



Ecuador and the Responsibility to Protect: A case for constructive engagement

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Introduction

In order to fully understand the Ecuadorian government's position towards the Responsibility to Protect it is important to start by pointing out some characteristics of the country's political context.

The concept of the Responsibility to Protect from genocide, war crimes, ethnic cleansing and crimes against humanity was approved by the General Assembly of the United Nations in September 2005, as part of the *2005 World Summit Outcome* (A/RES/60/1).¹ In April of the same year, the president of Ecuador, Lucio Gutiérrez, left the presidential palace pressed by the protests against his administration, and the National Congress, acting under the constitutional norm of

“*abandono del cargo*”, put an end to his presidency.² As a result, the Congress proclaimed Vice President Alfredo Palacio as the country’s new President. This was the closing event of one of the most convulsive decades the country had lived through since the instauration of democracy in 1979.³

As a result of the political mobilization that led to the appointment of the new President and general political instability, a new political movement called *Alianza País* was born. Its leader, Rafael Correa, won the presidential elections on 26 November 2006 and took office in January 2007, directing, up to the present, the process of the so-called *Revolución Ciudadana* (Citizen’s Revolution).⁴

Since then, Ecuador has gone through a vast transformation in all aspects of its political, economic, social and institutional life in the context of a process based on the idea of the “*Socialismo del Buen Vivir*” (Socialism of Good Living) and on the Constitution. This process has been developed and implemented through the documents that represent the political position of the government, called “Plans”: *National Plan of Development 2007-2010*, *National Plan for the Good Living 2009-2013* and the *National Plan for the Good Living 2013-2017*.⁵

In the eight years since this new political and economic model was established in the country, it would be expected that Ecuador’s foreign policy position would be consistent, including its position regarding the Responsibility to Protect. Given that the official information about the Ecuador’s political position on the Responsibility to Protect is limited, the purpose of this article is to analyze that position, through an observation of the political guidelines drawn from the country’s Constitution, the National Plan for Good Living 2013-2017 and, mainly, through a review of the statements of the Ecuadorean delegation at the General Assembly’s annual RtoP dialogues.

Ecuador and the Responsibility to Protect

According to the country’s current Constitution, Ecuador is a State of rights and justice, Article 1 of the Constitution states that: “*Ecuador es un Estado constitucional de derechos y justicia, social y democrático, soberano, independiente, unitario, intercultural, plurinacional y laico. Se organiza en forma de república y se gobierna de manera descentral-*

*izada.*⁶ Among the fundamental duties of the State is guaranteeing its inhabitants the right to a culture of peace, to integral security and to live in a democratic society free of corruption (art. 3 num. 8). As for human rights, they are at the core of the constitutional text, hence the relevance of international treaties on human rights:

La Constitución y los tratados internacionales de derechos humanos ratificados por el Estado que reconozcan derechos más favorables a los contenidos en la Constitución, prevalecerán sobre cualquier otra norma jurídica o acto del poder público. (art. 424). Los derechos consagrados en la Constitución y los instrumentos internacionales de derechos humanos serán de inmediato cumplimiento y aplicación. (art. 426).

The *National Plan for Good Living 2013-2017* -a document that reflects the position of the government policy through twelve national objectives- reaffirms the notion of the Ecuador as a *Constitutional State of justice and fundamental rights*, established in the Constitution, and explains that this idea “lays in the center of its justification: the rights and guarantees of the people”.⁷ Human rights are considered “the core of the public, the very reason for having a State”, and they are the “foundation of the Plan, its purpose, essence and reason for being”. Simply put, human rights are a substantive part of the Plan.⁸

It is important to note that there has been a deep commitment by Ecuador to the norms of human rights and International Humanitarian Law (IHL). This is confirmed by the adoption of almost all international legal instruments in this regard.⁹ In this sense and with respect to the international instruments that were pointed out by the UN Secretary-General in his report of 2013, Ecuador currently has ratified almost all of them¹⁰ (see Graphic I).

An example of the commitment Ecuador has made with respect to the fulfillment and diffusion of the IHL, came in 2006, per Executive Order No. 1741, when the *Comisión Nacional para Aplicación del Derecho Internacional Humanitario del Ecuador (CONADIHE)* [National Commission for the Application of International Humanitarian Law of Ecuador],¹¹ was created with the goal to promote the cooperation between the Government and the International Organizations to reinforce the basic principles of the IHL.¹²

CONADIHE is a permanent organism consisting of the Ministry of Foreign Affairs and Human Mobility (Presidency); the Ministry of

National Defense (Vice Presidency); the Ministry of the Interior; the Ministry of Economic and Social Inclusion; the National Assembly; the General Office of the Magistrate of the State; the National Court of Justice; and the Ecuadorean Red Cross (Secretary).

Undoubtedly, the commitment to the IHL by the members of the Armed Forces is remarkable. Hence, the measures that have been taken regarding this institution are considered positive, such as the subscription of various agreements with the International Committee of the Red Cross (CICR). In 2013 the Ministry of Defense of Ecuador, the National Society of the Ecuadorean Red Cross and the International Committee of the Red Cross, subscribed the Inter-Institutional Agreement of Cooperation to promote the integration of the IHL and the principles on the use of force in the doctrine, instruction and training of the Armed Forces of Ecuador.¹³

The IHL is also considered an essential element of the defense policy of Ecuador, as established in the Political Agenda of Defense 2014 – 2017 [*Agenda Política de la Defensa*]:

“La obligación de respetar el Derecho Internacional Humanitario (DIH), tanto convencional como consuetudinario, es de carácter estricto para el Ecuador, como Estado Parte de los Convenios de Ginebra de 1949 y sus Protocolos Adicionales, y un parámetro ineludible de comportamiento para los miembros de las Fuerzas Armadas del Ecuador. La obligación de integrar de manera permanente el Derecho Internacional Humanitario se refleja en la actualización de la formación y entrenamiento, y especialmente en la actualización de la doctrina militar conforme a las normas del DIH y los principios elementales de humanidad, de manera que las Fuerzas Armadas cuenten con mecanismos suficientes para su efectiva publicación.”¹⁴

With reference to genocide, war crimes, crimes against humanity and ethnic cleansing (Key aspects of the Responsibility to Protect¹⁵), the Constitution of Ecuador establishes that there is no statute of limitations of these actions or for the punishments for such crimes.

Las acciones y penas por delitos de genocidio, lesa humanidad, crímenes de guerra, desaparición forzada de personas o crímenes de agresión a un Estado serán imprescriptibles. Ninguno de estos casos será susceptible de amnistía. El hecho de que una de esas infracciones haya sido cometida por un subor-

dinado no eximirá de responsabilidad penal al superior que la ordenó ni al subordinado que la ejecutó. (art. 80).

Additionally, genocide and crimes against humanity are among the 70 new transgressions established in the Organic Comprehensive Criminal Code [*Código Orgánico Integral Penal*, COIP] effective since 10 August 2014.¹⁶ It is important to point out the criminalization of ethnocide, which is based on cultural identity. With respect to the rules of the IHL, COIP develops in 28 articles the crimes against persons and property protected by the IHL (see Graphics II and II.a).

Overall, it can be said that according to the Constitution and the *Plan for the Good Living*, Ecuador is a State that assumes its responsibility to protect its population based on the empowerment of its society, and based on the promotion and guarantee of fundamental human rights. This responsibility was recognized in the UN Secretary-General's General Secretary's report of 2013, *Responsibility to Protect: State Responsibility and Prevention* (A/67/922-S/2013/399).

“In Ecuador, the Constitution serves as the foundation for social protection policies and more inclusive economic growth. The adoption of a national development plan has paved the way for the promotion of inclusiveness and transparency by incorporating social actors in the development process” (para. 46).

In order to proceed with the aim of this chapter –to explain the position of Ecuador with respect to the Responsibility to Protect– and since it is not expressly mentioned in any other document of public policy, what follows is a review of the statements of the Ecuadorean Delegation at the General Assembly's annual RtoP dialogues.

Since 2009, the UN General Assembly has held six interactive dialogues on the Responsibility to Protect, based on the Annual Reports of the Secretary-General.¹⁷ The Ecuadorean delegation to the UN has participated in three of the mentioned dialogues, conducted in 2009, 2013 and 2014.¹⁸

In order to understand Ecuador's position, the perspectives will be analyzed through two aspects of the concept of the Responsibility to Protect: institutional and operational.

Institutional Aspects

With regards to the institutionalization of the RtoP in the framework of the United Nations, the concept of Responsibility to Protect has not been rejected by Ecuador. On the contrary, in the debate of 2013, the Ecuadorean delegation explicitly stated: “My country recognizes that the Responsibility to Protect is intrinsic to the notion of a sovereign State”. In addition Ecuador agreed on the respect of the three pillars strategy established by the Secretary-General, as it has not manifested a negative opinion regarding this point and has expressed: “*Es importante asegurar que los tres pilares sean abordados de manera balanceada puesto que cada uno de ellos se refiere a temas de gran importancia para nuestros Estados*” (Debate 2009).

However, the Ecuadorean delegation has reiterated that the concept is still in discussion and still being debated until the UN General Assembly decides otherwise (Debate 2013). For Ecuador, the recommendations of the General Secretary, like those in the Report of 2013,¹⁹ will be accepted when an agreement is reached in the General Assembly on the following aspects:

- The definition of the Responsibility to Protect and its scope
- The manner in which the motives can be determined as sufficient to legitimize an international intervention
- The manner in which the military strength would be used, eventually and as a last resort.

Such aspects would relate to the elements that the Ecuadorean delegation has signed reiteratively, on which the concept of legitimacy of the Responsibility to Protect would be sustained:

- 1) The clear establishment of the motives that can be considered sufficient to legitimize international intervention.
- 2) The establishment of clear case-by-case support on the eventual intervention excluding the usurpation of State or natural resources.
- 3) The use of force should be the last possible option after having exhausted all peaceful dispute settlement mechanisms and under the exclusive authorization of the Security Council under Chapter 7.

- 4) There must be a clear follow up on the mechanisms that are established in the Resolution on the use of force, in order to avoid excesses as set by the Security Council.
- 5) There must be compliance with the provisions of the UN Charter on the way in which the military would act on behalf of the international community.

I must highlight the statement made by Ecuador about the *protection of the civil population* which was made in the context of the 6th Annual Ministerial Meeting on the Responsibility to Protect of 27 September 2013, co-hosted by the Ministers of Foreign Affairs of the Netherlands and Nigeria:

*“Concebimos a la protección a la población civil como un compromiso racional, indeclinable y firme de la comunidad de Estados, basado estrictamente en normas internacionales y defendemos el rol de la Corte Penal Internacional como el único medio por el cual se puede terminar con la impunidad de aquellos criminales que asesinan a su propio pueblo o a pueblos ajenos por lo cual demandamos que el Estatuto de Roma sea ratificado sin demora por todos los Estados miembros de Naciones Unidas”*²⁰

Operational Aspect

This section is intended to explain the political position of Ecuador regarding the phases of the Responsibility to Protect: *early warning*, *prevention*, and *use of force*. With respect to the first two, there is no objection. What the Ecuadorean Delegation has pointed out is that “the prevention of conflicts through the use of peaceful dispute settlement is the only legal and efficacious manner of avoiding the crimes that are set forth in paragraphs 138 and 139 of Resolution 60/1 of 24 October 2005 come about”, and besides, that Ecuador “firmly believes in the roles of regional and sub-regional organizations in the prevention of the aforementioned crimes” (Debate 2013).

It is important to note that regarding the use of force, the Delegation of Ecuador, initially contested the legitimacy of the Security Council to act and to adopt collective measures according with Chapter VII of the Charter.

“Debemos aceptar que lamentablemente el Consejo no ha sido un actor objetivo, eficaz e imparcial y que sus decisiones no han tenido la transparencia y la neutralidad deseadas. Es entonces legítimo preguntarnos si en realidad el Consejo de Seguridad en su composición actual y los mecanismos de toma de decisiones vigentes debe ser la autoridad encargada de autorizar intervenciones militares para propósitos de protección humana o si se debería antes avanzar en una reforma profunda e integral del Consejo que lo revista de legitimidad y eficacia?” (Debate 2009)

However, this statement was eventually surpassed in the next two debates, when Ecuador asserted the role of the Security Council with respect to the adoption of collective measures. Specifically in the debate of 2013, the following was expressed:

“The commitment of the international community to adopting the collective measures mentioned above can only come about through the Security Council and in step with the UN Charter. Any use of force outside of this framework is illegal and illegitimate, and is a mere act of aggression against a sovereign State, regardless of who commits it and the pretext used to justify it.”

Besides, in the above mentioned Ministerial Meeting of 2013, the Ecuadorean delegation expressed their rejection of the unilaterally use of force without authorization of UN Security Council, and the preventive use of force as part of the concept of the Responsibility to Protect, considering that this idea contradicts the third pillar. It draws attention, since none of the official documents concerning RtoP; particularly the reports of the Secretary-General, refer to preventive use of force to protect populations or the possibility that any State can intervene without authorization.

However, it is important to recognize that the use of force in the context of the Responsibility to Protect is a complex issue that creates ambiguity and contradictions. For this reason, it is essential that the United Nations bodies in charge of the doctrinal development of the RtoP, to address the concerns that exist on the subject, in order to clarify the doubts and avoid misperceptions and misinterpretations that arise from a lack of a clear explanation.

Considerations Regarding Ecuador's Statements at the UN

It is possible to affirm that Ecuador has implicitly accepted RtoP. However, Ecuador believes it is necessary to establish the mechanisms of the application and implementation of RtoP, especially when related to the use of force to protect a population. This can be drawn from the remarks on a series of elements that are considered necessary for legitimating an intervention with the purpose of protecting the population.

Despite the theoretical, juridical and operative gaps that still involve the concept of Responsibility to Protect, Ecuador recognizes that the UN must act to protect people from atrocities. This was expressed in the debate of 2009, which pointed out that the UN must not remain in silence, but must address the perpetration of atrocities and act based on international law.

As we can observe, for Ecuador, the principles of international law, especially the ones such as non-intervention, abstention from the use of force, and sovereign equality, are of vital importance, not only for the relations between the States, but also as the axis that guide domestic policies. The principle of sovereignty in Ecuador is conceived in two dimensions: human and territorial. Evidence of this is the insertion of a plural notion of sovereignties contained in the Constitution.²¹

It can be concluded that Ecuador understands *sovereignty as responsibility* as one of the theoretical fundamentals of the Responsibility to Protect. The issue which worries Ecuador, according to the statements of its delegation in the UN's, is the notion of *intervention for human protection purposes*. This component of Responsibility to Protect, is problematic, given Ecuador's concerns that these can be "interventions disguised as humanitarianism" (Debate 2013). Still, Ecuador has not denied the possibility of the use of force to protect the population whenever it is authorized by the Security Council.

Despite Ecuador's concern with the complex problem of Responsibility to Protect and the use of force, its delegation did not participate in the interactive debate of 2012, where the Report of the Secretary-General *Responsibility to Protect: Timely and Decisive Response* (A/66/874-S/2012/578) was used as a reference for the discussion in which the utilization of military force, in accordance to Chapter VII of the Charter was discussed.

It must also be observed that – however extensive the analysis about the prevention of mass atrocity crimes developed in the reports of the General Secretary, including the 2013 report which explained some of the risk factors related to atrocity crimes and the difference between conflict prevention and atrocity prevention – thus far, the Ecuadorian delegation has been centered exclusively in the prevention of conflicts, which doesn't contribute to the debate and the generation of proposals to strengthen mass atrocity prevention.

Conclusion

On the basis of the examination of the principal documents that define the political guidelines in Ecuador, like the Constitution and the *National Plan for Good Living 2013-2017*, and considering the statements of the Ecuadorian delegation has made in debates about the Responsibility to Protect and which have been conducted at the General Assembly, it can be concluded that -at least implicitly- Ecuador has not denied the validity and promotion of Responsibility to Protect. Ecuador accepts the strategy of the three pillars developed by the General Secretary and supports the possibility of to the use of force when authorized by the Security Council.

What Ecuador reiterates is the necessity to clarify the application and implementation of the concept, especially when force is used to protect the population, a preoccupation which is not new on the global stage. This is confirmed by the diversity of analyses, debates and opinions that have been generated about the subject. In this respect, it is pertinent to note the opinion of Navi Pillay, former UN High Commissioner for Human Rights, who, regarding the intervention in Libya in 2011, stated:

“Since the Security Council resolution authorized the use of force under the mantle of protection of civilians and RtoP, in an operation that ended in regime change, questions were raised as to whether regimen change is a means of giving effect to the legitimate principles of RtoP and protection of civilians. [...] It is clear that the concept itself cannot be faulted. As far as I can see, no objection has been raised to the concept itself but to its application and implementation. RtoP, like human rights, must never become politicized, employed selectively or be the weapon for double standards and regime change.”²²

In relation to the Ecuadorean's statements at the General Assembly, they are repetitive, without any concrete proposals to advance the discussion of the theoretical and juridical development of the concept, or any possible ways that permit the adequate and effective implementation of the Responsibility to Protect when it is related to the use of force or other coercive measures.

An element that is considered negative is the limited information about the position of Ecuador regarding Responsibility to Protect, which generates confusion in some cases and misunderstanding in others. One example of this is the false perception of Ecuador as an adversary of Responsibility to Protect seen in some scholars' work.²³

Additionally, Ecuador's occasionally divergent position in the cases where it is evident that atrocities exist generates a negative perception about Ecuador's role as a promoter of human rights in the international arena. An example of this is Ecuador's vote against the draft resolution about the situation of human rights in the Democratic People's Republic of Korea, approved in 18 November 2014.²⁴

In general, the political position of Ecuador in regards to the Responsibility to Protect is considered *ambivalent*. To answer to this characterization, it is important that Ecuador specifies its position about the Responsibility to Protect with a clear and precise explanation of its position. Additionally, it would be expected that the Ecuadorean delegation's statements were not repetitive at the General Assembly. Rather, Ecuador should contribute with specific proposals about the measures that the international community can carry out in order to prevent, or respond to the suffering of millions of people, victims of irrationality.

Graphic I
Ecuador And The International Legal Instruments
Indicated By Un Secretary-General

Instruments	Signature	Ratification Accession (a)	Entry into force
Convention on the Prevention and Punishment of the Crime of Genocide (Dec. 9,1948)	11 Dec 1948	21 Dec 1949	12 Jan 1951
International Covenant on Civil and Political Rights (16 December 1966) Second Optional Protocol (15 December 1989)	4 Apr 1968	6 Mar 1969 23 Feb 1993 (a)	23 Mar 1976 11 Jul 1991
International Covenant on Economic, Social and Cultural Rights (16 December 1966)	29 Sep 1967	6 Mar 1969	3 Jan 1976
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (10 December 1984)	4 Feb 1985	30 Mar 1988	26 Jun 1987
Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979)	17 Jul 1980	9 Nov 1981	3 Sep 1981
International Convention on the Elimination of All Forms of Racial Discrimination (7 March 1966)		22 Sep 1966 (a)	4 Jan 1969
Convention of 1961 on the Statute of the Refugees and its Protocol of 1967		17 Aug 1955 (a) 6 Mar 1969 (a)	22 Apr 1954 4 Oct 1967
Convention on the Rights of the Child (20 November 1989)	26 Jan 1990	23 Mar 1990	2 Sep 1990
Statute of Rome of the International Penal Court (17 July 1998)	7 Oct 1998	5 Feb 2002	1 Jul 2002
Arms Trade Treaty (2 April 2013)*			24 December 2014

Source: Information based on the information contained in CHAPTER IV: Human Rights, available in <<http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>>, and <<http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=biblioteca/pdf0506>>.

** The Ecuadorean Delegation abstained from voting regarding to the draft resolution entitled “The Arms Trade Treaty”, (A/67/L.58) , 71st. Plenary meeting General Assembly, 2 April 2013. Official Records (A/67/PV.71) see <<http://www.un.org/disarmament/ATT/>>

Graphic II

Organic Comprehensive Criminal Code (COIP)

Crimes Against Humanity	Penalty
Art.79 Genocide.- The person who, in a systematic and generalized manner, and with the intention to destroy in whole or in part, a national, ethnic, religious or political group, commit any of the following acts: 1. Killing members of the group. 2. Causing serious bodily or mental harm to members of the group. 3. Deliberately inflicting to conditions of life calculated to bring about its physical destruction in whole or in part 4. Adoption of forced measures intended to prevent births within the group 5. Forced transferring children or adolescents of the group to another group.	26-30 yrs
Art. 81 Extermination	
Art. 86 Persecution	
Art. 87 Apartheid	
Art. 88 Aggression	
Art.89 Crimes against humanity. Crimes against humanity are those that are committed as part of a widespread or systematic attack directed against any civilian population: the extrajudicial execution, the enslavement, the forced displacement of population that has not the purpose to protect their rights, the illegal or arbitrary privation of the freedom, torture, rape and enforced prostitution, insemination not permitted, enforced sterilization and the enforced disappearance.	22 – 26 yrs
Art. 82 Enslavement	
Art.83 Deportation of forcible transfer of populations	
Art. 84 Enforced disappearance	
Art. 85 Extrajudicial execution	
Art. 80 Ethnocide.- The person who deliberated, generalized and systematic manner destroys in whole or in part the cultural identity of towns in voluntary isolation.	16 – 19 yrs
Art. 90 Penalty for a legal entity. When a legal entity is found to be responsible of any of these crimes it will be sanctioned with its extinction.	

*Source: Código Orgánico Integral Penal. R.O. No. 180, February 10, 2014.
Unofficial translation.*

Graphc II. A.
Organic Comprehensive Criminal Code (COIP)

Crimes against persons and property protected by the International Humanitarian Law	Penalty
Murder of protected person (art.115)	22 – 26 yrs
Mutilations or experiments in protected person ((art 118) Torture , cruelty and degrading treatments to protected person (art 119) Collective Punishments to protective persons (art.120) Use of prohibited methods in armed conflict (art. 121) Use of prohibited weapons (art. 122) Attacks to protected property (art.123)	13 - 16 yrs
Obstruction of sanitary and humanitarian work (art. 124) Freedom privation of protected person (art. 125) Attack to protected person with terrorist purpose (art. 126) Recruiting of children and adolescents (art. 127) Taking of hostages (art. 128) Infractions against the active participants in armed conflict (art. 129)	10 – 13 yrs
Arbitrary and illegal transfer (art. 130) Abolition of rights of the protected person (art.131) Environmental modification with military purposes (art.132)	7 – 10 yrs
Denegation of juridical guarantees of protected person (art.133) Omission of measures of aid and humanitarian assistance (art.134) Omission of measures of protection (art. 135) Arbitrary Contributions (art 136) Prolongation of hostilities (art. 137)	5 – 7 yrs
Destruction or appropriation of goods to the adversary part (art.138)	3 – 5 yrs
Abuse of emblems (art.139)	1 – 3 yrs
Transgression to sexual and reproductive integrity of protected person (art 116) *	
Damage to physical integrity to the protected person (art 117)	5 – 7 yrs + 1/2

* *Punishment increased in one third, respect of the transgressions against the sexual and reproductive integrity (art. 164 – 175).*

NOTES

1. The draw resolution A/60/L. 1, entitled *2005 World Summit Outcome* was adopted without vote. Meeting Record, 8th plenary meeting of the UN General Assembly, September 16 2005 (A/60/PV.8). Available at <<http://research.un.org/en/docs/ga/quick/regular/60>>.
2. *Constitución del Ecuador de 1998*, art. 167 No. 6. Available at <<http://www.cancilleria.gob.ec/constituciones-del-ecuador-desde-1830-hasta-2008/>>
3. During ten years three elected Presidents were overthrown: Abdalá Bucaram in 1997; Jamil Mahuad in 2003 and Lucio Gutierrez in 2005. See, G. Fontaine, J.L. Fuentes “*Transición hacia el Centralismo Burocrático*”. *Estado del País. Informe Cero. Ecuador 1950-2010*. First Edition May 2011. pp. 247-262.
4. For more information about Citizen Revolution <<http://www.movimientoalianzapais.com.ec/mas-publicaciones>>.
5. *Secretaría Nacional de Planificación y Desarrollo SENPLADES*, available at <<http://www.buenvivir.gob.ec/>>.
6. The text of the Constitution was approved by Referendum on September 2008. See <<http://www.cancilleria.gob.ec/constituciones-del-ecuador-desde-1830-hasta-2008/>>
7. National Plan for Good Living 2013-2017, *Secretaría Nacional de Planificación y Desarrollo SENPLADES* [National Secretariat of Planning and Development]. Summarized Version [English], 2013. p.26.
8. *Ibid.*, p. 48.
9. See Chapter IV: Human Rights available at <<https://treaties.un.org/pages/Treaties.aspx?id=4&subid=A&lang=en>>. Regarding the important treaties for the International Humanitarian Law, see *Report 2012-2013. Apply DIH. Participation of the American States in the important treaties for the international humanitarian rights and its national application*. Report from International Committee of the Red Cross (CICR) for the OEA, 2013, available in <<http://www.oas.org/es/sla/ddi/docs/dih>> Report 2012-2013. Apply pdf.
10. The Secretary-General refers to the juridical accountability through the ratification, domestication and implementation of relevant in-

ternational legal instruments. Report: *The Responsibility to protect: State responsibility and prevention* (A/67/929-S/2013/399). July 9, 2013. Footnote 4, par. 40, p. 9.

11. Published in the *Registro Oficial* No. 344 of 29 August 2006.
12. *Comisión Nacional para la aplicación de Derecho Internacional Humanitario del Ecuador* (CONADIHE), 2013.
13. Information based on CICR, Press Release 07-02-2013 “*Fuerzas Armadas del Ecuador promoverán integración de reglas internacionales del uso de la fuerza*”.
14. *Ministerio de Defensa Nacional, Agenda Política de la Defensa 2014-2017*, p. 50. available in: <<http://www.defensa.gob.ec/biblioteca/>>
15. As was mentioned in the Report of the UN Secretary-General: The Responsibility to protect: State responsibility and prevention (A/67/929 – s/2013/399). July 9, 2013, Footnote 2, p.3. “Ethnic cleansing, while not defined as a distinct crime under international criminal law, is often a result of a combination of acts that could constitute genocide, war crimes or crimes against humanity”.
16. *Código Orgánico Integral Penal. Suplemento – Registro Oficial No. 180*. February 10, 2014.
17. Dates of the interactive dialogues in the General Assembly: July 23 24 and 28, 2009; August 9, 2010; July 12, 2011; September 5, 2012; September 11, 2013; and September 8, 2014. Available at <<http://www.un.org/es/preventgenocide/adviser/responsibility.shtml>>, and in <http://www.globalr2p.org/about_r2p>
18. Nevertheless, in reiterated occasions information was requested to the Mission of Ecuador in the United Nations, with Head Office in New York, about the position of Ecuador in relation to the Responsibility to Protect, just as the statements of Ecuador in the debates at the General Assembly, but the author did not obtain any response. The statements of 2009 and 2013 were obtained at <http://www.globalr2p.org/our_work/united_nations_engagement> and the statement in 2014 was transcribed from the record of the session [min. 1:28:20] <<http://webtv.un.org/meetings-events/watch/part-1-the-responsibility-to-protect-general-assembly-68th-session-informal-interactive-dialogue/3773866832001>>.

19. In the report of 2013, the Secretary-General exhorted the Member States a list of specific measures regarding to the prevention of atrocities. Chapter V. *The way to forward*, pp. 15–16.
20. *Ministerio de Relaciones Exteriores y Movilidad Humana de Ecuador*. News “Ecuador rechaza el uso preventiva de la fuerza como un concepto de la Responsabilidad de Proteger”. September, 27 2013, available at <<http://www.cancilleria.gob.ec/ecuador-rechaza-el-uso-preventivo-de-la-fuerza-como-un-concepto-de-la-responsabilidad-de-proteger/>>.
21. Constitution of Ecuador incorporates the following sovereignties: The popular sovereignty (arts. 1 and 96); people’s sovereignty (arts 3, 158, 276, 290 and 423), food sovereignty (arts 13, 15, 281, 284, 304, 318, 334, 410 and 423), economic sovereignty (Chapter IV), energetic sovereignty (arts 15, 284, 304 and 334) and the sovereignty within international relations (art 416). National Plan of Good Living 2013-2017 p.27.
22. Speech “Stopping mass atrocities and promoting human rights. My work as the UN High Commissioner for Human Rights” by Navi Pillay 29 October 2014 at the CUNY Graduate Center in New York City. Available <<http://www.globalr2P.org/publications/346>>.
23. R. Arredondo (2014). “La responsabilidad de proteger: la perspectiva latinoamericana”, in C. Márquez Carrasco (coord.) *Problemas actuales sobre la guerra y la paz en el orden internacional contemporáneo* (Araucaria. Revista Iberoamericana de Filosofía, Política y Humanidades) 2014 vol. 16 no. 32 p. 269-290. In the article Venezuela, Nicaragua, Bolivia, Cuba and Ecuador, were identified as countries that express a strong rejection to RtoP, pp 281-282.
24. The Draft Resolution (A/C.3/69/L.28/Rev.1*), *Situation of human rights in the Democratic People’s Republic of Korea* was adopted by vote of 116 in favor to 20 against, with 53 abstentions, on Third Committee General Assembly. After, the resolution was adopted by General Assembly on December 18, 2014. The Assembly encouraged the Council to take appropriate action to ensure accountability, including through consideration of referral of the situation in that country to the International Criminal Court and consideration of the scope for effective targeted sanctions against those who appeared to be most responsible for acts that the Commission of Inquiry had said could possibly constitute crimes against humanity. <<http://www.un.org/press/en/2014/ga11604.doc.htm>>.

