

Translated from Spanish

Permanent Mission of Ecuador to the United Nations

Ministry of Foreign Affairs, Trade and Integration

Note No. 4-2-96/2008

The Permanent Mission of Ecuador to the United Nations presents its compliments to the Office of Legal Affairs and has the honour to refer to the communication from the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 relating to the protection of victims of armed conflicts.

In that connection, I attach herewith a report on the implementation of General Assembly resolution 61/30. The report describes Ecuador's progress in that regard, particularly within the framework of the National Committee on the Implementation of International Humanitarian Law.

The Permanent Mission of Ecuador to the United Nations takes this opportunity to convey to the Office of Legal Affairs the renewed assurances of its highest consideration.

(Signed)

New York, 30 May 2008

Office of Legal Affairs
United Nations
New York

Information requested in General Assembly resolution 61/30

International humanitarian law instruments

Ecuador has made continuing efforts to strengthen the implementation and dissemination of international humanitarian law. It has signed and ratified the four Geneva Conventions of 1949 and the two Protocols Additional of 1977 and has ratified, inter alia, the 1998 Rome Statute establishing the International Criminal Court, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1954 and 1999 Protocols thereto, the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Toxin Weapons and on their Destruction, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and the four Additional Protocols thereto, the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict.

Dissemination and implementation of international humanitarian law

Particularly since 2004, the Ministry of Foreign Affairs has been actively involved in the dissemination of international humanitarian law and has organized various events such as those of 3 and 4 August 2004, when the first training seminar on international humanitarian law for State officials was held.

With regard to the recommendation contained in the Declaration and Agenda for International Humanitarian Action, adopted by the Twenty-eighth International Conference of the Red Cross and Red Crescent, concerning national measures that all States must take in order to implement international humanitarian law, on 26 May 2006, the Ecuadorian Red Cross and its armed forces signed a Convention, constituting an inter-agency commitment, with a view to the incorporation of international humanitarian law into the training programme of the armed forces. This has led to the holding of various training courses and seminars on international humanitarian law in schools and training centres of the three branches of the armed forces with support from the Ecuadorian Red Cross and from the International Committee of the Red Cross.

On 31 May 2006, a study on the compatibility of domestic law with international humanitarian law was presented to university students, academics, members of civil society organizations and representatives of government bodies.

With respect to the adaptation of domestic law, while international instruments are not incorporated into domestic law until they are promulgated in the Official Gazette, the process leading to the adoption of domestic law on war crimes began with a study on the compatibility of Ecuador's legal system with the norms of international humanitarian law; the study was prepared by two noted Ecuadorian jurists, who have identified the provisions of domestic law that must be repealed or amended in order to bring them into line with the international instruments.

Committee on the implementation of international humanitarian law

In 2006, the National Committee on the Implementation of International Humanitarian Law was established through Executive Decree No. 1741, promulgated in Official Gazette No. 344 of 29 August 2006, as a standing body on which various State bodies are represented. Its objective is to oversee and contribute to effective fulfilment of the Ecuadorian Government's obligations under international humanitarian law through implementation of a National Action Plan.

The Committee comprises four working subcommittees: the Subcommittee for the preparation of and follow-up to recommendations concerning the signing and ratification of treaties; the Subcommittee on preparation of and follow-up to draft legislation; the Subcommittee on follow-up to awareness-raising and training events; and the Subcommittee on follow-up to institutional affairs and to the work of other national and international bodies in the field of human rights and international humanitarian law.

The Committee includes representatives of the Ministry for the Interior and the Police, the Ministry of Economic and Social Integration (formerly the Ministry of Social Welfare), the Supreme Court, the Office of the Attorney-General, the Congressional Legislation and Codification Committee, the Congressional Human Rights Committee, the Ecuadorian Red Cross (the Committee's secretariat), the Ministry of Defence (which exercises the vice-chairmanship of the Committee) and the Ministry of Foreign Affairs (which exercises the presidency of the Committee).

In light of new ministerial postings and of the appointment of new delegates to the Committee, a training workshop for new delegates was held on 22 February 2007 in cooperation with Mr. Antón Camen, Legal Advisor for Latin America and the Caribbean, Advisory Services of the International Committee of the Red Cross; Mr. Ramiro Ávila, co-author (with Ambassador José Valencia) of a study entitled "Ecuador y el Derecho Internacional Humanitario" (Ecuador and International Humanitarian Law), published in May 2006, and professor of international law at the Pontifical Catholic University of Ecuador; and Ms. Marisela Silva, Legal Advisor for Latin American and the Caribbean, International Committee of the Red Cross.

The provision of training to Committee members also addresses the need to incorporate the Rome Statute into domestic law in order to ensure its effective application; to that end, efforts are being made to ensure its study and dissemination. Important draft legislation has also been promoted and on 10 September 2007, the Use and Protection of the Emblem of the Red Cross and Red Crescent Act was promulgated in Official Gazette No. 166; it only remains for the executive branch to issue the implementation regulations for the Act.

Prospects for the future

At the most recent meeting of the Committee, held in Quito on 28 May 2008, the participants undertook to step up work on existing projects such as the definition of crimes against humanity and to continue their efforts to increase awareness of international humanitarian law among members of the armed forces; they noted that the army already receives ongoing instruction on this issue. A course in international humanitarian law will be organized for high-level officials to whom it is directly or indirectly relevant, and consideration is being given to mainstreaming the Committee's work by assigning one government official, on a full-time basis, to promote cooperation on the issues with which it deals.
