



## Rules-Based Disorder: Why Ecuador Broke Into Mexico's Embassy

### Description

**MEXICO : A disturbing video of Ecuadorian police forcibly entering the Mexican embassy in Quito late on the night of April 5 and arresting former Vice President Jorge Glas has circulated globally, raising the question of whether the hallowed principle of diplomatic immunity can survive when a determined host government believes an embassy is protecting a criminal actor.**

### A Crisis Erupts

Glas had only recently been officially granted asylum at the embassy, where he had been staying since December after being ordered to report to prison.

He had previously been convicted on criminal charges for corruption and had controversially been granted parole by a lower court judge after serving five years of his sentence.

He fled to the Mexican embassy after a higher court [revoked his](#) parole, and he was ordered to return to serve eight more years in prison even as he was facing further charges on a separate case.

Mexican President Andres Manuel López Obrador (generally known as AMLO) denounced the action, closing his embassy and filing an action at the International Court of Justice asking that [Ecuador be suspended from its membership in the United Nations until it](#) apologizes and makes restitution.

Mexico has already obtained a resolution at the Organization of American States condemning Ecuador's action.

For his part, Ecuadorian President Daniel Noboa seems in no mood for apologies, justifying his “exceptional decisions” by referring to his previous determination that his country faces an “armed internal conflict” with organized criminal groups and calling Mexico's decision to grant Glas asylum an “illicit act.”

While Ecuador's actions have received near universal condemnation—even from the United States, with which it has close ties, and it is evident that an essential international norm was indeed violated,

this crisis can only be comprehended by examining how asylum in foreign embassies is used (and abused) in Latin America.

Moreover, this crisis was fueled by the ideological tensions between Mexico and Ecuador and the divergent approaches these states are taking to the decay of the rule of law, which they have faced in recent years.

### **A Treaty Is Violated**

The 1961 Vienna Convention on Diplomatic Relations states that diplomatic premises are considered “inviolable” and thus “immune from search, requisition, execution or attachment.”

One may ask why embassies are given this unique level of protection, which exempts them from the enforcement of local law.

After all, if an individual fleeing the police were to enter the offices of ExxonMobil, Greenpeace, or Catholic Charities in a country, the police would be free to enter these premises and make an arrest.

But ultimately, sovereign states grant each other this privilege (and similar immunity to diplomatic persons themselves) because it is functional.

Without it, diplomats could be subject to pressures that could render them near hostages in tense situations and impede the communication between countries that all find convenient.

This does not mean that the principle of embassies’ inviolability is not subject to pressures around the edges.

Host countries often closely monitor embassies and may use espionage techniques to discover what is happening within them.

Mobs of protesters may be generated in front of embassies as efforts at intimidation and harassment of necessary logistical arrangements for embassies’ functioning may occur.

Nonetheless, even in situations of genuine hostility between countries, entering an embassy to arrest someone who has fled there, as Ecuador did, is extremely rare.

**There have only been two such cases in Latin America in modern history:** one in 1956 when domestic opponents who had sought to overthrow Argentina’s military government had taken refuge in the Haitian embassy in Buenos Aires, and another in 1976 when a leftist opponent of the civil-military regime in Uruguay had done so at the Venezuelan embassy in Montevideo.

Indeed, the procedures for granting such asylum in embassies are codified in the Convention on Diplomatic Asylum, dating from 1954, which both Mexico and Ecuador (and other Latin American states) have signed.

A classic example of diplomatic asylum was found in Chile after the 1973 military coup.

Many former officials and supporters of Salvador Allende’s Marxist government made it to European and Latin American embassies in Santiago, where they often remained until the military regime

eventually if reluctantly, allowed them to go into exile, as provided in the 1954 convention.

## **Asylum is Part of the International System**

The availability of embassies for asylum-seeking individuals is thus built into international relations, at least in Latin America.

It seems far less common elsewhere. However, there have been notable exceptions, such as in the famous case of Cardinal József Mindszenty, the Primate of Hungary, who fled to the American Embassy in Budapest after the Soviet invasion in 1956.

He was not allowed to leave the embassy and go into exile until 1971.

Even as the drama at the Mexican embassy in Quito and its aftermath has played out, there are two other ongoing cases in the region involving requests for diplomatic asylum.

Aides to Maria Corina Machado, the Venezuelan opposition leader banned from running for the presidency in upcoming elections, have entered the Argentine embassy in Caracas, seeking to avoid arrest. (Other less fortunate members of her team have already been detained.)

In Panama, former President Ricardo Martinelli entered the Nicaraguan embassy. Panamanian authorities are seeking Martinelli, who was convicted of money laundering.

His situation is particularly irksome to the Panamanian government, as while staying at the embassy, he is apparently running the campaign of a supporter for the presidency.

Like Martinelli, Glas is being sought on corruption-related charges for which he has already been convicted, and the appropriateness of Mexico's lending its embassy to his efforts to avoid facing them is, at best, questionable. The Convention on Diplomatic Asylum explicitly forbids its application to common offenses unless "the acts giving rise to the request for asylum, whatever the case may be, are clearly of a political nature."

Of course, deciding whether the charges are politically motivated, as Glas (like Martinelli) has claimed, is left to the government whose embassy has received the would-be asylee.

## **Noboa has His Reasons**

But why has Ecuadorian President Noboa taken the drastic step of sending police to a foreign embassy while Panamanian authorities have gritted their teeth and put up with the same situation?

The answer may be found first in Noboa's approach to governing Ecuador in the face of an unprecedented security crisis and second in the ideologically based friction between him and Mexico's AMLO.

For a long time, Ecuador had seemingly escaped the worst of the damage that international drug trafficking and concomitant institutional decay had done to neighboring states such as Colombia, Peru, and Bolivia.

However, in recent years, the security situation has dramatically deteriorated, leading to unprecedented levels of violence and corruption.

Much of this decay occurred during Rafael Correa's presidency from 2007 to 2017, with Glas serving as his Vice President during his third term from 2013 to 2017.

Correa himself has been convicted of corruption-related crimes in Ecuador; however, he lives in exile in Brussels.

Glas's convictions include one for receiving \$13.5 million in bribes as part of the Latin America-wide scandal over the practices of Brazilian construction giant Odebrecht.

Correa and Glas were succeeded by two other presidents, one from their party and one from the conservative opposition.

However, neither could control the security situation or the economy. Indeed, Noboa's immediate predecessor, Guillermo Lasso, was forced by the threat of impeachment to bring elections forward.

Correa and Glas may have hoped that this election, held in October 2023, would have brought a supporter back into power (and for a while, this seemed a distinct possibility).

However, Ecuadorians instead voted for conservative Daniel Noboa, son of a former president, who had pledged to fight inflation and insecurity.

Noboa's principal actions since taking office have been to put the army out on the streets and to ramp up arrests.

In this, he seems to be taking his cue from El Salvadoran President Nayib Bukele, who has gone after criminal gangs with similar harsh tactics that have raised human rights concerns.

Violence in Ecuador has dropped significantly, and Noboa enjoys high popularity. Nevertheless, whether he can enact the deeper reforms necessary for lasting progress remains to be seen.

### **The Pink Tide Rolls In and Then Out**

AMLO is no fan of Noboa. He and Correa were ideological soul mates. Both are left men with a populist commitment to "social justice."

Additionally, both gave a lower priority to the admittedly thankless effort to combat the international narcotics cartels operating in their countries.

Correa refused to renew permission previously granted to the United States to use an Ecuadorian Air Force base for aerial counternarcotics surveillance.

AMLO has pursued a policy of "Abrazos, no Balazos" (hugs, not shoot-outs), i.e., minimizing confrontation with drug trafficking organizations while preferring to concentrate on politically profitable social welfare programs.

Both countries now face increased penetration by the cartels, accompanied by heightened levels of

violence and corruption.

And AMLO is on the other side of Latin America's ideological divide from Noboa. AMLO has identified with the "pink tide" of elections which brought leaders of varying shades of leftism to power, including Gustavo Petro in Colombia, Lula da Silva in Brazil, and Cristina Kirchner (and her handpicked successor Alberto Fernández) in Argentina, along with Correa in Ecuador.

However, less palatable to him has been a more recent counter-tide that has brought populists of a conservative stripe to power, such as Nayib Bukele in El Salvador, Javier Milei in Argentina, and Noboa himself.

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