

# ECUADOR

## General Comments - Government Responses

### CERD A/8718 (1972)

#### Annex IV

Texts of comments of states parties to general recommendations I and II, adopted by the Committee at its fifth session, received up to the end of the sixth session, in accordance with paragraph 2 of article 9 of the Convention a/

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[Original: Spanish]

27 March 1972

The Minister for Foreign Affairs of the Republic of Ecuador acknowledges receipt of the documents transmitted to him and in connection with the request, which clearly is of a general nature, for comments in accordance with article 9, paragraph 2, of the Convention on the Elimination of All Forms of Racial Discrimination has the honour to make the following observations:

1. Article 9 of the Convention very explicitly provides for two procedures for supplying information; on the one hand, the States Parties undertake to submit "every two years and whenever the Committee so requests" (subparagraph (b)), a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of the Convention; and on the other hand, the Committee is to report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and, more specifically, "may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties" (article 9, paragraph 2). Moreover, the same paragraph recognizes that States may also submit comments on the suggestions and recommendations of the Committee.

2. In accordance with the procedures described above, in the specific case of my country, the Government of Ecuador, in accordance with its mandate under article 9, paragraph 1 (b), of the Convention on the Elimination of All Forms of Racial Discrimination, in notes dated 17 June 1970 and 26 January 1972, respectively, b/ submitted to the Secretary-General of the United Nations and

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a/ See chap. IV, para. 99; and, for the texts of general recommendations I and II, see chap. IX, section A, decisions 3 (V) and 4 (V).

b/ CERD/C/R.3/Add.25 and CERD/C/R.30/Add.6.

the relevant reports on the legislative, judicial and administrative provisions in force in Ecuador,

which indisputably reveal its traditional policy of preventing all forms of racial discrimination.

3. In these circumstances, States Parties are not required to comply with article 9, paragraph 2 of the Convention and in fact the Committee on the Elimination of Racial Discrimination has proceeded on this basis.

4. With regard to the general recommendations adopted by the Committee at its 96<sup>th</sup> and 97<sup>th</sup> meetings, on 24 February 1972, the Minister for Foreign Affairs of the Republic of Ecuador wishes to state the following:

(a) Positive law in Ecuador is an indivisible whole, based on the Political Constitution of the State. It is precisely on the basis of the Constitution that a whole code of law has been drawn up which allows the country to incorporate in its legislation all international agreements that have been duly concluded; and

(b) For that reason, when Ecuador formally undertook the commitment deriving from the International Convention on the Elimination of All Forms of Racial Discrimination, it deposited its instrument of ratification on 22 September 1966 and incorporated in its legislation in extenso the rules contained in the above-mentioned Convention; the provisions of article 4 (a) and (b), article 5 and so forth are thus clearly part of Ecuadorian law, and there is no need to adopt additional legislative measures in order to ensure complete compliance.