



APPENDIX C

REPORT OF THE INTER-AMERICAN PEACE COMMITTEE
ON THE CASE PRESENTED BY THE GOVERNMENT OF ECUADOR
APRIL 12, 1960



INTER-AMERICAN PEACE COMMITTEE

Report of the Inter-American Peace Committee on the

Case presented by the Government of Ecuador



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The Representative of Ecuador on the Council of the Organization of American States addressed a request to the Chairman of the Inter-American Peace Committee on February 16, 1960 (Appendix A), requesting the Committee to act in the dispute between his Government and that of the Dominican Republic, which arose because the latter refused the Ecuadorian Embassy in Ciudad Trujillo the privileges and facilities necessary for carrying out its functions in accordance with international law and custom and because it had not granted safe-conducts to the thirteen Dominican nationals who had taken asylum in the aforesaid Diplomatic Mission.

When the Governments of the Dominican Republic and Venezuela suspended diplomatic relations in June of 1959, Ecuador took charge of Venezuelan interests in the Dominican Republic and, as a result, it assumed the custody of the thirteen aforementioned persons who had taken refuge in the Venezuelan Embassy in Ciudad Trujillo in January of that year.

In his note of February 24, 1960 (Appendix B), the Representative of Ecuador supplemented the report of facts and legal considerations contained in his earlier communication.

From the time that the Committee took cognizance of the first note of the Representative of Ecuador, the Representative of Venezuela voluntarily refrained from participating in the deliberations of the Committee in this case.

The Committee, in informing the Representative of the Dominican Republic in a note dated February 19, 1960 (Appendix C), of the request made by the Government of Ecuador, invited him to discuss the problem with it. Conversations with the Dominican Representative were started on February 25.

On March 8, the Dominican Representative stated orally that his Government recognized the competence of the Committee in accordance with its Statutes and not on the basis of Resolution IV of the Fifth Meeting of Consultation of Ministers of Foreign Affairs, and that his Government would accept the services of the Committee only with respect to the problem of the situation of the Ecuadorian Embassy in Ciudad Trujillo and not with respect to the asylees, inasmuch as his Government had denounced the Conventions on Diplomatic Asylum at a much earlier date.

The Committee stated that, in its desire to follow a practical course of action, it had decided not to enter into the substance of doctrinary questions that might give rise to difficulties and, therefore, it preferred not to express an opinion on that occasion as to whether its jurisdiction was governed by the Statutes or by Resolution IV; nevertheless, it did not believe it feasible to separate the problem of the presence of Dominican nationals in the Ecuadorian Embassy in Ciudad Trujillo from that of the

situation of the aforesaid Diplomatic Mission, inasmuch as it was convinced that the former was exercising a determining influence on the latter situation. The Committee added that, precisely because it lacked the authority to make pronouncements on legal questions, such as the effect of the denunciation of the Conventions on Diplomatic Asylum by the Government of the Dominican Republic, it felt justified in hoping that the Dominican Government would not make an insuperable obstacle of its reservations.

After several more conversations with the Representative of the Dominican Republic, the Committee addressed a note to him on March 18 (Appendix D), in which it formally asked whether his Government would consent to the Committee's taking action in the matter.

The Dominican Representative replied, in a note dated March 25, 1960 (Appendix E), that the matter brought before the Committee by Ecuador "relative to the alleged situation of its Diplomatic Mission in the Dominican Republic" could be dealt with directly by the Governments of the Dominican Republic and Ecuador, "without the mediation of an international organization being essential for this purpose."

The Representative of Ecuador was informed of this point of view. He stated that, inasmuch as the efforts made by his Embassy in Ciudad Trujillo in the course of eight months had been fruitless, his Government had reached the conclusion that it was useless to continue with direct negotiations and, therefore, it insisted that the Committee use every means within its power to achieve the settlement of the dispute.

In order to explore the possibility of finding a formula by which the two Governments could renew their conversations with some prospect of success, the discussions were continued. On March 21, the Dominican Representative had informed the Committee of an agreement reached between the Secretariat of Foreign Relations of the Dominican Republic and the Embassy of Brazil in Ciudad Trujillo, by means of which a group of Dominican nationals who were in the abovementioned diplomatic mission had left Dominican territory.

On March 30, the Committee informally transmitted to the Representatives of Ecuador and the Dominican Republic the following basis of understanding, which was contained in two documents, the texts of which were as follows:

1. A joint declaration of agreement shall be made in accordance with the terms of the appendix to this memorandum.
2. The Government of the Dominican Republic pledges itself to guarantee the safety of the persons who are now in the Embassy of Ecuador and their prompt departure from Dominican territory.
3. Conversations will be started as soon as possible between the Foreign Ministry of the Dominican Republic and the Embassy of Ecuador for the purpose of normalizing the situation of that Diplomatic Mission."

The fundamental part of the joint declaration proposed in point 1 above was drafted by the Committee to read as follows:

"In the exercise of its sovereign powers, the Dominican Government has favorably acted upon the request for passports directed to it by the Dominican nationals in question. The respective passports will be delivered personally to these individuals by the Secretariat of State for Foreign Relations of the Dominican Republic.

The Government of Ecuador will not permit the aforementioned Dominican nationals to carry out, during their stay in Ecuador, acts contrary to the applicable provisions of inter-American treaties now in force."

Accordingly, the Committee, keenly aware of the necessity of utilizing all possible means in its effort to facilitate the way for a settlement, informed the Representative of the Dominican Republic that his Government could consider the aforesaid basis of understanding as having been formulated by the Committee itself or by the four Ambassadors who had been holding conversations with him, that is to say, by the Ambassadors of El Salvador, Mexico, the United States, and Uruguay.

Apparently, before the Dominican Government had received this proposal, its Representative on the Council sent the Committee an informal memorandum dated March 30, received on the 31st (Appendix F), which contained the formula for agreement quoted below:

"This is the formula: The Dominican citizens would leave the Ecuadorian Embassy, while the Dominican Government would offer fullest assurances that these Dominican nationals, who are not under sentence or being prosecuted in any way by the public authorities of the State, will be free, as they have been at all times, to return to their customary way of life within the country and to enjoy all the individual and social prerogatives granted by the Constitution and laws of the Dominican Republic to persons dwelling within the national territory."

Also on March 31, the Committee received from the Dominican Representative a second informal memorandum reading as follows:

"First of all, the Dominican Government confirms, with respect to Ecuador's request, the position it has taken pursuant to Article 15 of the present Statutes of the Inter-American Peace Committee, in that it declines to accept the competence of the Committee in this case. It reiterates the terms of the note it has transmitted to the Committee on this matter.

Concerning the informal suggestions made by the Representatives of El Salvador, Mexico, the United States, and Uruguay, the Dominican Government considers that they cannot be adopted. The only formula that the Dominican Government will accept will be that which it proposed yesterday, or another that corresponds in essence to the basic point of that formula, which is that the Dominican nationals in the Ecuadorian Embassy leave that Embassy to reintegrate themselves into their normal existence in the Dominican Republic, protected by the legal guarantees granted by the Constitution and laws of the Dominican Republic.

The formula proposed by the Dominican Government has its antecedents not only in the tradition of asylum carried out between countries recognizing that practice, but also in Dominican practice prior to the denunciation by the Dominican Government of the conventions on asylum and its having disassociated itself from that practice. To be precise, countries such as Mexico and Colombia accepted this solution in the cases of the asylum of the Báez brothers in November 1947 and of the Fiallo family in September 1947, respectively; and, therefore, the formula the Dominican Government proposes is perfectly acceptable.

The abovementioned formula, proposed by the Dominican Government yesterday, or any other that is in keeping with the criterion that formula establishes, would be the only ones compatible with the sovereignty and national dignity of the Dominican Republic.

Insofar as the situation of the Embassy of Ecuador is concerned, this is a matter that could easily be resolved at the proper time.

Since the suggestion proposed by the Representatives of El Salvador, Mexico, the United States, and Uruguay is identical with that which the Dominican Republic has just agreed upon with Brazil in a specific case, one must bear in mind that the formula agreed upon with Brazil states very clearly that it does not constitute a precedent.

It is understood, of course, that the informal negotiations that are being carried on by the aforementioned Representatives do not in any way constitute joint mediation on the part of El Salvador, Mexico, the United States, and Uruguay in this matter."

In a note dated April 4 (Appendix G), the Government of Ecuador informed the Committee, first of all, that it accepted the basis of understanding suggested by the Committee; secondly, that it rejected the Dominican formula because it considered it to be wholly inadmissible and that the Ecuadorian Government had so informed the Government of the Dominican Republic at an earlier date; and, lastly, that it wished the Committee to continue its efforts in the case covered by this report.

In view of the foregoing, the Inter-American Peace Committee wishes to report to the Council of the Organization that it has reached the following conclusions:

1. The Committee regrets that it has not been successful in its efforts to help the Governments of Ecuador and the Dominican Republic to settle the dispute satisfactorily and that the Government of the Dominican Republic has not accepted the offer of its services, which it made in fulfillment of its mandate and in accordance with the functions assigned to it.
2. The Committee expresses the hope that the two Governments will do everything possible to avoid any heightening of existing international tensions and to find a solution to this case in the interests of continental harmony.

In addition to the activities carried out by the Committee, as set forth in this Report, in an effort to bring about an agreement between the Parties, it has studied the situation denounced by the Government of Ecuador in the light of its special responsibilities under Resolution IV of the Fifth Meeting of Consultation of Ministers of Foreign Affairs. In this connection, the Committee must express its concern over the fact that the Government of the Dominican Republic has not collaborated with it in the search for a solution, acceptable to both parties, of a problem the continuation of which will, it is evident, increase tensions among Member States of the Organization. At the same time, the Committee cherishes the hope that the Government of the Dominican Republic will permit no measures to be taken that might endanger the safety or well-being of the aforementioned persons in the Ecuadorian Embassy in Ciudad Trujillo.

The Committee will continue to consider the pertinent aspects of this case in connection with the functions assigned the Committee by Resolution IV, and in accordance with the powers granted to it in that Resolution.

In conformity with the terms of Article 54 of the Charter of the United Nations and of Article 22 of its own Statutes, the Committee will inform the Security Council of the United Nations of its action in this case.

April 12, 1960

John C. Dreier
Ambassador, Representative of the
United States
Chairman of the Committee

Héctor David Castro
Ambassador, Representative of El Salvador

Vicente Sánchez Gavito
Ambassador, Representative of Mexico

Carlos A. Clulow
Ambassador, Representative of Uruguay