



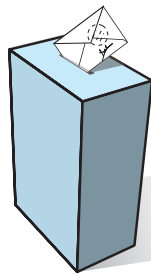
# Ecuador

## The Legal Framework

### National Legislation

Systems and Concepts	Military Organization
<ul style="list-style-type: none"> <li>- National Security Act (N° 275 - 1979/08/09)</li> <li>- General Regulation of the National Security Act (Codification N° 2.264 - 1991/03/12)</li> <li>- Organic Act for National Defence (N° 74 - 2007/01/19)</li> </ul>	<ul style="list-style-type: none"> <li>- Penal Military Code (Codification N° 27 - 1961/11/06)</li> <li>- Code of Penal Military Procedures (Codification N° 28 - 1961/11/06)</li> <li>- Organic Act of Justice Services for the Armed Forces (Codification N° 29 - 1961/11/06)</li> <li>- Social Security Act for the Armed Forces (N° 169 - 1992/08/07. Last Reform: Act N° 82 - 2007/07/31)</li> <li>- Act on Obligatory Military Service for the National Armed Forces (N° 68 - 1994/09/15)</li> <li>- Reformatory Act to the Personnel Act of the Armed Forces (N° 75 - 2007/01/22)</li> </ul>

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



### Political Participation of Military Members

	Retired	On Duty
Are they entitled to vote?	Yes	No
Are they entitled to become candidates for elections	Yes	No

Source: Constitution. As of August 2008, a Constituent Assembly process was in progress.

## International Treaties

### On Hemispheric Security

- Inter-American Treaty of Reciprocal Assistance: Signature: 1949/11/10 Deposit: 1950/11/07
- American Treaty on Pacific Settlement (Pact of Bogota): Signature: 1948/04/30 Deposit: 2008/03/07

### On Disarmament

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco): Signature: 1967/02/14 Deposit: 1969/02/11
- Treaty on the Non-Proliferation of Nuclear Weapons: Signature: 1968/09/07 Deposit: 1969/03/07
- Convention on the Prohibition of Chemical Weapons: Signature: 1993/01/14 Deposit: 1995/09/06
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention): Signature: 1997/12/04 Deposit: 1999/04/29
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction: Signature: 1972/06/14 Deposit: 1975/03/12
- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons: Signature: 1981/09/09 Deposit: 1982/05/04
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials: Signature: 1997/11/14 Deposit: 1999/06/23
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions: Signature: 1999/06/07 Deposit: 2001/05/21
- Nuclear-Test-Ban Treaty (CTBT): Signature: 1996/09/24 Deposit: 2001/11/12

### On Human Rights and Justice

- Inter-American Convention on Human Rights (Pact of San Jose de Costa Rica): Signature: 1969/11/22 Deposit: 1977/12/28
- Inter-American Convention on Forced Disappearance of Persons: Signature: 2000/02/08 Deposit: 2006/07/27
- Inter-American Convention to Prevent and Punish Torture: Signature: 1986/05/30 Deposit: 1999/11/09
- International Criminal Court: Signature: 1998/10/07 Deposit: 2002/02/05

### On the Hemispheric System

- Charter of the Organization of American States: Signature: 1948/04/30 Deposit: 1950/12/28
- Antarctic Treaty: Accession: 1987/09/15

Source: Compilation based on the information supplied by the web pages of the Secretariat for Legal Affairs of the Organization of American States, and the UN Office for Disarmament Affairs.

## The Budget

State Budget 2008		Defence Budget 2008 (consolidated)	
Local currency (US\$)	15,817,954,065	Local currency (US\$)	1,691,776,803
2008 GDP (in US\$)	49,597,000,000	GDP's %	3.41
		% of the State Budget	10.70

### Defence Budget 2008 (in Local Currency - US\$) \*

Sectors	Personnel Expenses**	Consumer Goods and Services	Others***	TOTAL
<b>National Defence</b>				
Ministry of Defence****	723,860,419.04	111,739,788.61	25,832,275.25	861,432,482.90
National Security Council*****	2,556,786.60	390,079.55	2,521,143.69	5,468,009.84
Remotely Sensed Information Gathering of Natural Resources	6,870,801.24	14,002,928.50	3,992,551.95	24,866,281.69
Remotely Sensed Integrated Information Gathering of Natural Resources	2,009,839.00	663,572.09	219,828.00	2,893,239.09
General Hospital of the Armed Forces N°1*****	13,899,627.92	9,698,485.81	964,810.50	24,562,924.23
National Defence Committee*****	1,008,487.67	23,558,297.11	74,331,313.99	98,898,098.77
Ecuadorian Institute of the Antarctic	84,488.00	529,460.00	59,500.00	673,448.00
<b>Jurisdictional</b>				
Court of Military Justice	953,336.41	15,722.99	10,000.00	979,059.40
<b>Education</b>				
Higher National Studies Institute	707,377.44	171,048.98	185,591.00	1,064,017.42
Polytechnical School of the Army	18,695,100.00	8,113,200.00	17,488,252.00	44,296,552.00
<b>Social Security</b>				
Social Services Institute of the Armed Forces	320,535,373.00	1,696,445.00	305,392,063.39	627,623,881.39
<b>TOTAL</b>	<b>1,091,181,636.32</b>	<b>170,579,028.64</b>	<b>430,997,329.77</b>	<b>1,692,757,994.73</b>

\* Information taken from the aggregated budget in order to allow the disaggregation of groups. The difference is clarified in each case.

\*\* Includes Supply of Social Services

\*\*\* Includes Other Current Expenses, Current Transferences and Donations, Reassignment Provisions, Public Works, Long Lasting Goods, Goods and Services for Investment, Financial Investment, Transferences and Donations for Investment, Expenses on Personnel for Investment, Current Liabilities and Other Investment Expenses.

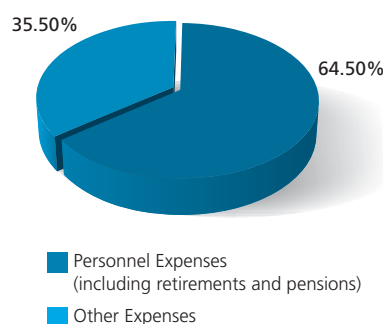
\*\*\*\* The consolidated budget is 860,811,682.63.

\*\*\*\*\* The consolidated budget is 24,866,281.69.

\*\*\*\*\* The consolidated budget is 24,484,826.23.

\*\*\*\*\* Autonomous Institution. The consolidated budget for this unit is 98,615,825.77.

**Defence Budget  
2008 Breakdown**



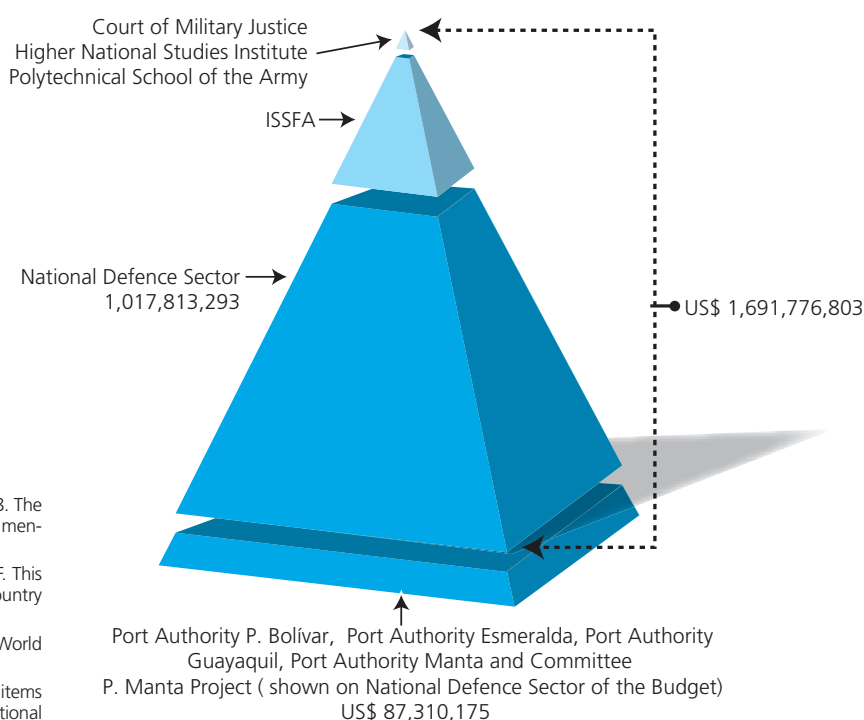
Source: Compilation based on the General Budgetary Act 2008. The State budget passed by the Congress by means of the above mentioned Act is considered herein.

2008 GDP: World Economic Outlook Database Projection, IMF. This source has been taken for comparative purposes. Each country makes the budget based on its own GDP estimation.

The dollar value is the exchange rate considered by the World Economic Outlook Database, IMF.

Expressions in Bold Type (Table) make reference to the different items regarding defence, which can be found in a sectorial or institutional classification of the budgetary Act.

**Composition of Defence Budget 2008**





## Political Definitions

### Concepts

The Ecuadorian State maintains the principle of non intervention in internal affairs of other States, rejects the threat and use of force within international relations, according to the ruling principles framed under the foreign policy and the defence policy, promoting the peaceful resolution of conflicts. It promotes the resolution of internal and international conflicts based in political, diplomatic, legal and other non military mechanisms established in international law.

Ecuador shall abstain from participating in combined, coordinated or joint military operations with Colombia. (*Plan Ecuador*, 2007)

#### What is Defence?

Defence serves the objectives of national security, for the maintenance of sovereignty and protection of people, national borders and natural resources against any kind of aggression, through coordinated actions, in order to guarantee the peaceful coexistence of nations.

(*Política de Defensa Nacional*, 2006)

The defence policy is an instrument for the foreign policy. (*Plan Nacional de Política Exterior* 2006-2020)

#### What is Security?

The national security of Ecuador is the responsibility of the State. The State ensures the continued existence of the community, the defence of the national assets and the achievement and maintenance of national objectives. Its fundamental responsibility is to enhance national unity, ensure the full effect of fundamental human rights and promoting the economic, social and cultural progress of its inhabitants, reversing the adverse internal and external factors through political, economic, social and military provisions and actions.

(*Ley de Seguridad Nacional*, N° 275 – 1979/08/09, Sec. 1 and 2)

Human security is the result of peace and development.

(*Plan Ecuador*, 2007)

### Participation in Peace Operations

Missions	Military Component	
	MO	CT
MINUSTAH (Haiti)	—	67
UNMIL (Liberia)	3	1
UNMIN (Nepal)	1	-
UNMIS (Sudan)	20	-
UNOCI (Ivory Coast)	2	-

MO: Military Observers - CT: Contingent Troop.

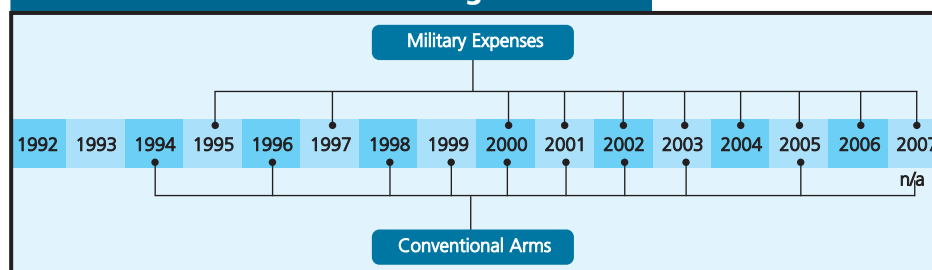
Source: Compilation based on the information supplied by the UN Department of Peacekeeping Operations (<http://www.un.org/Depts/dpko/dpko/contributors/>). Information as of June 30, 2008.

■ The Peacekeeping Unit School "Ecuador" (UEMPE) was founded on November 10, 2003.



■ Ecuador provides 94 military members to UN peace operations, which represents a 1.48% of the total amount of the Latin American contribution and a 0.12% of the world total.

### Submissions to the UN Registers



Source: Compilation based on reports submitted to the UN Register of Conventional Arms and the UN Instrument for Reporting Military Expenditures from 1992 to 2008. The publication of information from the Register of Conventional Arms corresponding to the year 2007 is expected by August 2008.

■ Ecuador published the *Política de la Defensa Nacional del Ecuador* (National Defence Policy of Ecuador) in 2002 and 2006.

## Constitutional Powers of the Congress

### Related to War and Peace

- Can it declare war?: No
- Is a congressional authorization required to declare war?: Yes (1)
- Can it make peace?: No
- Is a congressional authorization necessary to make peace?: Yes
- Is a congressional authorization necessary for the entry of foreign troops to the national territory?: N/R
- Is a congressional authorization necessary for the deployment of national troops outside the country?: N/R

(1) The President declares the state of emergency in case of external aggression and international war informing the Congress, which has the authority to revoke the decree.

N/R: No reference

### Related to Control

- Is its approval required to appoint senior officers of the Armed Forces?: No
- Can it accuse officers of the Armed Forces?: No
- Can it try officers?: Yes
- Does it participate in the election of officials for institutions of external control?: Yes
- Can it modify the national budget?: Yes

### States of Exception

Name: State of emergency  
Cause: Imminent foreign attack  
International war  
Grave internal commotion  
Natural catastrophes  
Participation of the Legislative Power: The Congress can revoke the state of emergency decree.

Source: Compilation based on the Constitution. As of August 2008, a Constituent Assembly process was in progress.

- The National Congress is currently in recess due to the mandate of the Constituent Assembly <sup>(1)</sup>
- The Constituent Assembly was composed by 130 members. These were divided up in ten constituent committees. For the development of the Constitutional Text proposal, the committees that held debates on issues regarding the defence sector were Committee 3 (Structure and Institutions of the State), and Committee 9 (Sovereignty, International Relations and Latin America Integration)
- The Constituent Assembly approved a Constitutional Text proposal on July 24, 2008, delivered it to the Supreme Electoral Court to call referendum and then started recess. The tentative date for that referendum was set on September 28th of the same year. <sup>(2)</sup>

(1) On January 15, 2007, the President of the Republic called a popular poll at a national level for people to declare themselves in favour or against the call to Constituent Assembly (Executive Decree N° 2, Sec. 1, January 15, 2007). In accordance to the decision of the Supreme Electoral Court, January 15, 2007 was set as the poll date. On that date the Bylaws for Election, Creation and Work of the Constituent Assembly were to be approved.

(2) There is a Transition Scheme approved by the Constituent Assembly, establishing the steps to follow regarding legislative representation.

Source: Compilation based on information provided by the Constituent Assembly.



## System Organization

## Functions

## State Powers Sphere

The President of the Republic is the supreme authority of the Public Force, exercises the political leadership of security and national defence and records in protocol the related decrees and policies. For that purpose, counts on the advice of the National Security Council, which presides, and of the Military Front. The National Security Council (COSENA) is the superior body responsible for the national defence, in charge of issuing the strategic concept of national security, which in turn constitutes the essential instrument to start the planning and decision-making process. The President of the Republic chairs the National Security Council, which is composed of the Presidents of the National Congress and the Supreme Court of Justice; the ministers in charge of National Defence, Government and Police, Foreign Affairs, and Economy and Finance; the Chief of the Joint Command, and the Chiefs of the three branches of the Armed Forces. It monitors the fulfillment of the defence policies and the strategic plans elaborated by the Joint Command of the Armed Forces, submitted by the Ministry of National Defence. The COSENA constitutes the highest ranking monitoring and crisis management body.

The National Congress exercises the faculties conferred by the Constitution of the Republic and permanently overviews the issues related to defence through the pertinent Commission.

## Ministerial Sphere

The Ministry of National Defence is the political, strategic and administrative body of the national defence. The Coordinating Minister of Internal and External Security accords the policies and actions that will be adopted by the following institutions as regards internal and external security: the Ministry of Government and Police, the Ministry of Foreign Affairs, the Ministry of Defence, and the Secretariat General for the Public Administration.

## Military Sphere

The Joint Command of the Armed Forces is the highest planning, preparation and strategic conduction body of the military operations, and advisory body on the military policies of war and national defence. It is conformed by the Joint Command of the Armed Forces and the Commander Generals of the Land Force, the Naval Force and the Air Force. The Chief of the Joint Command of the Armed Forces will be appointed by the President of the Republic, from among the three senior General officers in the Armed Forces.

The Land, Naval and Air Forces are branches of the Armed Forces and constitute the main operating bodies of the Joint Command of the Armed Forces. The General Commands of the Forces are the highest bodies of the operating and administrative command of each branch in the Armed Forces, through which the Commanders General of Force exercise their functions.

*Source:* Compilation based on the Constitution, *Ley de Seguridad Nacional* (N° 275 – 1979/08/09), *Ley Orgánica de la Defensa Nacional* (N° 74 – 2007/01/19), and Decree N° 117 –A (2007/02/15).

**Date of Foundation**  
1935

**Current Minister (August 2008)**  
Javier Ponce Cevallos

**Can the military members be Ministers of Defence?**  
Yes (if they have retired)

**Number of military members who were Ministers of Defence**  
34

**Number of civilians who were Ministers of Defence**  
20

**Have there been any women in charge of the Ministry of Defence?**  
Yes (Guadalupe Larriaga, 2007 and Lorena Escudero Durán, 2007)

[The Minister currently in charge is not considered. The creation date is related to the moment in which the term "Defence" becomes part of the Institution's name]

**Average permanence in the Minister of Defence position**  
**1 year and 4 months**

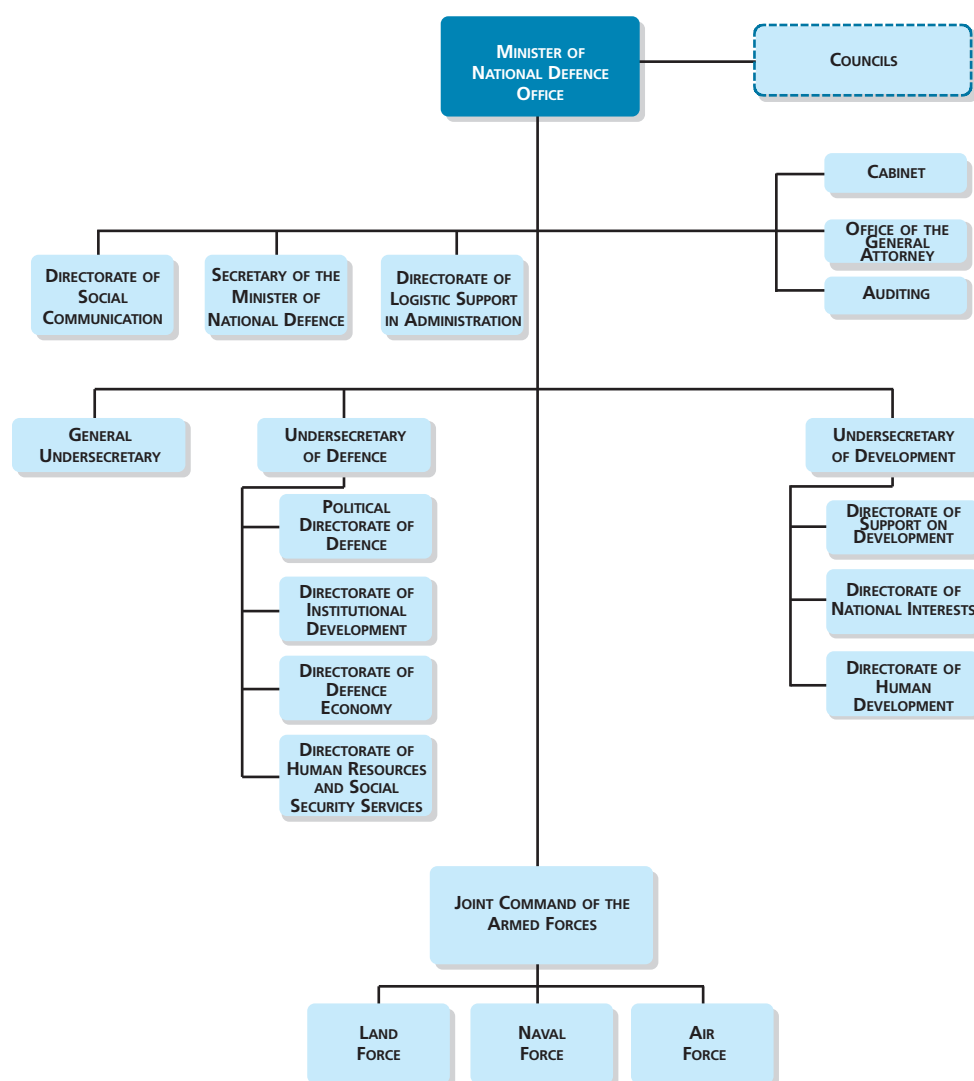
## The Ministry of National Defence

### Responsibilities:

- Administer the Armed Forces according to policies and instructions issued by the President of the Republic.
- Head the national defence policy
- Issue policies for the institutional strategic planning.
- Coordinate and support the security policy of the State.
- Issue the military defence directive.
- Issue rules, agreements, and internal regulations on general administration for the three Branches of the Armed Forces, as well as internal regulations on administration for each Force.
- Create and put forward for the consideration of the President the projected agreements, resolutions, arrangements, decrees and laws, aimed at allowing Armed Forces fulfill their constitutional mission as properly as possible.
- Plan and coordinate with the relevant State agencies, the Armed Forces participation in the social and economic development of the country.
- Involved in the knowledge and processing of the budget draft submitted by the Ministry of National Defence, Joint Command, Land, Air and Sea Forces and their attached and subordinate entities, which are applicable to the State's general budget.
- Submit the Armed Forces Rules and Regulations to the approval of the President of the Republic.
- Know and solve objections or claims on the decisions of the Supreme Council of the Armed Forces.
- Submit to the President of the Republic and other relevant authorities, the technical reports issued by different agencies of the Armed Forces.
- Guarantee that the Armed Forces members shall respect human rights within the fulfillment of their duties.

*Source:* Compilation based on *Ley Orgánica de la Defensa Nacional* (N° 74 – 2007/01/19) and information supplied by the Ministry of National Defence.

ORGANIZATION CHART



Source: Ministry of National Defence.

## Defence Education

### Main Training Courses of Specialization in the Area

Training Course	Institution
- Masters on Security and Development, specializing on Public Administration and Management.*	Institute of National High Studies (IAEN)

\* During 2008, under review process.

Source: Compilation based on the information supplied by the above mentioned institution.



## Military Career

### ARMY

#### Military Superior School

Duration: 4 years

Graduation Title: Graduate in Military Sciences

Graduation Rank: Second Lieutenant

#### Academies of Intermediate Education

Lieutenant

Captain

#### Staff College

#### War Academy of the Land Force

Major

Lieutenant-Colonel

Colonel

Brigade General

Division General

Army General

#### Entry to the Military Superior School - 2007 – <sup>(1)</sup>

Candidates:

1,545

Admitted Candidates:

166

1 out of 9 candidates was admitted.

### NAVY

#### Naval Superior School

Duration: 4 years

Graduation Title: Graduate in Naval Sciences

Graduation Rank: Second Lieutenant

#### Academies of Intermediate Education

Frigate Lieutenant

Navy Lieutenant

#### Staff College

#### Naval War Academy

Corvette Captain

Frigate Captain

Navy-Captain

Rear-Admiral

Vice-Admiral

Admiral

#### Entry to the Naval Superior School - 2007 – <sup>(1)</sup>

Candidates:

523

Admitted Candidates:

111

1 out of 5 candidates was admitted.

### AIR FORCE

#### Military Aviación School

Duration: 4 years

Graduation Title: Graduate in Military Aeronautical Science

Graduation rank: Second Lieutenant

#### Academies of Intermediate Education

Lieutenant

Captain

#### Staff College

#### Air War Academy

Major

Lieutenant-Colonel

Colonel

Brigade General

Lieutenant-General

Air General

#### Entry to the Military Aviation School - 2007 – <sup>(1)</sup>

Candidates:

522

Admitted Candidates:

60

1 out of 9 candidates was admitted.

(1) As for August 2008, the 2008 admission process was in its final stage. 1,020 candidates applied to the Military Superior School; 582 to the Naval Superior School; and 415 to the Military Aviation School.

Source: Compilation based on information supplied by the above mentioned institutions. Entry to Academies: Forces, and Naval Superior School. The table strictly follows the order and hierarchy of the ranks shown on each country.

## The Armed Forces

### General Mission

The Armed Forces shall have the fundamental mission to preserve national sovereignty, defend the integrity and independence of the State, and guarantee its legal order.  
(Constitution, Sec. 183)

The Armed Forces, as part of the public forces, have the following mission: maintain national sovereignty, defend the integrity, the unity and independence of the State; and guarantee the legal and democratic order of the social rule of law.

Moreover, they shall collaborate with the social and economical development of the country; they can participate in economical activities exclusively related with the national defence; and, intervene in the rest of the aspects regarding national security, in accordance with the law. (*Ley Orgánica de la Defensa Nacional*, N° 74 – 2007/01/19, Sec. 2)

### Specific Missions

#### Army

Organize, train, equip and maintain the military land power, as well as participating in the processes which guarantee the national defence and its institutional development.

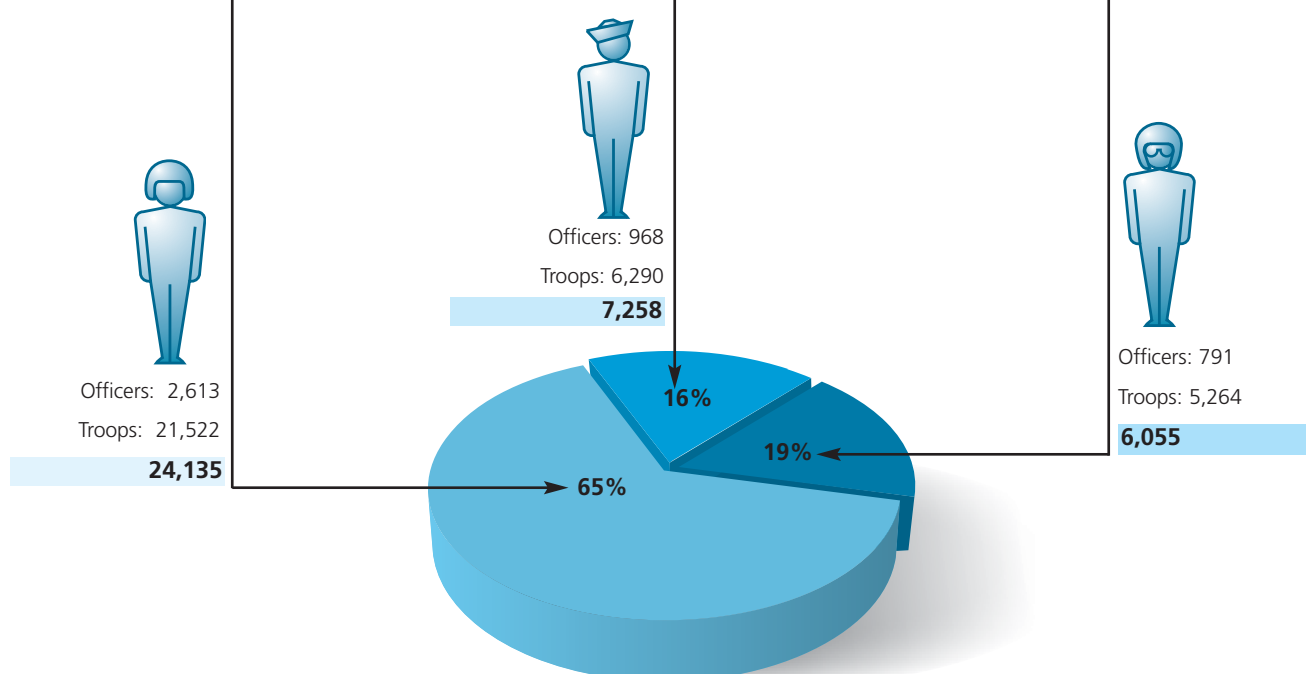
#### Navy

Organize, train, equip and maintain the naval power, as well as to participate in the processes which guarantee the security of the Nation and foster its development to contribute to the execution and maintenance of the national objectives, in accordance with the planning foreseen for times of peace, conflict and war.

#### Air Force

Maintain the air space control and guarantee, along with the other branches of the Armed Forces, the sovereignty and integrity of the Ecuadorian State and support the socio-economical development of the country, mainly in the aeronautic environment.

### Total Armed Forces: 37,448



Source: *Política de la Defensa Nacional* (2006) (missions) and Directorate of Personnel of each Force (Regular Forces). In the Ecuadorian system, the term troop includes the private rank up to the non-commissioned officer.





**Women in the Armed Forces**

		Army	Navy	Air Force
Entry year (Officers)	Staff Corps	1956	1977	2000
	Line Corps	2003	2003	2007
Rank reached		All ranks	All ranks	All ranks

“Line Corps” means those military members trained to perform in combat missions, and who also have command capacity.  
“Staff Corps” means those military members who are part of the Forces or who join them, in order to provide technical and/or professional support services.

Source: Compilation based on information supplied by the above mentioned institutions.

**Defence and/or Military Attaché Office in:**



Source: Directorate of Social Communication of the Land Force. The country to which the Attaché is posted is considered here as the Office, beyond other cross accreditations to one or many countries.

## Analysis:

## Ecuador: Transformation of Defence and Restructuring of the Armed Forces

**Pablo Celi\***

■ In a transitional context ranging from the decline to the renewal of the political system, the development of security and defence institutionalization in Ecuador falls within the political reform framework. This reform seeks to be defined by the Constituent Assembly, the only legislative instance in force in the country since the closure of the National Congress, endowed with a full-power mandate for restructuring the political system, and whose resolutions will be submitted to a national referendum.

Beyond this political and institutional scenario, two moments have imbued the definition of the Armed Forces missions, roles and functions: the peace accords with Peru<sup>1</sup> after the last war conflict (which wrapped up a long period of frontal crashes that conditioned the foreign policy and national defence priorities and the structure of the Ecuadorian military system for over half a century), and the growth of tensions in the Colombian frontier, as a result of the military pressure stemming from the Colombian internal conflict and its cross-border impacts.

Under the new external circumstances, Ecuador faces the necessity to harmonize security and defence policies and actions with the aims and guidelines of the country's foreign policy. In declarative terms of defence policy, the multidimensional and human security propositions have been considered as a political framework for the incorporation to a sub-regional scenario where multilateral cooperation has been affected by the use of force in the Colombian frontier. This process of sub-regional and neighbouring tensions influences the redefinitions to be implemented in the defence sector, and the orientation to be adopted by the

■ The development of security and defence institutionalization in Ecuador falls within the political reform framework.

\* Central University of Ecuador.

<sup>1</sup> Adopted in 1998, after the 1995 Cenepa War.



national defence system, in its political, doctrinal and regulatory aspects under current discussion and restructuring.

## The Defence Policy and the Institutional Reform - Background

As a background of the process of the defence sector reform, is the first edition of the White Book (the National Defence Policy, 2002) which was updated between 2005 and 2006. The Book posed the transformation of the defence sector and the restructuring of the Armed Forces, as well as the necessity to advance towards structural reforms embracing the judicial, intelligence, administration and economy defence systems.

Since then, the emphasis has been put on the restructuring of the Armed Forces, aimed at the professionalization of the military condition, through the improvement of the legal framework relating to leadership, missions, roles and duties. Thus, a new design in the structure was settled, the Plan of Joint Strategic Capabilities, the Plan of the Armed Forces Reinforcement, the Strategic Financial Plan and finally, a special law for the Restructuring of the Armed Forces.

Among the considered innovations regarding the organizational and operational aspects, are the establishment of simpler and direct command lines towards the operative bodies; the conformation of organically complete units with fast deployment capacity; the enhancement of joint actions; and the development of peace operations and humanitarian assistance capacities. As to defence administrative related aspects, the implementation of an integral management system was posed; also were the rationalization of staff, intelligence, operations and logistics processes; the optimization of the use of physical and technological infrastructure; and the rationalization, systematization and standardization of materials within each Force, through the use of economy of scale in the regularly used items.

At the closing stages of the administration of Alfredo Palacio and pressed by the political transition announced by the oncoming Rafael Correa administration, the National Congress persisted during the last sessions in finding an agreed solution between the dominating traditional political sectors and the military High Commands. Thus, the National Defence Organic Law (substituting the Armed Forces Organic Law, 1990) and the Armed Forces Personnel Reforming Law were issued.

The juridical corpus contained in the Defence Law established a new legal framework for the military institution, regarding its aims and missions; it rules its functioning, management and institutional structuring. The organic structure of the national defence, defined as a system, integrates the Armed Forces within an organic hierarchy that modifies the former adscription of the Ministry of Defence as an Armed Forces' body. The regulations also determine that the President of the Republic is the highest authority of the Armed Forces; those regulations determine that this constitutional function is exercised "as to the political-administrative aspects" through the Ministry of National Defence, and "as to the military-strategic aspects", along with the Joint Command of the Armed Forces.

■ The first edition of the White Book is a background of the process of the defence sector reform.

An important aspect – anticipated in the military legislation reform – is the enforcement of the military penal justice submission to its jurisdictional unit, in accordance with the constitutional rule and the Judicial Function and Public Ministry Organic Laws. Consequently, the administration of military justice would thus lose its independence and autonomy, though it would keep the military jurisdictions, through judges and courts linked to the general structure of the Judiciary Branch - to be established for the coordination of the National Judicial Council with the Ministry of Defence.

The legal order has maintained and broadened its constitutional mandate, including “the guarantee of the juridical and democratic order of the social Rule of Law”<sup>2</sup> within the scope of the Armed Forces missions. The formulation of this mission has been subject to a deep debate on the military role in current institutional crises within the Ecuadorian political system.

With regard to the military businesses, the law referred to the reorganization of the Armed Forces activities, directing them towards the purpose of the national defence, and restricting their constitutional attribution of supporting the social and economic development, on establishing that the Armed Forces “can exclusively participate in economic activities related to the national defence”<sup>3</sup>. In the same way, it prohibited the use of staff and goods in charge of the Armed Forces for private activities, remunerated or not. The implementation of this regulation would take for granted a capital disinvestment process from military businesses that are not associated with defence tasks, though the time of completion and the parameters to determine which businesses are related to security and national defence have not been established.

In concordance with the new Organic Law, the Armed Forces Personnel Law Amendment was issued, which tackled the establishment of a professional and stability system for the military institution members and their legal security. This law completed the sector’s legal framework, specifying the military personnel’s rights, categories, ranks, hierarchies, training, promotion, service times and professional stability in the military career. The Armed Forces labour regulations are completed through the salary homologation process with the public administration, which seeks to give an economic retribution to the military personnel under a salary unification system, similar to the one in force for the whole State administration.

## Governance Priorities and the Current Scenario

Under the new governance conditions, and within the context of the transformations discussed by the Constituent Assembly, many of these institutional processes and legal reforms have been deferred - subject to a renewed, never-ending debate along with the previous defence sector reform process. At the same time, security and defence issues have gained special importance, given the frontier zone tension conditions and their particular relation with the Armed Forces issue.

2 *Ley de Defensa Nacional*, N°74, Sec. 2, Quito, Republic of Ecuador, January 19, 2007.

3 *Ibid.*

■ The Defence Law established a new legal framework for the military institution, in 2007.



In the face of the frontier zone insecurity conditions - due to the effects of the Colombian conflict -, the Government designed the Plan Ecuador for the sake of security, thus integrating peace, security and frontier zone development components. On the basis of such a plan, a link is outlined between defence policy and a human security view, with the purpose of protecting the population, the natural resources, and the national patrimony and, of carrying out an effective territorial control.<sup>4</sup>

The Plan Ecuador, introduced as an alternative security model, without militaristic characteristics, has a preventive and multidimensional approach that is based upon human development and citizen security; its fundamental cores are: the institutional enhancement for the sake of peace and development; the economic and employment reactivation; the improvement of basic social infrastructure, the sustainable management of natural resources; the administration of justice and crime control; the human rights, humanitarian assistance and refugee protection; and the protection of the State's sovereignty and integrity.<sup>5</sup> On the basis of the Plan, the Government has announced the restructuring of the Security, Defence and Armed Forces sectors, as a consequence of critical events in the neighbouring relations with Colombia and their impact on the military performance, in areas like, for instance, intelligence (subject to a deep restructuring process).

The reforms about security and defence - originally put forward by the Armed Forces and received by the Ministry of Defence for their later presentation in the Constituent Assembly -, comprise such aspects as the inclusion of a special chapter on security in the Constitution - which defines the State's security system, the structure and functions of the Security Council, and those of the Public Force (conformed by the Armed Forces and the National Civil Police). This security system would include multiple supporting systems: Civil Defence, Red Cross, Firefighters, Transit Workers, Municipal and Metropolitan Police, Security Companies, Civil Aviation, Merchant Navy, and Port Authorities. The proposal maintains the relation between security and development, the Armed Forces function of contributing to maintaining the Rule of Law, and the specific jurisdiction of the public force. It assigns extensive functions to the state of emergency; while at the same time, proposes the voluntary military service and the military vote, through defining the military as "uniformed citizens".

■ The reforms about security and defence comprise such aspects as the inclusion of a special chapter on security in the Constitution.

### Critical Aspects of the Approach to the Sector Reform

Without a definitive statement from the constituent body, it is important to highlight some critical aspects of the defence sector reforms, due to their implications for the political leadership and the institutional structure of the Armed Forces.

<sup>4</sup> *Plan Ecuador*, Government of Ecuador, Quito, April 2007.

<sup>5</sup> *Ibid.*

Over the last years, efforts have been made for the sake of the professionalism of the Armed Forces and the National Police, through regulations that institutionalize the military and police functions within a public administration system that is accountable and democratically controlled. The attachment to the concepts of domestic and external security is a reminiscence of the old national security doctrine and its social control mechanisms. State security have to be outlined in strict correspondence with its public security and national defence particular spheres, to which the professional functions of the Armed Forces and the Civil Police have to adjust; the latter being specific institutions within public administration still causing confusion under the naming of “public force”.

The Armed Forces restructuring process – seen as an overall process – demands the overcome of the confusing transposition of security functions in several governmental levels. Under its influence, multifunctional bodies prevail - aside from the harmful confusion of roles, tending to the “policialization” of the military and the militarization of the police. Likewise, the search for an effective professionalism involves the discrimination of security and development fields. Security functions have not to intermingle or mix up with the economic development model, including the natural and strategic resources, and the public companies system. The specialization in functions inherent in the Armed Forces and the Civil Police avoids the interference in areas that denaturalize their roles, divert their attention and resources, distort their functioning and structure and, end up denaturalizing and discrediting such institutions.

From the supposition that the Armed Forces are responsible for the legal and constitutional order, serious distortions have arisen. The Armed Forces assist in maintaining the Rule of Law exclusively through the strict realization of their specific functions; therefore, it is expectable that the old tutelary formula is eliminated unequivocally, which has remained in a conservative fashion within the constitutional charter.

Nowadays it is imperative that the institutional and functional development of the national defence system is enhanced through the review of their organization, structure, strategic direction and operative control. The expectation is focused on the rationalization of the military apparatus, subject to political, doctrinarian and regulatory principles according to the national development, and to its incorporation to a sub-regional scenario of multilateral cooperation. This scenario turns out to be appropriate for the integration of a regional security system for conflict prevention, and the implementation of mutual confidence mechanisms that include transparency in the military field.

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