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**“ Julian Assange’s Diplomatic Asylum 2012-2019: Analysis of its impact on
the diplomatic relations between Ecuador and the United States.”**

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DEDICATION

I dedicate this research work and all the effort put into making it, to my grandparents, José Ortega and Jaime Gomescoello. They have been two people I have admired during my life, two people who have taught me a lot with each story and lesson of life.

To my family, my father, José Ortega, my mother, Tatiana Gomescollo and my brother, Sebastián Ortega. The most valuable and sincere people with whom I have been there in every stage of my life. Their courage, honesty and affection will continue to be an inspiration to me, not just to reach my goals, but to create new ones.

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ABSTRACT

The aim of this thesis is to analyze the repercussions that the diplomatic asylum granted by the government of Ecuador to Julian Assange, had on the diplomatic relations between Ecuador and the United States of America during its development. In order to accomplish this; there will be an investigation of the origin and evolution of Asylum in International Law, in addition to the background of Julian Assange and the reasons that forced him to request diplomatic asylum to the Ecuadorian Government at its embassy in London in 2012. Finally, there will be an analysis of the diplomatic relations between Ecuador and the United States and its evolution during the asylum of Julian Assange, presenting the key moments during this period of time.

INTRODUCTION

This thesis analyzes the impact of the diplomatic asylum of Julian Assange on diplomatic relations between Ecuador and the United States. To achieve this, the research will start from the understanding of asylum and its evolution over time until it was part of international law. In addition, it is necessary to recognize why the United States Government was concerned for Assange. Therefore, Julian's background and the most relevant actions of his organization will be analyzed as well.

Julian Assange's diplomatic asylum was developed in the presidential periods of Rafael Correa and Lenín Moreno. Therefore, this thesis will present the official position of the governments concerning Assange's asylum. Additionally, there is an analysis of the diplomatic relations between Ecuador and the United States during these presidential periods.

This research will be carried out throughout the following methods: the historical method, to understand the development of the case and the evolution of diplomatic relations between the two States during the diplomatic asylum of Julian Assange; and the synthetic method, to discover the connection between the decisions about the Asylum of Julian Assange and diplomatic relations between Ecuador and the United States.

Finally, this work is structured in four chapters. In the first two, a premise will be established to understand, the theoretical aspect of asylum and the history of Julian Assange; and the third and fourth chapter are based on the analysis of the Diplomatic Asylum of Assange until its termination and the evolution of the relations between the two States that are part of this case study.

CHAPTER 1

Theoretical-Legal perspective of asylum.

Asylum has been understood in different ways within the concept of the politics and diplomacy of a State. Although there may be a general idea about the concept of asylum, it is extremely important to know its history to understand its most important aim within International Relations and as an individual's right. This chapter investigates the history of asylum in different civilizations, its objectives, and how this concept was introduced on the international scene until it became part of Ecuadorian legislation.

1.1. Definition and origin of asylum as part of International Law: Diplomatic Asylum.

1.1.1. History of Asylum:

According to the Royal Spanish Academy, etymologically asylum comes from the Greek *àsydon* or inviolable site, referring to a place where protection is given to the persecuted individual (Royal Spanish Academy. (n.d.), definition 3). Generally, asylum can be understood as a guarantee of security and protection to people who have escaped from their country and asylum is granted by a State. The UN Refugee Agency, UNHCR, affirms that asylum would have had its first signs of origin into the nomadic peoples' cultures. They would have protected foreigners who arrived from different territories and because of different reasons. People seeking protection had to submit to the legal system of the place where they arrived, escaping from the legal system of their origin places (UN Refugee Agency, 2016).

It is complex to locate the beginning of asylum in history, since it is based on a principle of survival, as indicated in the previous paragraph. Urquidi (1976) establishes that

the first vestiges of asylum emerged as a reaction for the conservation of human welfare, due to this, people had the intention to escape and preserve their physical integrity (p.878). On the other hand, religion has setted history and has influenced the actions of States in the legal sphere because religion has established guidelines for keeping the order. Asylum also has traces of religious influence. Several civilizations present the practice of this institution (asylum) within their idiosyncrasies:

- **Egypt:** During the Ptolemy period¹ (3rd century BC) there was Iketeia. The iketeia granted temporary protection to slaves, the weak or involuntary murderers. In certain temples, the Iketeia had benevolent treatment to these people as a show of respect for the God of the temple, but Iketeia did not give impunity to the refugees. In other temples, there was *Asilia* or *Asyilia*, this exempted the refugees from their responsibilities, punishments or debts, even the slaves got freedom under the conditions of *Asilia*.
- **Hebrews:** In this particular case, there are indications of asylum from the Old Testament, precisely in the book Numbers². It is established that Jehovah indicated to Moses that there will be refuge cities where people who have committed involuntary murders will be protected from the people seeking revenge. Unless it is proven that murder was intentional. This asylum was recognized when the Hebrews settled in the territory of Palestine in the 6th century BC. There were six cities considered refuge, Betser, Ramoth and Golam before the death of Moses and later, Sichem, Kedesh, and Hebron. This type of asylum was used by Hebrews and foreigners. Asylum had to be a request of their own free will.

¹ Historical stage of Ancient Egypt between 332 BC with the conquest of Egypt by Alexander the Great, and established by his general Ptolemy I Soter until 30 BC with the death of Cleopatra VII.

² Fourth book of the Old Testament, awarded to Moses.

- **Greece:** In Ancient Greece, asylum had a much broader scope. Here, asylum was granted to common criminals, politicians and soldiers, among others. Similarly to the early civilizations cases, in Greece, asylum was given in temples, as a show of respect or fear for the Gods of the temples. Greece was the origin of different types of asylum, which will be reviewed later. Overall, the religious asylum is based on the sacred temples that could not be violated due to the hierarchy of the gods and spirituality. On the other hand, territorial asylum; as Cornejo (2005) declares, the Greek legal system offered two alternatives to the accused of homicide. 1) he could exercise his right to defense before the Areopagus³ or; 2) he could escape to a refuge (voluntary exile), in order to avoid penalty or private revenge. In Greece, the asylum took a closer approach to an institution, which would evolve more within Roman Law.
- **Rome:** Asylum is presented in Roman history in various ways. Within the stories of Ab Urbe Condita of the Roman historian, Tito Livio; the legend of the origin of the city, explains that Romulus, the first ruler of Rome, opened the city to receive free men and slaves who escaped from the border states. Romulus used asylum as a policy to increase the population of Rome, exponentially and rapidly⁴. This "strategy" was used until Rome had an important workforce and later the city was closed again. However, as it is mentioned, this institution has a religious origin, and Rome is not the exception. Religious asylum was given in temples considered sacred, the best known being, as Urquidi (1976) affirms, the Temple of Julio Caesar in 42 BC, the statue of Romulus and the Eagles of the Legions that granted protection to Roman soldiers (p.

³ High Court in Ancient Greece, made up of magistrates called Archons or Areopagites, in charge of resolving the Law, conflicts between citizens or between the citizen and the State.

⁴ "... Romulus opened a place of refuge in the place where, as one descends from the Capitol, there is a space enclosed between two groves. An indiscriminate crowd of freemen and slaves, eager for change, fled from neighboring states. This was the first fortress to increase the nascent greatness of the city. When he was satisfied with his fortitude, his next step was for such a fortress to be directed wisely. He created a hundred senators, either because that number was adequate or because there were only a hundred chiefs (of gens)... "(Ab Urbe condita libri, nd, p. 14)

882). There was also territorial asylum, understood under three precepts: 1) Voluntary migration to another community with a non-punitive purpose and non-coercively punishment; to escape in case of persecution because of political reasons or not. This is presented as *ius exilii*⁵. 2) The admission and protection of the persecuted by another community. 3) Respect for the territorial jurisdiction of the community that granted asylum. This leads to the immunity of the persecuted (Cornejo, 2005).

- **Christianity:** With Christianity, asylum in the holy temples had a more spiritual approach. In the text Right of asylum and "no rejection" of the refugee it is established that: Christianity universalizes the practice of asylum but also, the New Testament represents a major advance in the protection of the underprivileged as an ethical imposition (Cortázar, 1997, p. 44). In addition, Cortázar (1997) adds that the actions of the Church (providing asylum to a person), do not intend to oppose the civil authorities, but rather to avoid a commonly disproportionate punishment. At first, this is an action of Christian charity and ends up being obligatory for clerics (p. 45).
- **Middle Age (5th century - 15th century):** At this stage, the expansion of Christianity and the influence that this religion had in the Western world, reaffirmed asylum from a religious perspective. Temples were sacred places to protect people from exaggerated punishment on certain occasions. In addition, the origin of Canon Law⁶ started. Canon Law establishes asylum in its temples at a more formal level. In fact, in the Code of Canon Law of 1983 promulgated by Pope John Paul II, which is currently in force, it is established that: "By the term shrine is understood a church or other sacred place to which numerous members of the faithful make pilgrimage for a special reason of piety, with the approval of the local ordinary."(Code of Canon Law,

⁵ Right that those convicted of a serious crime can choose to flee voluntarily.

⁶ It is the legal regulations established by the Catholic Church, the set of justice relationships that manifest the intrinsic legal dimension to the nature of the Church, with the factors (norms, acts, subjects, situations, etc.) that constitute, modify or extinguish, in which some members of the ecclesial community have rights and duties with respect to others (Lexicon Canonicum, nd).

1983, Art. 1230). Furthermore, regarding sanctuaries, it is established that “At shrines the means of salvation are to be supplied more abundantly to the faithful by the diligent proclamation of the word of God, the suitable promotion of liturgical life especially through the celebration of the Eucharist and of penance, and the cultivation of approved forms of popular piety”(Code of Canon Law, 1983, Art. 1234). On the other hand, territorial asylum is presented during this period of time as well. Territorial asylum was developed alongside feudalism. The feudal lord could give asylum in his territories to the individual who owes him allegiance, guaranteeing protection for this person.

1.2. Asylum within the international legal framework:

As has been pointed out, asylum has a long history within the legal framework. With the passage of time, asylum had a more formal basis. Before delving into the development of asylum, it is necessary to establish the difference between two concepts: asylum and refuge. The purpose of the two concepts is the protection of the human being. A person may be persecuted due to different reasons; for instance, religious nature, social condition, race, gender, sexual orientation, nationality, or political opinion. The person may seek protection in another country. In the case of asylum, a person requests asylum to another country in the territory of that other State and this status will be maintained as long as this application is admitted or rejected.

The Office of the United Nations High Commissioner for Human Rights establishes that:

Refugees are people who have escaped their country due to well-founded fears of being persecuted for reasons of race, religion, nationality, political opinions, or belonging to a certain social group. This includes persecution by the State and by non-State actors, and the State is unable or unwilling to provide protection against such harm. (Office of the United Nations High Commissioner for Human Rights, 2014)

This definition may be similar to asylum. However, the concept of a refugee has been expanded to explain the massive escape of individuals due to armed conflicts developed in their countries or in cases of natural disasters. Essentially, asylum is granted to a specific person and the asylum state is not obliged to give an explanation of the reasons for accepting it or not. On the other hand, the concept of refugee has a humanitarian purpose and is granted to a large group of people, the State must present the propitious reasons for this action.

During the 20th century, there were events that made asylum an internationally recognized institution. The culmination of the First World War in 1919 was formalized with the signing of the Treaty of Versailles, which was followed by the creation of the League of Nations⁷. Within this treaty, it was explained how to proceed with prisoners of war. In a general way, the nations established the process and the instruments that will serve to repatriate the soldiers who have fallen as prisoners by Germany during the war, in addition to the obligations accepted by Germany. Regarding this section and directly related to asylum, the Treaty of Versailles establishes that:

⁷ The League of Nations was an intergovernmental organization, it tried to bet on multilateralism in international relations to overcome the national selfishness that had led to the great war catastrophe. The League of Nations was created under the Treaty of Versailles which ended the First World War.

Article 220: The German Government undertakes to admit to its territory without distinction all persons liable to repatriation.

Prisoners of war or other German nationals who do not desire to be repatriated may be excluded from repatriation, but the Allied and Associated Governments reserve to themselves the right either to repatriate them or to take them to a neutral country or to allow them to reside in their own territories.

The German Government undertakes not to institute any exceptional proceedings against these persons or their families nor to take any repressive or vexatious measures of any kind whatsoever against them on the account. (Treaty of Versailles, 1919, Article 220)

This section presents the use of asylum as a protection tool for prisoners of war. During this period, there was also the assistance of the International Prisoners of War Agency, created by the International Committee of the Red Cross. This organization had the purpose of locating and communicating prisoners with their families; considering that there were approximately 2.5 million prisoners of war. Later, the Treaty of Versailles would cease to be in force due to the beginning of World War II. Once the international conflict ended, the League of Nations was dissolved and would be succeeded by the United Nations, founded on October 24, 1945. This new International Organization created the Universal Declaration of Human Rights. Within this declaration, the Asylum was recognized and it was established that: “1. In the event of persecution, everyone has the right to seek asylum, and to enjoy it, in any country” (Declaration of Human Rights, 1948, Article 14). The office of the United Nations High Commissioner for Refugees (UNHCR) was created on December 14, 1950, in order to help the millions of Europeans displaced by the war. UNHCR was another institution created within the United Nations, with the specific objective of assistance for war refugees.

1.3. Geneva Convention on the Status of Refugees of 1951 and the New York

Protocol of 1967:

The United Nations, through the Geneva Convention in 1951 and the New York Protocol of 1967, created the Status of Refugees, which represents a key international legal instrument to establish a concept of refugees, their rights, and the obligations of States; but also referring to asylum. First, the Geneva convention was approved on July 28, 1951, it settled the nature that the Refugee Statute will have, however, there were modifications in the New York protocol. The UN Refugee Agency, UNHCR establishes that:

The fundamental principle that emerges from the 1951 Convention is the non-refoulement, which refers that a refugee should not be returned to a country where he or she faces serious threats to his/her life or freedom. This principle is already considered a rule of customary international law. (UN Refugee Agency, 2020)

This Statute establishes:

2) As a result of events occurring before 1 January 1951 and owing to well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (Convention on the Status of Refugees, 1954, Article 1)

Subsequently, in the 1967 New York Protocol, the most important modification was to remove this limitation of space and time, based on classifying as a refugee the person who has been persecuted before January 1, 1951. This Statute, in matters of obligations of the

States, promulgates in Article 32, about expulsion: the Contracting States⁸ shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary. (Convention on the Status of Refugees, 1951, Article 32).

1.4. Asylum in America and Diplomatic Asylum:

Although the evolution of asylum has been explained from an international perspective, the development of this institution should be analyzed at the regional level, because some key moments about this issue occurred at the same time in America. The year 1928 represents an important stage in the history of asylum as an institution. From February 16 to 26 of that year, the Pan American Union⁹ organized the Sixth Pan American Conference. This conference was dedicated to dealing with issues related to Private International Law. On February 20, during this conference, the Asylum Convention was established, which, although it was not successful in the ratifications of the party countries, it became a first attempt to do something regarding this topic. The Caracas Convention in 1954, with the convention on diplomatic asylum, took a relevant step on this issue, despite not having the ratification of the United States, Canada, and certain Caribbean countries. This Convention has the ratification of a large part of Latin American countries, including Ecuador. This convention in its first article dictates:

Article 1: Asylum granted in legations, warships, and military camps or aircraft, to persons persecuted for political reasons or crimes, will be respected by the territorial State in accordance with the provisions of this Convention .

⁸ State that has consented to be bound by the treaty, whether or not the treaty has entered into force.

⁹ It succeeded the International Union of American Republics founded in 1889, later in 1910, its name changed to the Pan American Union until 1948, when it was renamed the Organization of American States.

For this Convention, legation is any ordinary diplomatic mission headquarters, the residence of the heads of mission and the premises enabled by them for the residence of asylees when their number exceeds the normal capacity of the buildings ... (Convention on Diplomatic Asylum, 1954, Article 1)

Diplomatic asylum is not universally recognized in International Law. Nevertheless, diplomatic asylum is recognized within international Latin American treaties and is customarily applied due to its development throughout history. Diplomatic asylum is not recognized by all States' legal structures. Latin America has been a forerunner on the legality of asylum. In the advisory opinion of May 18, 2018, of the Inter-American Court of Human Rights, it established a difference between territorial asylum and diplomatic asylum. Territorial asylum refers to the protection that a State offers in its territory to nationals or habitual residents of another State where they are persecuted. While diplomatic asylum consists of the protection that a State provides in its legations, warships, military aircraft, and camps, to nationals or habitual residents of another State where they are persecuted (Inter-American Court of Human Rights, 2018).

Diplomatic asylum has been a topic of discussion because States that do not formally recognize this type of asylum could consider it as an abuse of the immunity of diplomatic spaces.

1.5 Current legal regulations in Ecuador on Diplomatic Asylum:

Ecuador recognizes the asylum and refuge institutions within its Constitution, it established:

Art. 41: The right of asylum and refuge are recognized, in accordance with the law and international human rights instruments. People who are in a condition of asylum or

refugee will enjoy special protection that guarantees the full exercise of their rights. The State will respect and guarantee the principle of non-refoulement, in addition to emergency humanitarian and legal assistance.

Asylum or refugee applicants will not be subject to criminal penalties for entering or staying in an irregular situation.

The State, exceptionally and when the circumstances warrant it, will grant a group the status of refugee, in accordance with the law. (Constitution of Ecuador, 2008, Article 41)

Based on this, Ecuador also ratified international conventions. The Ecuadorian State ratified in 1958 the 1951 Convention on the Status of Refugees, while the Optional Protocol of 1967 was ratified in 1969. These instruments are regulated in Presidential Decree No. 118, of May 30, 2012, which regulates the asylum system in the country. There is also ratification by Ecuador regarding the Convention on Diplomatic Asylum in Caracas in 1954.

In the Organic Law of the Foreign Service of Ecuador, article 4 it is stated that the Ministry of Foreign Affairs, under the direct direction of Its Minister, is the central institution that guides, directs, and coordinates the work of diplomatic missions and consular offices and under its powers is established in number 7: Cases of diplomatic and territorial asylum, extradition and internment, all this in accordance with international laws, treaties, law and practice (Organic Law of Foreign Service, 2017, Article 4).

Asylum as an institution has been the result of a long historical process. Its origin responds to a survival need. People seeking for protection, escaped from the laws and punishments of a certain place. different cultures and civilizations have contributed to forging the institution of asylum in the international framework. Although asylum has certain classifications; diplomatic asylum is a tool that incites debate because many States do not

recognize it. Several Latin American legislations recognize this institution, while for other countries, this type of asylum serves to unjustifiably use diplomatic immunity. Ecuador has ratified several conventions on this subject and recognizes diplomatic asylum within its legislation.

CHAPTER 2

Background of Julian Assange and Wikileaks.

The case study of this thesis focuses on the diplomatic asylum of Julian Assange in the Ecuadorian embassy in London. In order to understand the reasons why there has been an asylum request, it is essential to know who Julian Assange is; the activities that he did in relation to global communication. This chapter will also explain the problems that he had with the United States Government to finally request for diplomatic asylum.

2.1. Origin of Julian Assange:

Julian Paul Assange is a programmer, born on July 3, 1971, in the state of Queensland, Australia. Due to a constant change of residence with his family, Julian Assange's primary studies were primarily homeschooling and mail courses. During his adolescence, Assange showed great aptitude for programming. He started to do activities related to "hacking"¹⁰. Using the nickname "Mendax", Assange infiltrated several security systems of global relevance such as NASA¹¹ and the Pentagon¹². He belonged to a group of young hackers from Melbourne.

On October 16, 1989, NASA was attacked by a cybernetic virus, under the name "WANK"¹³. This virus caused the postponement of the launch of a space shuttle in Florida. Because of these actions some American security agencies, including the FBI¹⁴, started to follow this case. The result of the investigation was linking this virus with hackers in the city

¹⁰ It is a way of referring to the act of a person, or better known as a hacker, who uses their knowledge of computer science and security to find vulnerabilities or security flaws in the system.

¹¹ National Aeronautics and Space Administration, a US government agency dedicated to the civil space program and aeronautical and aerospace research.

¹² Headquarters of the United States Department of Defense, charged with the proportion of military force and protecting the security of the United States.

¹³ Known as Computer Worm, Worms Against Nuclear Killers (WANK), is the first computer virus created by one or more Australians. It is known for having a political message.

¹⁴ Federal Bureau of Investigation is the main criminal investigation agency of the United States Department of Justice.

of Melbourne. Although there was no concrete evidence, many believe that the cybernetic attacks were done by Assange and his group. In 1991, Australian authorities charged Assange with 31 cybercrime cases, most of which he pleaded guilty. However, the sentence was limited to a monetary fine and the judge declared that the acts committed were the result of juvenile curiosity. Assange studied Physics at the University of Melbourne but dropped out before earning his degree, so he worked as a computer security consultant. He became the most famous hacker in Australia.

There are many reasons that generate motivation for people to experiment with this type of illegal activity. Suelette Dreyfus, writer and academic researcher comments that many hackers who have communicated directly with her, affirmed that browsing through different systems gives them a new perspective of how the world works since they are able to find real information that directly contradicts what an organization or a politician expresses in a public way (RT Documentaries, 2020, 7m10s).

2.2. Creation of Wikileaks, purpose and importance:

In 2006, Julian Assange created Wikileaks. The aim of this digital platform is to receive information and sensitive documents related to acts of corruption, military issues, among other areas of common interest of different governments. This was achieved through the TOR computer network¹⁵ so people that gave information to Wikileaks can maintain their anonymity.

From the point of view of its creators, Wikileaks was born as a tool to make transparent the information that officials of different governments were showing to citizens. This generates a debate on the ethics of this type of organization. Nowadays, it is evident that

¹⁵ The Onion Router is an internet network that uses Onion Routing, in this way this program protects the anonymity and privacy of its users' data, by changing the traditional internet routing.

companies, banks, or government entities are linked with computer systems as a way of maintaining data in a more efficient way. This is why the concept of "ethical hacking" has also been created. Ethical hacking is the formal hiring of experts in this computing and programming area, to hack a specific system, to find and solve problems and vulnerabilities that systems can have (Chamber of Valencia, n.d.).

Considering the intention of Julian Assange to create Wikileaks, the objective of this organization can be connected with the concept "Cypherpunk", a cypherpunk can be defined as those who defend the use of cryptography and other related methods to achieve political or social change (Appelbaum et al. 2012. p.5).

2.3. First activities of Wikileaks:

The first Wikileaks publication occurred in December 2006. It was a message from a Somali rebel leader, encouraging the use of armed men to assassinate government officials. Although the veracity of the document was not confirmed, Wikileaks entered into a debate on the lack of ethics or not on showing this kind of content. Later, this information would continue to be filtered.

In August 2007, 110 pages were leaked proving the links between the family of the former Kenyan president, Daniel Arap Moi, with shell companies located in approximately 30 countries representing hundreds of millions of euros of public funds. The Guardian newspaper was responsible for publishing this information. Wikileaks, in November of the same year, published documents related to procedures manuals kept within the Guantánamo Detention Center and detailed the living conditions of inmates.

In February 2008, this organization leaked information regarding how the Swiss Bank Julius Baer assisted its clients to evade taxes, using the Cayman Islands tax system; this leak

caused Assange faces justice for the first time linked to Wikileaks, in this case, a California court, forced the organization to remove this information from the internet and then to close the site. After the sentence was revised, Wikileaks' site started to work again. Between September and November of the same year, a secret list of 13,500 members of the British National Party, the far-right party of the United Kingdom, and internal documents on the leaders of the church movement called Scientology were released (Ray, n.d.).

In January 2009, the website leaked 600 UN reports detailing sexual abuse committed by members of European peacekeepers against young refugees. In July of this year, Wikileaks released a report explaining a nuclear accident at the Natanz nuclear complex. This situation was followed by the resignation of the director of Iran's atomic energy agency. Regarding this case, the French Ministry for Europe and Foreign Affairs affirms that the Iranian-led nuclear program has been a concern for the international community since 2002, when it was discovered the existence of these clandestine headquarters: one of uranium enrichment in Natanz and another one (heavy water) in Arak (a production plant and a research reactor). Iran also clandestinely built a second plant. The existence of this plant became known in 2009 (Ministry of Europe and Foreign Affairs, 2015). In November, private emails from the Climate Research Unit of the University of East Anglia were leaked as well. In these, it is detailed that the data would have been changed by the scientists of this research unit. However, it was shown that the data was not altered. In the same month, Wikileaks released thousands of messages from search teams, the Pentagon and the New York Police, related to the attacks of September 11, 2001. In the newspaper El País it was declared:

“... Many warnings that refer to the collapse of the Twin Towers end with a dramatic phrase: "it's horrible." Wikileaks publishes that these warnings come from the New York police, the Pentagon, the emergency services, anonymous citizens, and computers that give

an automatic message that the servers are down. The first message dates from five hours before the start of the tragedy.

For Wikileaks, these testimonies are an objective account of what happened and allow us to understand the events and their dramatic consequences. The site has about half a million of these messages, sent by small communications devices that are practically in disuse today". (El País, 2009)

Although Wikileaks made many more publications, all these events represent certain important leaks and they had sensitive content for international organizations and various governments.

2.4. Leakage of Collateral Murder, War Logs and the Cablegate case:

2010 can be seen as a year of inflection between Wikileaks and the world due to the importance and magnitude of the leaks that the organization made. On April 5 of that year, Wikileaks leaked a video of an attack from a United States Army helicopter to 12 civilians in the city of Baghdad. This video was called "Collateral murder" and corresponds to a recording of July 12, 2007. In this case, the key element is former US soldier Bradley Manning, currently under the name Chelsea Manning. He was the person who sent 700,000 confidential files of the Department of State and the United States Army (among them the video of Iraq). In April, Manning was arrested on suspicion of leaking confidential United States information.

In July 2010, there was a major leak, known as "the Diaries of the war in Afghanistan". This leak consists of 76,607 documents about the conflict in Afghan territory. It details civilian deaths due to friendly fire among coalition troops from countries that were fighting Taliban insurgents. These documents were published by internationally recognized

newspapers such as The Guardian or The New York Times. Within the archives, it appears the existence of a secret unit called the “black” unit. The aim of this secret unit was the search, alive or dead, of the Taliban leaders. It also details how the coalition of nations used special weapons for drone attacks from a base in Nevada. It was revealed that the United States denied knowing that Taliban groups had deadly techniques with surface-to-air missiles and the existence of massacres orchestrated by these groups.

One of the most important leaks made was in October, 2010. This leak is known as "The War Logs" or "The records of the Iraq war". 391,832 confidential documents related to the practices of the United States Army during the conflict on Iraqi territory. It details the existence of torture by US soldiers to captured Iraqis, including electrocutions and even their execution. Furthermore, US soldiers would have been responsible for the death of civilians in the middle of the conflict. These practices were reported to have reached the hands of Army Commanders but they did not initiate any additional investigation into these cases. In the leaked documents it was established that the United States kept a registry of the people who died in the middle of the war, although the government denied this information. The BBC Mundo portal says that within the files that Wikileaks leaked there is the number of deaths in Iraq between 2004 and 2009 reached 109,000, and the percentage of deceased civilians was 63% (66,081 people) (BBC Mundo, 2010). The Pentagon referred to this event as the largest leak in US history.

Finally, on November 28, 2010, Wikileaks made one of the largest and most sensitive leaks for the US government, known as the “Cablegate” case. This event focuses on the filtration of approximately 250,000 diplomatic cables¹⁶ from the State Department, this evidenced the power that the United States has at international level over other states. From a realistic point of view, the landscape of international politics and international relations is

¹⁶ Mode of communication of diplomatic affairs of a country.

over a dangerous terrain where each state looks for opportunities to have some advantage over another state. In this continuous search for power, the state not only tries to have power but to prevent other states from reaching that place. Although the international system is not continually in danger of entering a confrontation, there is a constant competition for the security and interests of the state (Mearsheimer, 1994, p. 10).

The Cablegate leak exposed several acts commanded by the United States, among them, there were profiles of different leaders of the most powerful countries in the world, the permission of the United States for its diplomatic representatives to spy on governments and organizations such as the United Nations. Furthermore, the Arab countries' growing fear of Iran's nuclear arsenal is also a serious issue in these cables, indicating a request from Saudi Arabia to the United States to bomb Iranian nuclear facilities. The documents also indicate China's interest in having power over a possible unified Korea. In the case of Latin America, the documents exposed the increase of Cuban spies getting into Venezuela. It is mentioned that the Secretary of State, Hillary Clinton, was investigating the mental situation of Cristina Fernández de Kirchner, as well as how Cristina was working with former President Néstor Kirchner. In the case of Ecuador, there were between 800 and 900 cables, although the vast majority were identified as "unclassified", that is, they did not have sensitive content but were for the exclusive use of the United States. Among the most important documents, there is one that dates from the year 2004, in which there is information about attacks by former president Lucio Gutierrez in the newspapers "El Universo" and "El Comercio".

2.5. Immediate actions by the United States:

The US government started a criminal investigation of Julian Assange, WikiLeaks staff, his supporters and collaborators. This investigation was made between the government and several US agencies. An investigatory jury was summoned in Alexandria, Virginia, together with the Department of Justice and the FBI. Through the Espionage Act of 1917, the agencies and the government presented charges against the organization. Conspiracy was among the reasons to prove the culpability of Wikileaks.

The US government tried to stop internet servers from providing service to Wikileaks. On December 1, 2010, Amazon removed WikiLeaks from its storage servers, then on December 2, the DNS server¹⁷ was attacked. This server was assigned to the Wikileaks.org domain. WikiLeaks managed to stay on the network during the development of these events due to the massive creation of "mirrors", through which thousands of WikiLeaks followers copied the website and hosted their own version distributing the IP addresses through social networks.

During the same month of December, certain banking and financial entities, including VISA, MasterCard, Paypal, and Bank of America, also accepted the requests from the United States and began to deny WikiLeaks financial services. They blocked bank transfers and all donations made with credit cards.

Julian Assange, in a certain way, made history, when talking about information and how to transmit it. The fact of creating Wikileaks has opened a debate on whether their actions are ethical or not. All the leaks have meant a blow to the credibility of the world's governments and organizations to the population. Many governments have tried to decrease

¹⁷ Domain Name System, is a database system distributed on the network with the main function of managing the domain name space. Information about specific host names that match specific numbers is stored in the directory. The directory is stored on domain name servers.

the activities of Wikileaks, however, there is a block of citizens and organizations that defend this type of information transparency.

CHAPTER 3

Diplomatic asylum of Julian Assange, administration of Rafael Correa, and diplomatic relations Ecuador - United States.

Ecuador was a key piece in the case of Julian Assange since it was the country that granted diplomatic asylum to the creator of Wikileaks in 2012, an action that caused an international debate and the emergence of several positions for the decision of the Ecuadorian government. Due to the asylum granted by the Ecuadorian administration in that year, there were changes in bilateral relations with the United States. These changes were due to the interest that the North American nation had for Assange, caused by the massive leaks related to the US government (Collateral Murder, War Logs, and the Cablegate case).

3.1. Background of the diplomatic relationship between Ecuador and the United States, before the diplomatic asylum of Julian Assange:

3.1.1. Review of the beginning of diplomatic relations between Ecuador and the United States:

Ecuador and the United States share a long diplomatic history. The US Government in 1825, sent its first representative to Ecuador (at that time part of Gran Colombia¹⁸), William Wheelwright served as consul in the city of Guayaquil. In 1839 the two countries signed the Treaty of Peace, Friendship, Navigation, and Commerce (US Embassy and Consulate in Ecuador, n.d.). In 1830, Ecuador ceased to be part of Gran Colombia, the new Ecuadorian state tried to get into the international political and commercial framework through this type

¹⁸ Country constituted by the current territories of the States of Ecuador, Colombia, Venezuela and Panama, which was created in 1819 in the Congress of Angostura and which would be ratified in 1821 in Cúcuta, with the union of Venezuela and La Nueva Granada, joining Panama in 1821 and in 1822, Guayaquil and Quito. This nation existed legally until the year 1831.

of agreements, in order to receive recognition as an independent nation by the world powers and strategic countries of that time.

The following chapter will briefly review the bilateral relationship between Ecuador and the United States from the stage of the return of democracy, presenting the key moments, in order to have a clear idea of how the two countries kept their proximity and compare it with the change since the administration of former president, Rafael Correa. During Correa's administration, the diplomatic asylum was granted to Julian Assange and considering the interest that the US government had in the creator of Wikileaks, it could cause actions that affect the relationship between the two countries.

3.1.1.1. 1979-1984:

In this period, Ecuador was in a transition of its political structure, going from a military dictatorship (1976-1979) to a representative democracy, which was led by the election of former president Jaime Roldós Aguilera. Roldós was the Ecuadorian president for just one year and nine months due to his death in a plane crash on May 24, 1981. Later, his vice president, Osvaldo Hurtado, took over as president of the Republic of Ecuador until 1984. During this period, the bilateral relationship with the United States was not exactly a priority for either of the two countries. Being in the middle of the Cold War, the United States had greater concern in Central America where there was an east-west ideological dispute (Santos, 2005, p. 20). In the short period of Roldós' presidency, he demonstrated a neutral and independent diplomatic position regarding the United States. With Roldós, Ecuador strengthened relations with countries of other blocs such as China, Eastern, and the Western European States, and developing countries. Osvaldo Hurtado continued with this foreign policy until 1984. On September 25, 1981, Ecuador joined the Non-Aligned Movement, a coalition of governments that kept distance from the struggle of the interests of the blocs that

emerged as a result of the Cold War. This Movement had as a guide the 10 principles of Bandung¹⁹.

3.1.1.2. 1984-1988:

Ronald Reagan was the President of the United States (1981-1989). His administration was characterized by an anti-communist foreign policy. The Reagan government promoted from 1981 to 1983 a tough foreign policy with Latin American countries, especially with Cuba and Nicaragua, due to their political positions in that period. Later, from 1984 to 1985, the Reagan administration was distinguished by a policy much closer to respect and guarantee of Human Rights, supporting the development of Latin countries and recognizing the great North-South gap, and collaborating with democratization processes.

In 1984, León Febres Cordero became president of Ecuador with the Partido Social Cristiano. During his administration as president, diplomatic relations with the United States were strengthened. Febres Cordero showed his permanent support for the United States within the Organization of American States. The visit of former President Febres Cordero to the United States in 1985 is a historical moment. This visit had the purpose of meeting with executives of the International Monetary Fund to renegotiate Ecuador's foreign debt and deal

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191. Respect for fundamental human rights and the objectives and principles of the United Nations Charter.
 2. Respect for the sovereignty and territorial integrity of all nations.
 3. Recognition of the equality of all races and the equality of all nations, large and small.
 4. Refraining from intervening or interfering in the internal affairs of another country.
 5. Respect for the right to defend itself of each nation, individually or collectively, in accordance with the Charter of the United Nations.
 6. A) The abstention from the use of collective defense pacts in service of the particular interests of any of the great powers. B) The abstention of every country from exerting pressure on other countries.
 7. Refrain from carrying out acts or threats of aggression, or from using force against the territorial integrity or political independence of any country.
 8. The peaceful solution of all international conflicts, in accordance with the Charter of the United Nations.
 9. The promotion of mutual interests and cooperation.
 10. Respect for justice and international obligations.

directly with President Ronald Reagan, about opportunities to strengthen diplomatic bonds between the countries and investment chances of the North American country in Ecuador. There are criticisms of this new position since it broke with the relations of Ecuador at the Latin American level. Palacio (2001), establishes that Febres Cordero's foreign policy was a regression to the multiculturalist and non-alignment policies managed by Hurtado (p. 153).

3.1.1.3. 1988-1992:

With the administration of Rodrigo Borja, the multilateralist foreign policy returned. As Robayo (2005) mentions, President Borja was responsible for restoring the international prestige of Ecuadorian foreign policy, reflecting that the actions taken by his Government were independent from possible interference by world powers, without affecting his diplomatic relations (p. 90).

The United States, with George Bush as president (1989-1993), within its foreign policy plan, tried to strengthen the United States-Latin America relations in different aspects such as increasing trade relations, fighting against drug trafficking, among others (Palacio, 2001). On June 27, 1990, the United States established the “Initiative for the Americas”. This was a proposal made by Bush with three fundamental pillars based on stimulating trade, increasing foreign investment, and reducing foreign debt. With this program, Ecuador was part of the international agenda of the United States but there was no bilateral relationship as a priority.

3.1.1.4. 1992-1996:

In order to understand the bilateral relations between Ecuador and the United States during the presidential period of Sixto Durán Ballén, it is important to establish that his administration began within a new phase of the international scene due to the end of the Cold

War. Due to this absence of conflict, international relations changed throughout the world. The Ecuador-United States relations were conducted in a friendly manner during this presidential cycle, marking a peak moment in the relationship between these States, mainly because of Sixto Durán Ballén's liberal vision of the economy.

There was also an increase in commercial relations, establishing bilateral agreements, especially in matters of Intellectual Property (1993), which would benefit the United States since royalties were paid for US software and technologies used in Ecuador. In the same year, there was an agreement for the reciprocal protection of investments, to maintain a stable framework for investments and promote more efficient investment. There was an extension granted by the United States within the ATPA²⁰, which would help Ecuadorian exports (Palacio, 2001).

3.1.1.5. 1996-1998:

Abdalá Bucaram Ortiz became president in August, 1996 and was dismissed in February 1997. In his short period, there was an attempt to strengthen relations with the United States due to the commercial and political dependence that existed. There were accusations of corruption during Bucaram's government; because of this, the US embassy expressed its concern about this situation that would later end with the dismissal of Bucaram. After the brief passing of Rosalía Arteaga in the presidential position, Fabián Alarcón would finally become the president of Ecuador. During his administration, the vision of the United States as the main commercial partner did not change.

3.1.1.6. 1998-2003:

²⁰ Andean Trade Preferences Law, an exception regime granted unilaterally by the United States to Peru, Bolivia, Ecuador and Colombia.

In August 1998, Jamil Mahuad assumed his role as president. Under his government, the influence of the United States was more evident in the economic decisions and even the politics of the Ecuadorian government. In this period, Ecuador finally reached a peace agreement with Peru. Since 1998, negotiations have been taking place between the governments of the United States and Ecuador on the Manta military base, so this base can be used by the United States in order to control drug trafficking in the region. Undoubtedly, the issue of the Manta Base was the subject of debate since, on one hand, this was seen as a tool to prevent drug trafficking and, on the other, as a violation of Ecuadorian sovereignty. About this agreement, Salgado (n.d.) refers to a ministerial report on the agreement stating that between Ecuador and the United States of America there were 10 bilateral agreements to combat drug trafficking already, therefore it can be concluded that the delivery of the Manta Base was not necessary (p. 76).

Due to an economic crisis that intensified at the end of 1998, because of El Niño phenomenon and the fall of oil prices, by the end of 1999, national finances were affected by the economic fall of 7%, the price of a barrel of oil at USD 7 and inflation of 60.7%, which caused the closure of thirty banking institutions (El Comercio, 2016). Furthermore, the transition from dollarization caused protests that ended with the overthrow of Jamil Mahuad in January, 2000. The vice president at that time, Gustavo Noboa, became president in a period of economic recovery but was insistent on maintaining the dollarization policy in the country.

3.1.1.7. 2003-2006:

In January 2003, Lucio Gutierrez became the elected president of Ecuador and within his administration, he followed a policy of dependence on the United States for economic issues and because the United States was the main commercial partner of Ecuador.

Meanwhile, the United States, with Bush as president, established on his agenda a general plan concerning Latin America as a matter of maintaining and reinforcing existing relations. In April 2005, Lucio Gutierrez was overthrown, based on issues related to corruption within his government and a general rejection of the population with his administration. Gutierrez was succeeded by his vice president, Alfredo Palacio, who maintained the guideline of diplomatic relations with the United States until 2007.

3.1.2. Background of diplomatic relations between Ecuador and the United States during the administration of Rafael Correa, before the asylum of Julian Assange:

In the presidential elections of 2006, Rafael Correa became the new president of Ecuador, being the representative of this country for 10 years; from January 15, 2007, to May 24, 2017. The administration of Rafael Correa and the so-called *Revolución Ciudadana*²¹ was characterized by a nationalist policy. In addition, the administration of Rafael Correa, in its foreign policy was based on 7 axes:

a) The defense of sovereignty; b) active multilateralism; c) Latin American integration; d) diversification of international markets and South-South cooperation; e) protection of the environment; f) the protection of the rights of Ecuadorian migrants, and g) the free mobility of people and universal citizenship. (Zepeda and Egas, sfp99)

Regarding bilateral relations with the United States, Rafael Correa's candidacy caused concern because of his political ideology. Later, Correa would be responsible for the non-renewal of the Manta Base Agreement, therefore the United States would have to abandon this military base. The signing of a free trade agreement between the two states was rejected; and Ecuador became part of the OPEC²² again. In addition, Correa established a

²¹ Political and social-economic project made up of leftist politicians and a variety of social organizations in Ecuador.

²² Organization of Petroleum Exporting Countries.

regional integration with governments of the same political line such as Venezuela, Bolivia, Argentina and Cuba mainly. The administration of Rafael Correa would cause that the relations with the United States to become less dependent.

3.2. Acceptance of the application for diplomatic asylum and political position of the administration of former President Rafael Correa:

3.2.1. Previous actions to the diplomatic asylum of Julian Assange:

While Wikileaks made leaked information related to acts committed by the US Government, the leader of the Organization, Julian Assange, was accused of rape and sexual harassment by two women in Sweden. In August 2010, Swedish authorities ordered the arrest of Assange, although it would be withdrawn hours later. On November 18 of the same year, Sweden established a European arrest warrant, while Assange was residing in England, for this reason, his extradition was requested, for this purpose he was arrested by English authorities on December 7, 2010. Due to these problems, Julian Assange started a legal confrontation in the United Kingdom (Ambos, 2013).

A year and a half later, on May 30, 2012, the UK Supreme Court declared Assange's extradition admissible, after denying an appeal by the founder of Wikileaks to take his case to another instance, which was based on the legal invalidity of these accusations. This sentence caused the creator of Wikileaks to escape to the Ecuadorian embassy in London on June 19, to receive diplomatic asylum on August 16, 2012 by the government of Rafael Correa, who supported the actions committed by Assange and Wikileaks.

In an interview conducted by Julian Assange with Rafael Correa in 2012 documented by RT en Español; before Assange's arrival at the Ecuadorian embassy in London, several statements were relevant. Assange affirmed that among the diplomatic cables belonging to

the United States, it was determined that Rafael Correa has been the most popular president in the democratic history of Ecuador. In addition, Correa established that he supports the leaking of diplomatic cables, including those from Ecuador, since there is nothing against his government. Finally, the former Ecuadorian president reiterated that Wikileaks helped Ecuador because it showed the existing nationalism in his government and evidenced the existence of media elite groups in the country (RT en Español, 2012).

3.2.2. Agreement of the diplomatic asylum of Julian Assange and official position of the Ecuadorian Government:

Based on the isolated case of diplomatic asylum that was granted to Julian Assange, on August 16, 2012, by the administration of Rafael Correa, there was an official statement of the Ecuadorian government, which declared:

"... Assange has made the decision to request asylum and protection from Ecuador due to the accusations that, according to him, have been made against him for alleged "espionage and treason", with which this citizen exposes the fear that instills in him the possibility of being handed over to the authorities of the United States of America by the British, Swedish or Australian authorities since that is a country, says Mr. Assange, which is persecuting him due to the declassification of compromising information for the US Government". (Ministry of Foreign Affairs and Human Mobility, 2012)

To this international problem, the Ecuadorian Government, in Communique No. 042 of the Ministry of Foreign Affairs, Trade and Integration, also affirms:

“Finally, Ecuador addressed a communication to the United States Government to officially know its position on the Assange case. The inquiries concerned the following:

1. If there is an ongoing legal process or the intention to carry out such a process against Julian Assange and/or the founders of the Wikileaks organization; The United States

response has been that it cannot offer information regarding the Assange case, claiming that it is a bilateral matter between Ecuador and the United Kingdom”.

(Ministry of Foreign Affairs and Human Mobility, 2012)

2. This shows that since the formal acceptance of the diplomatic asylum of Julian Assange, there has been a position of the administration of Rafael Correa in terms of showing some caution of the actions that the United States could take against Julian Assange.
3. If there is an intention to request the extradition of Julian Assange to the United States.

The United States response has been that it cannot offer information regarding the Assange case, claiming that it is a bilateral matter between Ecuador and the United Kingdom”. (Ministry of Foreign Affairs and Human Mobility, 2012)

This shows that since the formal acceptance of the diplomatic asylum of Julian Assange, there has been a position of the administration of Rafael Correa in terms of showing some caution of the actions that the United States could take against Julian Assange.

3.3. The diplomatic asylum of Julian Assange and main effects on relations between Ecuador and the United States:

3.3.1. First reactions from the United States:

Based on various arguments and the national and international regulations of which it is a part, the Ecuadorian Government accepted this asylum request, intending to protect free expression and free press rights of the founder of Wikileaks. This action by the administration of Rafael Correa has had diverse opinions at the international level. In the Resolution of the

Twenty-Seventh Consultation Meeting of Foreign Ministers of the Organization of American States, it was resolved that:

4. Reject any attempt that endangers the inviolability of the premises of diplomatic missions and reiterate the obligation of all States not to invoke rules of domestic law to justify non-compliance with their international obligations, and in this context express their solidarity and support for the Government of the Republic of Ecuador. (Organization of American States, 2012)

Therefore, some governments from the same region of Ecuador and with similar political backgrounds showed their support for the decisions regarding Julian Assange. However, the United States indicated through a reservation, concerning resolution number 4:

The United States wishes to express its understanding that the United Kingdom has not invoked norms of its domestic law to justify the breach of its international obligations. In its statements in this regard, the United Kingdom has highlighted that its domestic legislation requires that any action related to the Embassy of the Republic of Ecuador comply with international law, including the Vienna Convention on Diplomatic Relations. (Organization of American States, 2012)

3.3.2. Diplomatic tension between Ecuador and the United States?:

Due to all the actions committed by Wikileaks and its founder Julian Assange against the US Government by exposing them globally, the reasons for this nation's interest in him are clear. Even before the asylum granted to Assange, there were already diplomatic conflicts between the two states, related to the actions of the founder of Wikileaks, beginning in April 2011; when the Ecuadorian government declared the US ambassador, Heather Hodges, as a persona non grata; due to a diplomatic cable leaked by Wikileaks where, as the former

Foreign Minister of Ecuador, Ricardo Patiño said, the ambassador affirms that Rafael Correa would have appointed Jaime Hurtado Vaca as the general commander of the Police, who, through threats and extortion, hindered processes to investigate police officers for corruption cases (teleSUR tv, 2011, 00m37s). These were the first problems of a diplomatic nature due to Julian Assange since the United States also expelled the Ecuadorian ambassador Luis Gallegos as a result of the actions taken by Ecuador.

As the time of Assange's stay in the Ecuadorian embassy passed, there were certain important milestones in the bilateral relations of Ecuador and the United States. The fact that the Ecuadorian Government accepted Assange's asylum request under the premise that the asylee was afraid of being handed over and processed in North American territory due to persecution for the interest that falls on him; contrasts with the statements of Adam Namm, the United States Ambassador in Ecuador from 2012 to 2015. A month before the officialization of Julian Assange's asylum, the diplomat referred to this as a matter that did not concern the United States, since it was a situation exclusive to Ecuador, Sweden and Great Britain (El Universo, 2012). On November 19, 2013, again, Adam Namm established the concern of the United States in actions of the Ecuadorian Government about its proximity to Iran and Belarus, in addition to the asylum granted to Assange and the sentence of 40 million dollars against the newspaper El Universo. Finally, the US ambassador put pressure on Ecuador in a certain way, stating that the American congress was close to reviewing the guidelines of the ATPDEA agreement²³. Rafael Correa responded to what Namm established, qualifying him as a novice and adding that Ecuador should not ask anyone for permission to maintain bilateral relations (El Universo, 2013). Subsequently, the Ecuadorian administration announced in June that it would abandon the ATPDEA unilaterally, establishing that there

²³ The ATPA expired on December 4, 2001 and as of October 2002 it was renewed under the name of APTDEA or Andean Trade Promotion and Drug Eradication Act.

will be no pressure from the United States using this agreement as a mechanism to influence internal decisions in Ecuador.

In later years there was a rapprochement between Ecuador and Sweden to facilitate the investigation into the criminal accusations that Assange had against him. On December 11 the two countries signed a Criminal Assistance agreement so that the founder of Wikileaks was interrogated within the Ecuadorian embassy in London. Thereby, between November 14 and 15, 2016 there was an interrogation with the presence of the Ecuadorian prosecutor, Wilson Toinga, and several Swedish magistrates. Finally, on May 19, 2017, the Swedish authorities shelved the investigation against Assange that had been open since 2010. However, the London Metropolitan Police issued a statement in which it indicated that, despite the decision of the Swedish authorities, Assange could be arrested if he leaves the embassy and it is stated that:

"The Westminster Magistrates Court issued an arrest warrant for Julian Assange after he refused to appear in that court on June 29, 2012. The Metropolitan Police service is obliged to execute that order if it leaves the embassy. " (BBC News, 2017)

It must be understood that there have indeed been consequences in the bilateral relations of Ecuador and the United States as a result of the situation of Julian Assange. However, it is disproportionate to connect any variation in the diplomatic relations of two States with a specific case, since these relations come from various sectors of a country and even the political ideology that the administration manages in different periods of history, as has been perceived in the continuous evolution of the diplomatic relations of the nations presented.

CHAPTER 4

Administration of Lenín Moreno, termination of Julian Assange's asylum and diplomatic relations Ecuador - United States.

Once Rafael Correa's administration ended, he was succeeded by Lenín Moreno; with him, there were variations from a political and diplomatic point of view. This chapter will analyze the changes in the diplomatic relations that existed between Ecuador and the United States during the Moreno administration while analyzing how the situation of Julian Assange's diplomatic asylum evolved until its formal termination by the Ecuadorian Government and if there were repercussions of their asylum in the diplomatic relations between the mentioned States.

4.1. Position of the administration of Lenín Moreno regarding diplomatic relations with the United States and the diplomatic asylum of Julian Assange:

Lenín Moreno's administration started on May 24, 2017, after winning the presidential elections in the second electoral round on April 2 of the same year. Despite having belonged to the political movement of Rafael Correa, of whom he was vice president; in the first months of Government, Lenin Moreno showed a turn on the main actions and political ideology that were normally handled. Investigations of various Correistas officials began, ending, for instance, with the imprisonment of Moreno's vice president, Jorge Glas; in addition to arrest warrants for several of his political colleagues in previous years. All these actions had an impact on the relation between Lenín Moreno, Rafael Correa and the political position they shared.

As has been analyzed in the previous chapter, certain characteristics were notorious²⁴ in foreign policy during the administration of Rafael Correa, however, during Moreno's administration, there were several changes, especially with the relationship that was carried out with the United States.

It is important to contextualize the political situation in which the United States was at that time. On January 20, 2017, Donald Trump became the president of the North American country. Trump carried out the so-called "America First" as a foreign policy, he did not have Latin America as a priority, concentrating instead on an administration focused on the growth of his own nation.

Due to this change in the foreign policy of the United States Government on Latin America, the Ecuadorian Government had a position about it; in effect, in the Lenín Moreno administration, there is the Foreign Policy Agenda 2017-2021; where the perspective of the Government regarding United States, mentioning the growth of China, the turn that Donald Trump will give to the foreign policy of his country, tending to trade protectionism, it is established that the US Government prioritizes the internal needs: security and defense, and these changes will cause considerable cuts in cooperation funds and foreign aid by 32%. For Latin America, a 36% cut in allocations. In addition, the Trump administration's foreign policy on Cuba is mentioned as a political setback. Finally, regarding the situation in Venezuela and the position of the United States Government, which has indicated "not to rule out the military option," a fact that generates the rejection in the region (Ministry of Foreign Relations and Human Mobility, 2018, p. 18).

The initial position of the Ecuadorian government, represented by Lenín Moreno, was critical of the foreign policy actions carried out by the Donald Trump administration.

²⁴ Chapter 3: 3.1.2. Main antecedents of diplomatic relations between Ecuador and the United States during the administration of Rafael Correa, before the asylum of Julian Assange

However, after the political situation that has been explained at the beginning of this chapter, the position of the Lenín Moreno administration showed changes in its diplomatic approach with the United States; In February 2018, the Undersecretary of State for Political Affairs, Thomas Shannon had a rapprochement with the Ecuadorian Government, holding meetings with the National Assembly and later with Lenín Moreno, where he raised the increase of bilateral cooperation in various aspects, in benefit of the two states. They also agreed on concern about the crisis in Venezuela and the importance of a regional commitment to support the country on the path to democracy, peace and prosperity. The two countries reaffirmed their commitment to expand cooperation in the fight against drug trafficking and other transnational crimes (US Embassy and Consulate in Ecuador, 2018). This marks a turn to the initial position of Ecuador on foreign affairs with the United States and even on other countries, in the case of Venezuela.

In June 2018, Ecuador received the former Vice President of the United States, Michael Pence, who held a meeting with the Ecuadorian president and once again shared the intentions of their governments to strengthen bilateral initiatives, combat transnational organized crime, drug trafficking, and violence, in particular, on the northern border of Ecuador. Something that can also be highlighted from the dialogue between President Moreno and Vice President Pence is that the importance of the existence of cooperation including mutual legal assistance and extradition was mentioned, in the fight against corruption, tax evasion, and money laundering. Under these statements, the Vice President of the United States announced that his Government will allocate funds to support programs in this regard, in addition, Vice President Pence announced that the United States Government will allocate funds for transparency programs and support for civil society, and strengthening programs. institutional (US Embassy and Consulate in Ecuador, 2018). On issues of anti-corruption programs, specifically, the United States announced an allocation of \$ 1.3

million in funds from the Department of State's Office of Democracy, Human Rights and Labor to support civil society, institutional strengthening, and Ecuador's participation in the Alliance Open Government (US Embassy and Consulate in Ecuador, 2018).

Several actions differentiated the Lenín Moreno's administration from the one previously presided by Rafael Correa, actions that directly or indirectly benefited the United States. Ecuador made a turn in relations with the bloc of Latin American countries. On August 23, 2018, the Ecuadorian Foreign Minister, José Valencia, announced the departure of Ecuador from the Bolivarian Alliance for the Peoples of Our America (ALBA-TCP), a decision that seeks to ratify the country's independence, based on principles, in its general actions in regional policy (General Secretariat of Communication of the Presidency, 2018). Subsequently, in January 2019, Lenín Moreno through a statement mentioned the constant support and solidarity of Ecuador for the Venezuelan people and that the peaceful solution of the social, political, and economic crisis that is going through has been requested on several occasions. Additionally, Moreno affirms that Ecuador, following the pronouncement of the Venezuelan Assembly, which is based on the regulations of its country and the Constitution, recognizes as interim president of Venezuela the president of the Assembly, Juan Guaidó (General Secretariat of Communication of the Presidency, 2019). Understanding the close relationship that Rafael Correa had with Hugo Chavez and Maduro, the conflict in relations between Ecuador and Venezuela can be deduced from these statements, which follow the thinking of the United States on that country. In addition, in September 2014, Rafael Correa had terminated Ecuador's relationship with the United States Agency for International Development (USAID), however, in September 2018, conversations for USAID cooperation in Ecuador were restarted, establishing projects that will help Ecuador in various productive and social sectors.

Finally, in March 2019, Lenín Moreno announced that Ecuador was no longer be part of the Union of South American Nations (UNASUR), of which he has been a part since 2011, The President of the Republic, Lenín Moreno, announced that Ecuador began with the procedures for the separation of the Union of South American Nations (UNASUR), and added that it maintains the commitment to create a true integration of Latin America that benefits the peoples and is not just a political platform (General Secretariat of Communication of the Presidency, 2019). This represented the deterioration of Ecuador's relations with the states of the Latin American bloc, which had governments classified as the socialism of the XXI century. Indirectly this division benefits the influence of the United States in South America.

4.2 Development of the diplomatic asylum of Julian Assange:

Lenin Moreno as president and foreign policy changing, also had a change in its position on the diplomatic asylum of Julian Assange, though not immediately. On December 4, 2017, Assange signed a document, renouncing the diplomatic asylum that was granted to him, however, on December 12 of the same year, Assange's naturalization process was granted, in order to give him Ecuadorian citizenship. This action was not known until January 11, 2018. Without the authorities confirming the fact, that same day it was verified that the WikiLeaks founder already had an Ecuadorian ID, with number 1729926483, from Pichincha. He even had a passport (El Universo, 2019). There was an attempt for Julian Assange to have a diplomatic post as a counselor in the Ecuadorian embassies in London on December 15 and Moscow on December 19, 2017, appointments that were not made because the United Kingdom did not give its approval.

In addition, the Ministry of Foreign Affairs and Human Mobility, issued an instruction manual for the process of determining the status of refugees and stateless persons²⁵ in Ecuador, through ministerial agreement No. 000150, which establishes the conditions under which can facilitate naturalization and subsequent delivery of Ecuadorian citizenship to foreign applicants (Ministry of Foreign Affairs and Human Mobility, 2018). It should be noted that this agreement was issued after Julian Assange was granted Ecuadorian citizenship.

Lenín Moreno, on December 17, 2017, warned Assange not to pronounce on foreign policy matters, because the creator of Wikileaks spoke about the situation of Catalonia in Spain through his social networks, supporting Catalan independence, to The reason for these actions, Assange would have signed a document, committing to avoid this type of action. On January 22, 2018, Lenín Moreno referred to Julian Assange as an “inherited problem” and that he hoped to find a prompt solution to the situation through mediation (El Universo, 2018). On March 26, 2018, Assange refers again to the situation in Catalonia and the arrest of Puigdemont in Germany, for this action, two days later, the Ecuadorian Government ordered the indefinite suspension of the communication systems used by Assange in the Embassy.

The tension over the Assange case was increasing. On May 17, 2018, through an official statement, the Government of Lenín Moreno ordered the immediate withdrawal of the additional security that was guarding the Ecuadorian embassy in London. Even in May of the same year, during an interview, Lenín Moreno assured that it had not been his decision to grant Ecuadorian citizenship to Assange, but rather an action taken by the chancellor at that time, María Fernanda Espinosa (DW Made for minds, 2018).

²⁵ Any person who is not considered his national by any State, in accordance with its legislation.

National Assembly authorities also began to get involved in the Julian Assange case. On September 9, 2018, Paola Vintimilla, an assembly member of the Christian Social Party, maintained that inconsistencies were found in the case of Assange's naturalization as an Ecuadorian citizen; Assemblywoman Vintimilla, together with her Social Cristianos bench, requested the Government to withdraw the nationality of the founder of Wikileaks and that the Comptroller's Office carry out an audit on the expenses incurred by the Ecuadorian State during the period of asylum at the embassy in London (Comptroller General of the State, 2018). On September 17, the Foreign Ministry makes the naturalization documents public and later, on October 13, Assange and Baltasar Garzón²⁶ received the "Special Protocol for Visits, Communications and Medical Attention to Mr. Julian Assange", which, according to the Ministry of Foreign Relations and Human Mobility establishes that this Protocol has the objective of:

“...establishing rules of coexistence and security between the asylee, the embassy officials and the users, taking into account the physical space and the time elapsed since the granting of asylum and taking into account the various occasions on which the asylee failed to comply with the commitments previously adopted with the Ecuadorian State and the provisions of the conventions on diplomatic asylum. Said Protocol also restores the asylee's access to communications (interrupted in March 2018 due to breaches); safeguards their health, well-being and the safety of the asylee and of the officials working in the Ecuadorian embassy, and establishes the identification requirement for the visits Mr. Assange receives ”. (Ministry of Foreign Affairs and Human Mobility, 2018, p. 27)

Baltasar Garzón filed a protection action on October 19, 2018, against the Protocol, based on the fact that its issuance constituted an arbitrary and unilateral action that would violate his right to integrity, equality and non-discrimination, freedom of expression, work,

²⁶ Julian Assange's Attorney General.

honor, and good name and protection of personal data, all rights that are enshrined in the Constitution of Ecuador. Despite this, on November 5, 2018, the legality of this protocol was recognized in the ruling of the judge in charge, and after Assange's appeal before the first ruling, on December 21, 2018, the ruling was confirmed. of first instance and denied the appeal filed. While this was happening, from December 1, Assange began to cover food, health, and laundry expenses in the Ecuadorian embassy.

4.3 Termination of the diplomatic asylum of Julian Assange by the Ecuadorian Government and the effects on diplomatic relations between Ecuador and the United States:

On April 11, 2019, the termination of the diplomatic asylum of Julian Assange was official. President Lenín Moreno established that asylum is an institution recognized by Ecuador, and that granting or withdrawing it is a sovereign power of the Ecuadorian State and due to the behavior of Julian Assange and his organization, his diplomatic asylum is officially terminated (General Secretariat of Communication from the Presidency, 2019). In addition, the Foreign Minister, José Valencia, also commented on the termination of Assange's asylum, maintaining that it is due to the continuous violation of the norms established in the inter-American conventions on asylum, breaches of the special protocol of coexistence and intervention in internal affairs. from other states. Finally, it stated that the effects of the nationality that had been granted at the end of 2017, were suspended due to irregularities in the process on April 10, 2019 (El Universo, 2019). After this, Assange was taken out of the Ecuadorian embassy in London by the city's police force. It should be noted that in January 2019, Wikileaks, leaked confidential information from the Vatican, Lenín Moreno said that key members of Wikileaks visited Assange before and after the leak and that this confirms that Assange was still linked to this organization.

The asylum of Julian Assange is a case that lasted during the Lenín Moreno administration, in addition, the changing position of the Ecuadorian president on foreign policy gave signs that the continuation of the asylum was unsustainable. The termination of Assange's diplomatic asylum may be a point of convergence of criteria and positions, but it cannot be dissociated that the actions taken may be due to a political issue with world powers.

CONCLUSIONS

Julian Assange's diplomatic asylum at the Ecuadorian embassy in London did indeed have repercussions on diplomatic relations between Ecuador and the United States. On one hand, during the administration of Rafael Correa, when the asylum began, there were announcements by the diplomatic representative (Adam Namm) of the United States in Ecuador, indicating his concern about the actions of the Correa government regarding the asylum granted to Assange, although it should be noted that the US statements tried to highlight that this was a foreign matter for the United States, implying that it had no intention of getting involved. In addition, in this period, Rafael Correa also spoke out against the statements of the United States Government on his decisions, understanding them as pressure from the North American country. These oppositions around the asylum of Julian Assange produced tension in the diplomatic relations of the aforementioned states. Rafael Correa's administration was closely linked to a Latin American regional union, due to this it is possible to understand the support of the government of several countries with similar ideologies regarding the asylum granted to the founder of Wikileaks. The government of Rafael Correa was based on the protection of the rights and freedom of Assange to accept his asylum since there was persecution, according to the founder of Wikileaks.

Because the institution of diplomatic asylum is not recognized by the legal system of all States, it produces a conflict, since it can be considered a tool to protect an individual and prevent him from facing the justice of a specific country. In the case of Assange's asylum, at the time of acceptance of the asylum, the founder of Wikileaks faced criminal charges in Sweden, due to this, the debate arises about the true purpose of granting asylum to Assange.

During Lenin Moreno's administration, the evolution of Assange's diplomatic asylum took place in a much more tense way. In this period there was a turn in the political ideology.

There was an opening towards the Government of Donald Trump to improve economic, political, and diplomatic relations. President Moreno maintained communications with the United States representative in Ecuador and even with the North American Vice President, Michael Pence, to strengthen bilateral relations on various issues. These new policies, related to the asylum of Julian Assange, caused the Ecuadorian government to be less and less tolerant of the actions of Wikileaks and Assange within the Ecuadorian embassy. The fact of the termination of the asylum of Julian Assange and his subsequent arrest by the United Kingdom police at the embassy doors produced a debate on the actions of Lenín Moreno. The culmination of this asylum can be interpreted as a gesture to further improve diplomatic relations with the United States.

The evolution of the asylum of Julian Assange during these administrations remained anchored to the ideology and political interests of the Government in turn. There were a variety of repercussions in the diplomatic relations of the two aforementioned states due to Assange's asylum, however, the evolution of these relations is also linked to the agenda of each administration and their different views on foreign policy. Furthermore, diplomatic relations between States are a necessity for the political, economic, and social development of each one. Despite the change in diplomatic relations between the States, there was always a greater or lesser degree of proximity, since, for Ecuador, the United States represents an important commercial partner. In addition, the relevance of certain countries in the global scenario means that countries with less economic, political, and social influence continue to depend on them.

Julian Assange is a controversial individual and a point of convergence for the debate between the legal and the ethical due to the actions committed by him and his organization Wikileaks, related to massive leaks of classified information from Governments and

International Organizations. These actions caused Assange to have a relevant media impact on a global level and due to its importance it can be understood that the events related to the founder of Wikileaks have received so much attention and that later, during his asylum in the Ecuadorian embassy, the interpretation could exist that the governments involved in the matter of their asylum, used it as an ideological instrument in the international context to justify their actions; but it is important to mention that WikiLeaks is an organization that continues to function and possibly will continue to function, regardless of what happens with Julian Assange.

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