Ecuador

The Legal Framework and the Defence System

National Legislation

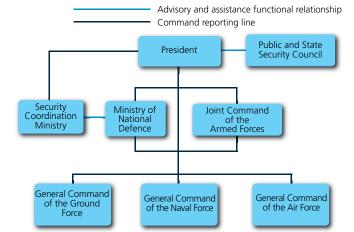
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Systems and Concepts

- Organic Act for National Defence (N° 74 2007/01/19, Last amendment: Act N° 35 2009/09/28)
- Act of Public and State Security (N° 35 2009/09/28)

Military Organization

- Penal Military Code (Codification Nº 27 1961/11/06)
- Code of Penal Military Procedures (Codification N° 28 1961/11/06)
 Act of Armed Forces Personnel (1991/04/10, Last amendment: 2009/06/08)
- Social Security Act for the Armed Forces (N° 169 1992/08/07, Last amendment: 2009/03/30)



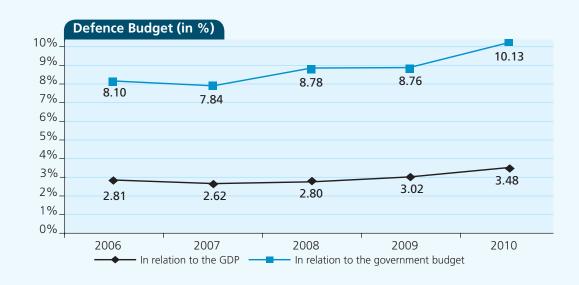
The President may request the advice of the Public and State Security Council, composed of the Vice President, the Presidents of the National Assembly and the National Court of Justice, the Ministers of Coordination for Security, Defence, Government, Police and Religion, Foreign Affairs, the Chief of the Joint Command of the Armed Forces and the General Commander of the Police. The Ministry of Coordination for Security is responsible for the global planning and coordination of the bodies that make up the Public and State Security System. The Ministry of Defence is the political, strategic and administrative organ of national defence. The Joint Command of the Armed Forces is the highest organ of planning, preparation and strategic conduction of military operations. The Assembly holds the powers granted by the Constitution and permanently monitors defence related issues through the specific committee.

Source: Compilation based on the legislation above mentioned. For constitutional provisions see Chapter 1.

Source: Compilation based on *Ley orgánica de la defensa nacional* (N° 74– 2007/01/19. Last amendment: Act N° 35 - 2009/09/28), and Ley de seguridad pública y del Estado (N° 35 - 2009/09/28).

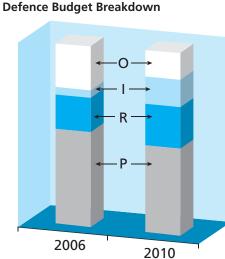
The Budget

Year	Defence budget (in US\$)	Government budget (in US\$)	GDP (in US\$)
2006	953,125,534	11,761,874,717	33,871,000,000
2007	1,168,229,152	14,908,339,359	44,528,000,000
2008	1,389,330,906	15,817,954,065	49,597,000,000
2009	1,679,073,897	19,167,809,880	55,613,000,000
2010	2,156,832,116	21,282,062,279	61,958,000,000



Chapter 17: Ecuador





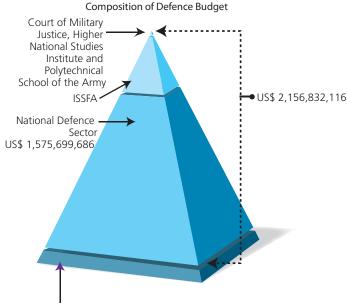
Comparative Increase (% variation 2006-2010)
Personnel spending = 127 %
Defence budget = 126%
Government budget = 81%

GDP = 83%

P: Salaries and other benefits R: Retirement and pension funds / I: Investment O: Other expenses

Sectors	TOTAL
National Defence	
Ministry of Defence	1,511,483,579.18
National Security Council	1,986,757.05
Military Geographical Institute	21,114,761.60
Remotely Sensed Integrated Information Gathering of Natural Resources	3,144,181.37
General Hospital of the Armed Forces N°1	29,898,896.38
Pan American Institute of Geography and History	511,383.16
Ecuadorian Institute of the Antartic	799,602.62
Intelligence Secretariat	6,760,524.64
Jurisdictional	
Court of Military Justice	797,848.92
Education	
Higher National Studies Institute	11,027,799.76
Polytechnical School of the Army	48,371,814.74
Social Security	
Social Services Institute of the Armed Forces *	520,934,967.00
TOTAL	2,156,832,116.42

* It excludes financial investment and selfmanagement budgets from ISSFA.



Port Authority P, Bolívar, Port Authority Esmeralda, Port Authority Guayaquil, Port Authority Manta and Committee P, Manta Project (shown on National Defence Sector of the Budget)US\$ 94,179,857 The annual capital investment programme for financial year 2010 allocates 298 million dollars to Defence sector projects. As much as 91% of those funds are programmed for infrastructure, operational capabilitybuilding and equipment upgrades, among others. The remaining 9% (27 million) is to be destined to mediumsized and other light helicopter acquisitions as well as transport and training aircraft.

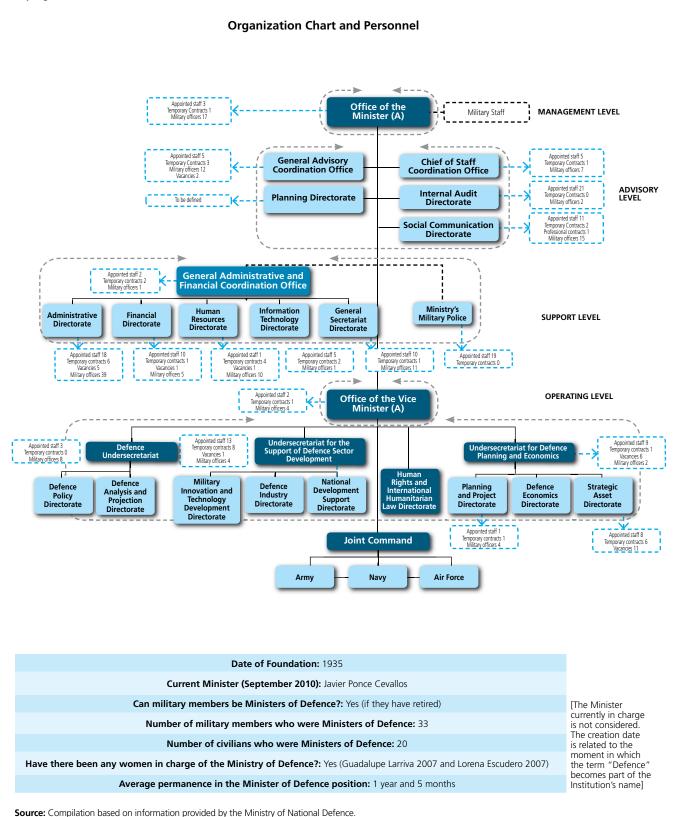
Source: Compilation based on *Ley de presupuesto general del Estado* 2006, 2007, 2008, 2009 and 2010. The State Budget passed by the Congress by means of the above mentioned Act is considered herein. The concept of investment is that expressed in "Annual investment plan". GDP: Projection of the World Economic Outlook Database, IMF, of each year under review. This source has been taken for comparative purposes. Each country prepares the budget based on its own GDP estimation. Expressions in Bold Type (Table) make reference to the various defence budget items, which can be found in a sector-based or institutional classification of the Budget Act.



The Ministry of National Defence

Responsibility:

It is the political, strategic and administrative body of national defence. (Ley Orgánica de la Defensa Nacional, Nº 74 – 2007/01/19, Sec. 8).



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	Politi	cal Definitions
Policy Guid	Ecuador is a sovereign nation, respectful of international law principles, which pro- motes the settlement of disputes through legal and peaceful means, condemns the use of threat and force to resolve conflicts and advocates cooperation and integration for international development and security, with a special focus on the South American Region. Ecuador has a defensive strategy with a proactive orientation. It is based on early warning, prevention and, as a last resort, the use of force as a measure of deterrence and defence against any type of aggres- sion or threat. At the same time, it seeks to collaborate with the international com- munity in keeping international peace and security within the framework of standing agreements including, most especially, the UN Charter.	 Political Element Assessment and updating of the national defence policy. Updating of the Armed Forces legal framework in accordance with the Constition of the Republic of Ecuador and laws in force. Integration of the relevant defence agenda contents in the inter-agency coopetion processes. Administrative reorganization of the Ministry of National Defence. Strengthening of transparency and accountability of the organization's activit and of its responsibility in accomplishing its mission. Continuation of the "military citizen" professionalization process and the p motion of personnel wellbeing, as well as that of their family, with a criterion equity and responsibility. Consideration of military personnel as full citizens, regulating the milit personnel's right to vote and the defence of their human rights. Reinforcement of the Armed Forces' institutional image to the citizens, focusi on their modernization, peace building and human security promotion. Completion, in the shortest time possible, of all pending commitments assum in the Peace Agreement of Brasilia, 1998. Carrying out of an integral security strategy for the Northern border, in order maintain a State presence, based on the respect of international law princip and interagency cooperation, as well as in accordance with international agriments, the Plan Ecuador, and the enhancement of Armed Forces operational pacity. Promotion of a national methodology to define the security and defence policy, coordination with other State agencies. Military Element
Strategic Objectives	 To exercise an effective control of the national territory, its water spaces, terri- torial sea and air space. To protect the Nation's people, resources and assets. To prevent and defend the country against any type of aggression. To assist in emerging issues, natural di- sasters and crisis situations. To cooperate with the international com- munity on international peacekeeping and security, within the UN framework. To develop trained human talent com- mitted to institutional and national inte- rests. To implement an integrated system of research and development. To achieve a sustainable economy for de- fence. 	 Update of the Strategic Plan of the Ministry of National Defence. Institutional strengthening and improvement of operational, logistic and admin trative capacity of the Armed Forces, in order to exercise an effective control the territory. Strengthening of civil-military relations, promoting citizen involvement a cooperation in the defence and assistance in emergency events, crises and natu disasters. General military service reform, in order to promote the civic and patriotic valu in the citizens. Support to Development Involvement and contribution to execute institutional plans which allow impriving the population's life quality and State security, under sustainability and h man security criteria. Consolidation of civil-military relations, especially with vulnerable population, a particularly in the border areas, through the Armed Forces contribution to deve pment. Support to Government bodies to execute their political plans and guidelines. Reinforcement of national maritime and fluvial development. Intensified efforts in planning, technological innovation development and prom tion of new technical directions, contributing to attain a competitive advanta -at national and regional levels- for military institutes and industries.
Nacional del of Ecuador) Política de la D	_	 Strengthening, development and diversification of Ecuador's involvement and p sence in peacekeeping operations and humanitarian aid, within the framework international agreements. Enhancement of cooperation and coordination of defence policies in the region and hemispheric spheres, as well as implementation of measures to promote confidence building. Update of international commitments. Positioning in the hemispheric and regional arenas, conveying the countrist thoughts on defence and security. Ongoing training of the Armed Forces and update of their expertise on hum rights and International Humanitarian Law. Progressive inclusion of cross-functional areas such as international protectic migrant rights, environmental issues and prevention/reduction of natural disters.

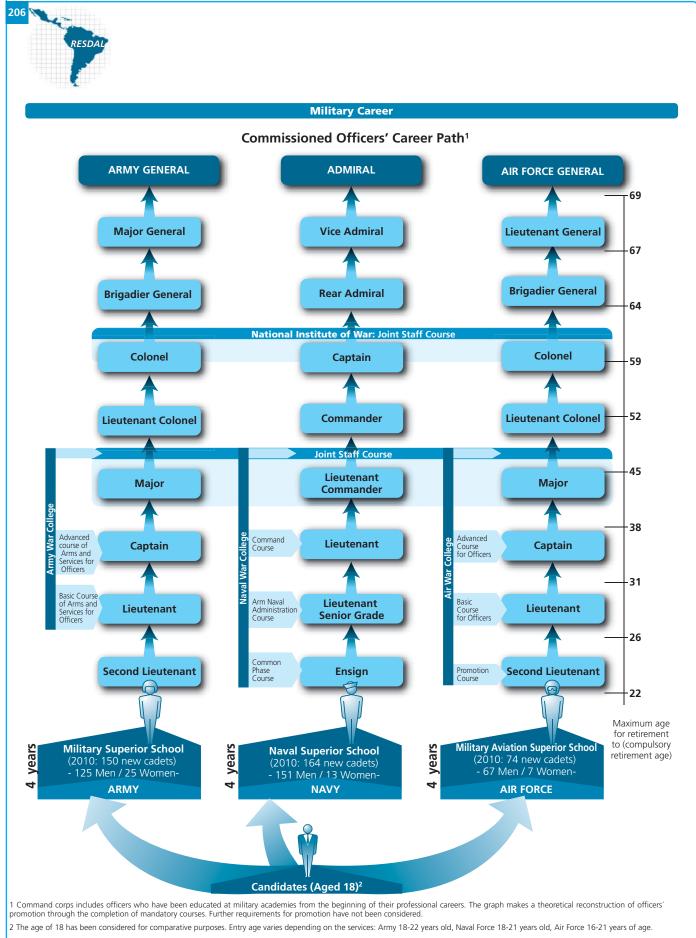
Source: Agenda Política de la Defensa Nacional, 2008.

Support to the creation of the South American Defence Council.

Reports Submitted to the United Nations and the OAS												
1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
	×	×	×	×	×	×		×				
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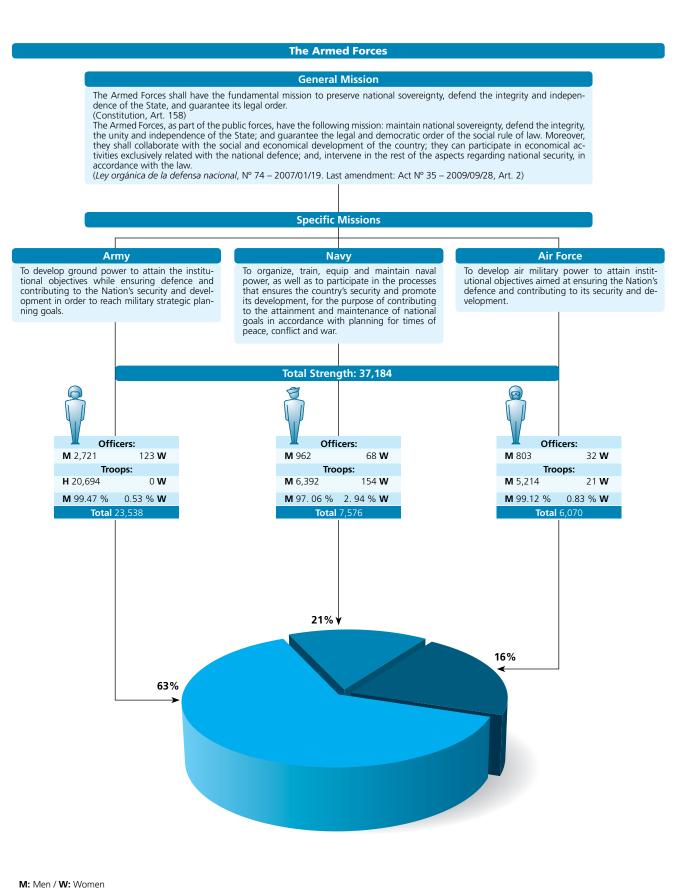
Register of Conventional Arms: 🗱 🛛 Register of Military Expenditures: 🗞 🛛 Implementation of Confidence and Security Building Measures: 🜩

Source: Compilation based on reports submitted to the United Nations Register of Conventional Arms and the United Nations Instrument for Reporting Military Expenditures and reports submitted to the OAS on the Implementation of Confidence and Security-Building Measures.



Source: Compilation based on *Ley del personal de las Fuerzas Armadas* (10/04/1991Last reform: 08/06/2009) and web pages of the above mentioned institutions. New cadets: Information provided by the Ministry of National Defence.





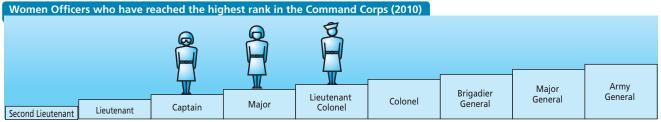
Source: Website of the Armed Forces (missions) and information provided by the Ministry of National Defence (Regular Forces). In the Ecuadorean System, the term "troops" includes the private rank up to the non-commissioned officer.



Women in the Armed Forces Women's Admission to the Armed Forces (year) • O Army **Command Corps** O Navy O Air Force NCO Navy NCO Air Force Professional Corps 1945 1950 1955 1990 2015 1940 1960 1965 1970 1975 1980 1985 1995 2000 2005 2010 • O Army • O Navv • O Air Force NCO Army NCO Navy NCO Air Force

O: Officers - NCO: Non-commisioned Officers

Note: NCOs include Army Volunteers, Navy Crew and Air Force Air Technicians. Women do not enter as NCOs to the command corps of the Army. The Command corps includes officers who have been educated at military academies from the beginning of their professional careers. The Professional corps refers to those who develop a career in the civilian sphere and are then incorporated to the armed forces.



Note: These ranks correspond to the Army, as an example. The equivalent rank for Lieutenant Colonel is Commander (Navy) and for Captain is the same (Air Force).

1.07 % (398) of the total Armed Forces are women.

Military Service

Source: Information provided by the Joint Command of the Armed Forces and the Ministry of National Defence, and Project 07-184 Global Peace and Security Fund-Resdal.

In accordance with the 2008 Constitution, it is voluntary both for men and women for a duration of 1 year.

Procces:

 Qualification (July to November): to submit to tests assessing the candidate's fitness for military service.

It may also occur, as in 2010, that there are individuals who directly appear at the centres after the usual period of qualification, near the quartering stage.

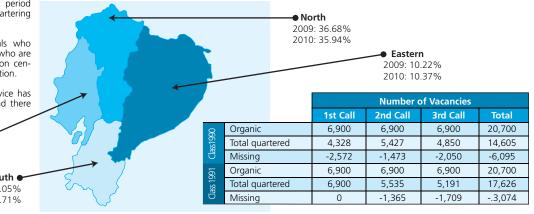
• Quartering: those individuals who were deemed fit and notified, who are concentrated at the mobilization centres for transfer to their destination.

The women's military civic service has not been implemented yet, and there are 18 candidates.

> Western • 2009: 43.05% 2010: 42.98%

> > South 2009: 10.05% 2010: 10.71%

Number of Qualified and Quartered Individuals								
Year of		Qualification		Quartering				
	Fit	Unfit	Total	1st Call	2nd Call	3rd Call	Total	
2009	29,560	2,787	32,347	4,328	5,427	4,850	14,605	
2010	15,018	956	15,974	6,900	5,535	5,191	17,626	
Total	44,578	3,743	48,321	11,228	10,962	10,041	32,231	



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Defence and National and International Community

Participation in Peace Operations

	Military Component					
Current Missions	M	М	MC			
	Men	Women	Men	Women		
MINUSTAH (Haiti)	-	-	67	-		
UNMIL (Liberia)	2	-	1	-		
UNMIS (Sudan)	17	-	-	-		
UNOCI (Ivory Cost)	1	-	-	-		

MEM: Military experts on mission, including military observers, judge advocates and military liaison officers, among others - MC: Military Contingent

Source: Compilation based on documents from the Department of Peacekeeping Operations of the United Nations. Data as of 31 August 2010.

> Ecuador contributes 88 military troops to the United Nations peacekeeping missions, which represents 1.15 of the total contribution of Latin America.

The Ecuador Peace Mission School Unit (UEMPE) has been appointed the Regional Centre for training in Humanitarian Assistance within the framework of the Latin American Association of Training Centers in Peace Operations (ALCOPAZ). The course titled "Humanitarian Assistance and Civil-Military Coordination in UN Peacekeeping Operations" is scheduled for November 8 to 19, 2010

Support Actions (during 2009)

Participation in the Ecuador Plan

The necessary logistics support was provided by air and security means so that the Plan's Technical Secretariat was able to conduct certain scheduled activities, including visits to health centres and subcentres located in the North Border, rural schools in Agrio Lake and Shushufindi, in order to conduct the refugee census in the provinces of Esmeraldas, Sucumbios and Carchi.

National Navy

The National Navy and the non-industrial fishing sector have strengthened their relation by seeking to attain the best solutions to address illegal activities at sea. The National Navy, through the Coast Guard, maintains illicit activity monitoring functions, such as: ship inspection and seizure, search and rescue operations, goods and fuel smuggling control and migrant rescue.

Air Force

- 24 community health actions were conducted (50 troops/ 431 beneficiaries);
- 24 community featurations were conducted (30 troops 43) beneficiaries), 3 actions in education (23 troops/ 130 beneficiaries) and 16 community sup-port actions (15 troops/ 2,153 beneficiaries).
 Civic action flights by way of the "Alas para la alegría" (transporting 2,100 children in 2009), "Alas para el desarrollo" (Eastern region), "Alas para la Salud" (sanitary flights) and "Alas para la Educación" (transporting educa-tional matrici) programmer. tional material) programmes.

Infrastructure

- Maintenance of road infrastructure by building and reconstructing roads and bridges.
- Construction of the pier in General Farfan and construction work for the Coca pier to provide loading and unloading port facilities for people and products to the communities.
- · Maintenance and dredging works in the Mazar dam, hydraulic filling in Babahoyo and Jujan, Guayaquil Naval Base, access channel for Guayaquil Maritime Port, and Amalusa pond.

Border Protection

Ten operations related to border protection have been conducted involving 9,250 men and 1,200 flight hours, recording 3 clashes resulting in the seizure of 245 weapons, 11,747 munitions, 90 granades, 1,646 explosives, 70 kilos of cocaine hydrochloride, 17,250 grams of cocaine sulfate, 15,000 litres of acetone, 4 vessels and 1,250 coca plantations. In addition, the Selva Alegre, La Carolina and Santa Bárbara detachments

were set up in order to strengthen border security.

"Manuela Espejo" Mission

Scientific-medical study to determine the causes of disabilities and know the bio-psychosocial reality of the population from the biological, psychological, social, clinic and genetic perspective, in order to outline State policies covering several areas, such as health, education and social wellbeing. 229 specialist physicians from Cuba and 120 physicians from Ecuador have visited 378,311 homes in Cotopaxi, Imbabura, Esmeraldas, Carchi, Napo, Sucumbíos, Manabí and Los Ríos, and recorded a number of 77,200 people with disabilities, who will receive health care under the Response Operation. The Ministry of Defence provides logistic support as well as storage, transport and distribution of aid required by people with disabilities.

Logistics

Ongoing contribution to the Monteverde Project, for the purpose of reducing the cost of liquefied gas storage and transportation to meet the country's and region's needs.

Humanitarian Demining

7,640 square meters of territory were successfully demined by eliminating 73 mines

Natural Resource Protection

- The Ecuadorean Army started the forestation process in several units and detachments in coordination with and financed by PROFORESTAL. • The Armed Forces, in coordination with the Ministry of the Environment,
- conduct tree cutting control activities and localization of wood camps.
- Several operations have been conducted jointly with the Armed Forces and the National Police to prevent illegal mining in the border area of Esmeraldas and Carchi

Health Support

- A Joint Medical Brigade was conducted at the Eloy Alfaro de Manta Air Base Clinic, with the collaboration of the "James Carrera" Foundation, conduct-ing 80 surgeries, seeing 300 patients and delivering free medicines.
 A civic action including medical assistance was held in the AWA community in the transformation of the American assistance was held in the AWA community
- in the province of Carchi with Army personnel, providing services to 1,092 people
- Preparation and execution of the Armed Forces Contingency Plan to deal with a potential Influenza A pandemic in Ecuador, in support of the Risk Management Technical Secretariat.

Source: Informe de Gestión del Ministerio de Defensa Nacional, 2009, information provided by the UEMPE and websites of the Ministry of National Defence and the Office of the Vice President.



Analisys:

Ecuador: Political Redefinitions, Institutional Adjustments and Regional Projection

Pablo Celi Central University of Ecuador

The performance of the defence sector has evolved at a pace with the border conflict with Colombia; the institutional reforms regarding the Ministry of Defence and armed forces; and the regional projection of the South American Defence Council, chaired by Ecuador over the last year.

Conflict and Defence

Continuing with the trend arising from the application of *Plan Colombia*, the ripple effect of the Colombian internal conflict on the country's northern border continued to be the main cause of tension in the security and defence sector. This was soured by the political and military effects of the raid by the Colombian military on a Revolutionary Armed Forces of Colombia (FARC) camp in Ecuadoran territory in March 2008. As a result, bilateral relations were severely damaged and an atmosphere of instability and confrontation has prevailed ever since, affecting the evolution of the defence system and triggering the deployment of troops to the border, causing the upgrading of infrastructure and armament, and a functional and operational reorganization process for the armed forces.

Border control continues to be a cause of recurring tension between Ecuador and Colombia, which share a 720 km frontier populated by guerrilla, paramilitary and drug dealing groups. Still dependent on internal politics, bilateral relations are making slow progress following the reinstatement of the Binational Border Commission (COMBIFRON) in November 2009, as an immediate-response body charged with coordinating, assessing and monitoring military and law-enforcement efforts regarding border security.

Beyond the military arena, tension with Colombia has had an impact on many aspects of Ecuador's foreign policy transcending the sub-regional context and reaching the agendas of entities such as UNASUR, ALBA (the Bolivarian Alliance for the Peoples of the Americas) and the OAS, as bilateral conflicts are intertwined with multilateral concerns regarding the US presence in the area and the rise in defence spending and the purchase of armament by the countries involved in the conflict.

Institutional Reform

The security and defence system reform is a significant aspect to be considered when restructuring the country's public institutions and stems from the changes set out in the new Constitution enacted in 2008. The supreme law establishes a set of principles outlining the scope of action of law enforcement and national defence bodies by eliminating the concept of *"public force"* that previously grouped the Armed Forces and the National Police, which are now entrusted functions clearly differentiated in the Constitution, and aimed at enhancing their missions and achieving professionalization.

Institutional reforms involve a process that combines constitutional definitions, legal reforms and administrative decisions for the systemic structuring and management of security and national defence.

Civilian bodies are in charge of ministry restructuring in accordance with the guidelines established in the 2010-2013 National Defence Ministry's Strategic Plan, developed on the critical premises of achieving administrative and operational integration among the three armed forces through the integration of the command, administration, joint operations and training functions; consolidation of intelligence systems; validation and compatibility of equipment; and joint acquisitions in order to reach economies of scale.

Especially significant is the policy aimed at strengthening the armed forces' operating capacity, as reflected by military equipment acquisitions and the upgrade of ammunitions and military infrastructure. The acquisition system is now under the scope of the Ministry of Defence after the dissolution of the National Defence Board, which was replaced by the Strategic Asset Procurement Bureau.

In an effort to achieve cost-effectiveness in the defence sector, the ministry's plan involves maintaining defencerelated or strategic companies and fostering investment or strategic alliances aimed at supplementing technology or achieving independence in this area. Regarding education, technology and applied research, the purpose is to have a comprehensive and integrated technology research and development system for the defence sector.

The Constitution establishes that the armed forces may participate in economic activities only when they are related to national defence. However, the required disinvestment processes have been moving slowly and nearly 30 companies in the agricultural, industrial, commerce, transportation, hospitality, textile and aeronautical sectors are still being managed with some degree of military involvement.

One of the highlights has been the civil intervention and control of selected bodies traditionally managed by direct or indirect military leadership, such as national security entities and intelligence services.

The Public and State Security Act (*Ley de Seguridad Pública y del Estado*) established the creation of the Public and State Security System, under which the former National Security Committee (COSENA) was replaced by the Public and State Security Council (*Consejo de Seguridad Pública y del Estado*), defined as an advisory body for the President of the Republic in matters involving public security plans, policies and strategies. Also defined by the same act as executive defence bodies are the Ministry of Defence and the Ministry of

Foreign Affairs (which will coordinate cooperation, information exchange and joint military operations), and the armed forces.

Similarly, the National Intelligence Secretariat has been also set up under civilian conduct, with the mandate to coordinate and integrate the activities of military and law-enforcement bodies in the national intelligence system (so far having autonomous operations), as well as those related to the Security of the President of the Republic. Furthermore, the Secretariat was also entrusted with drafting the Integrated National Security Plan.

Integration and Defence

Setting as one of the priorities for Latin America and the Caribbean integration the aim of "driving a common defence policy that consolidates a strategic alliance aimed at strengthening national and regional sovereignties", the new Constitution has prompted the Ecuadoran government to emphasize the importance of security and defence integration mechanisms, both at UNASUR and the South American Defence Council levels and also regarding its participation in the ALBA.

Despite the complex environment at the time Ecuador took over the Chairmanship of the South American Defence Council due to the regional resonance of the Colombia-Ecuador conflict, the tensions caused by the US presence in military bases in Colombian territory, military acquisitions and security and defence agreements with non-regional countries, the entity has managed to gain regional significance as a confidencebuilding venue for multilateral cooperation.

Consolidation of the institutional weight of the South American Defence Council has been supported by the execution of its Action Plan, mainly addressing the creation of a mechanism for consultation, information and assessment of risk situations; the exchange of information and transparency in military budgets and acquisitions; management of joint relief efforts; definition of political and doctrine approaches; promotion of training programs; and, most significantly, the development and approval of mutual confidence measures.

Ecuador's agenda views security and defence integration mechanisms and processes as a component of political integration, in order to develop alternative cooperation environments to the declining Inter-American system; all this amid the inexistence of a regional security system, and as a component of political guidelines for the armed forces management.