Some of them are generated by experts and the most of them are made by scientists thoroughly involved in studying terrorism. To reach a consensus within the international community is not an easy task having in mind serious diversity in domain of rights on usage of force by national liberation movements or of a force induced on the basis of the right of self-determination.⁴ These are the main reasons why it is not possible to reach a consensus on a single and comprehensive, generally accepted definition of international terrorism.⁵

However, there are numerous authors, pretending to make a scientifically based definitions, that have established various determinants making therefore any, at least partial but functional, generalization impossible. The following are just few examples of the apparent scientific attitude in defining terrorism. For instance, the USA National Anti-Terroristic Committee defines terrorism as “an intentional act committed by subnational groups or clandestine agents: politically motivated and potentially including religious, philosophical, or cultural symbolism, as well as the motivation for violence against non-combatant goals”. In the year 2002, in the frame of the USA national strategy, terrorism is defined as “an intentional political violence against the innocent”.⁶

3) Ambassador at Large for Monitoring of and Fight against Human Trafficking

The Ambassador at Large, as a manager, heads the Monitoring of and Fight against Human Trafficking Office – an agency existing in the frame of the American State Department. The Office was founded in October 2001. It is involved in research and prevention of human trafficking, in not only the USA but also all around the World.

It reports to the USA Congress. The general intention is to get both the general public and all the relevant possibly influential factors more informed in order to prevent trafficking, protect victims, and take appropriate measures against perpetrators of these criminal acts. On the basis of the 2001 Law on Trafficking, the President of the USA is authorized to establish the Monitoring of and Fight against Human Trafficking Office.

The main goal of the Office is to work, on the internal environment, on interconnection of all organizations and individuals ready to fight, as organized, against that non-human phenomenon. In both international and diplomatic domains, it develops a widespread action in order to eradicate this phenomenon with a help of the USA political leadership and leaderships of many other countries in which this phenomenon is present. In the case a broad network of international participants in the fight was absent the struggle would be very difficult and uncertain one. On the other hand, criminal connections, being very powerful, require serious and highly sophisticated action. Ethics is the dominant motif that binds all followers of freedom to rise against this form of modern slavery. This is the fact including a very broad scope of activity of this kind of diplomacy.

In addition to that, it should be noted that contacts between the Ambassadors at Large and top officials of many countries in the international community are not the rare ones. In these occasions, the Ambassador is guided by the ideas of freedom, pleading in his or her speeches and appearances for this ideal to be accomplished for all the people of the World.

³ See: The Jewish Daily Forward, December 14, 2014

⁴ See: M. Kreća, *Međunarodnojavno pravo*, 2014. p. 324-331.

⁵ See: en.wikipedia.org/wiki/Definitions_of_terrorism

⁶ See: Trafficking Protection **Reauthorization** Act of 2000, January 7, 2003 108 USA Congress H.R. 2620

The present Manager of the Office is Mr. Luis de Barca, the Ambassador at Large, born in New Mexico, a Roman Catholic presenting himself as a “Vatican Baby”. Nevertheless, he enthusiastically pleads for freedom of all the people regardless of religion, gender, race or political opinion. Various organizations, such as the National Trafficking Centre for Resources, help the Office to operate, and it is not the only one. They mostly articulate their actions on the internal, national plan.

Concerning international plan, it is necessary to point at the Article 9 of the 2005 Trafficking Act, emphasizing the very important aspect of activities of international organizations involved in human rights protection in circumstances when it is necessary to get documented some non-typical co-relations between military and civilian forces and activities aimed at providing the necessary assistance. They are especially active when it comes to the increase of number of women and girls forcefully involved, and ways of getting them involved, into prostitution in these territories. This makes the role this kind of the ambassador plays very complex regarding forms of his or her diplomatic activities. These sorts of contacts are necessary in the modern, somewhat lost and confused World.⁷

4) Ambassador at Large for Global issues of Women

The Ambassador at Large for Global Issues of Women deals with widespread violence against women. This type of violence is mostly based on violations of generally accepted principles of gender equality. We are witnessing mass violations of women's rights, in particular in India and Pakistan as well as in developed countries such as the USA, France and the like. It is undeniable that almost generally widespread violence is present in all social classes, ethnic groups, races, religions. It penetrates all educational levels of the population and is not bounded by the limits of individual states. Numerous are examples of sexual injuries of women. Statistics suggest that there are rarely any women who at least once were not the victims of this kind of violence, the attempted one at least.

In accordance to the general opinions, it is therefore the most important duty of these diplomats to raise the USA reputation around the World concerning the serious endeavor they make being a leader of struggle aimed at protection of women from violence. It is necessary that this aspect of international relations become an integral part of the USA foreign policy. Undoubtedly - general progress, peaceful development, and security are not possible without full and substantive participation of women in all social activities.

The above comprises the objective framework of the USA diplomacy activities aimed at removal of this type of delinquent, unacceptable and dangerous behavior. The Ambassador at Large in all his or her contacts and participations at conventions emphasizes both violence against women and modalities of effective actions of prevention, preclusion and removal of consequences of this kind of violence. Strategic matrix of this kind of struggle is included in the paper entitled “Elimination of Violence against Women”. Numerous actions of assisting the unhappy women are well known. In 2012, the United States adopted the “Global Strategy for the protection and deterrence of violence based on gender differences.” The President Obama has established the Executive Bureau for the Strategy Implementation. In August 2012, the National Action Plan for Women was adopted as well, to provide peace and security particularly for threatened women-direct war participants. This way their recovery and social reintegration would be ensured.⁸

The European Union Experience

The European Union states` experience is various and composite one. We could hardly make any valid generalizations through some typological classifications. We have therefore decided just to point at some examples that could illustrate the vast range of forms of diplomatic activities, emphasizing at the same time the necessity of innovation of the common model of diplomatic communication.⁹

a) Ambassador at Large with the Ministry of Foreign Affairs of Netherlands

The Ministry of Foreign Affairs of Netherlands is familiar with the practice of appointing the Ambassador at Large. These ambassadors are appointed as charged with special duties in the frame of particular important jobs and missions.

There are the few following characteristic areas of activities they are appointed to:

⁷ See: Trafficking Victims Protection Re-socialization Act 2005, January 10, 2006 H.R. 972 109 Congress

⁸ See: www.state.gov/documents/organization/196468.pdf.

⁹ See: B. Janković, Diplomacija, 1988

- 1) Ambassador at Large for AIDS
- 2) Ambassador at Large for Millennium Development
- 3) Ambassador at Large for International Cultural Co-operation
- 4) Ambassador at Large for International Organizations
- 5) Ambassador at Large for Human Rights
- 6) Ambassador at Large for Neighboring Countries.

b) France

French experiences with appointing the Ambassadors at Large are quite various ones. We would therefore present one characteristic case only. The French Ministry of Foreign Affairs appoints the Ambassador at Large for Human Rights. In addition to the others, his or her appointment comprises duties connected to the Holocaust issues.

c) Lithuania

Lithuania has the Ambassador at Large for the Eastern Partnership. The following states are included in the Partnership: Armenia, Azerbaijan, Georgia, and Ukraine. Unfortunately, Belorussia is not the Eastern Partnership Member. In the course of Lithuanian presidency to the European Council in 2015, the Eastern Partnership was proclaimed one of the Lithuanian foreign policy priorities.

Particular examples of the states that are not the EU members

a) Russia

Russia has the Ambassador at Large for Freedom of Movement. That position considers a fundamental freedom, a principle without which democratic integration of the European Union would not be possible. Without it the policy of relations with the states outside the EU could not be designed as well. Russian foreign policy pleads on it, insisting, especially within the OSCE, on removing the possibility of creation of new lines of division that may arise following the example of the former Berlin wall. That is why political means are employed for the purpose of insisting on elimination of such possibility by visa regime liberalization, at least in the domain of short tourist visits. At the beginning, it seems that the above stated, although objectively loaded by very complex issue of immigrants, could still be indicative of the performance of the necessary future cooperation in this field.¹⁰

b) Singapore

The Singapore Ministry of Foreign Affairs has the Ambassador at Large for specific activities in the frame of economic co-operation with both the countries of Southeast Asia and the USA. For the purpose of extension of this kind of cooperation, the Fund, usually headed by the Ambassador at Large, was established. It is considered convenient if the person to be appointed previously was the Ambassador to the USA.¹¹

Conclusion

The ambassador at large is a specific institute of diplomatic law. They are high ranking diplomats or highly distinguished persons being accredited to represent their countries as well as to do numerous and various duties within the international community. They differ from the resident diplomacy ambassadors by normally doing their duties in more than one country, sometimes in a region as a whole, in international organizations and in international nongovernment organizations. Ambassadors at large are especially numerous with both the United Nations and the European Union. Many of them are advisers to heads of states and governments in the domain of international affairs. Ever since the times of Bismarck an opinion has been embraced that neither an ambassador nor any of diplomatic staff is entitled to ask to talk to the head of a host country without previously advising the head of his or her country, the vice-president and the minister of foreign affairs, as well as that the head of any democratic country should not negotiate contrary to advises made by his or her minister of foreign affairs.

However, actual interdependence of the modern world and lively deregulation of diplomacy realized in accordance to a functionalistic approach in practice have recorded a kind of discrepancy from the above principle, especially in cases when international developments make the importance of a state, including its representation in another specific country, higher.

¹⁰See: www.mid.ru

¹¹ See: asiafoundation.org

Accordingly, the ambassador at large is in some cases appointed to the Ministry of Foreign Affairs, being normally disposable to political leaders in order of being able to accomplish confidential, special, and very hard tasks and missions. On the other hand, in the same capacity they do less essential but still important duties of a special character in specific domains of international affairs as well. All the above stated is to point at high applicability as well as at high functional acceptability of this diplomatic institute. Therefore, a non-typical model of diplomatic activities such as duties of the ambassador at large are gets more important and in many cases grows instrumental to dynamism of diplomatic relations within the international community.

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