

Reference: C.N.455.2016.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

ECUADOR: NOTIFICATION UNDER ARTICLE 4 (3) ¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 6 June 2016.

(Translation) (Original: Spanish)

No. 4-2-106/2016

The Permanent Mission of Ecuador to the United Nations presents its compliments to the United Nations Secretariat and wishes to inform the Secretariat that, owing to the earthquakes of 16 April and subsequent days, the Government of the Republic of Ecuador has, by Executive Decree No. 1001, declared a state of emergency in the provinces of Esmeraldas, Manabí, Santa Elena, Santo Domingo de los Tsáchilas, Los Ríos and Guayas in order to protect the people from the adverse effects of that natural disaster and to ensure their safety.

The Permanent Mission of Ecuador to the United Nations respectfully requests, in accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, that the Secretary-General advise all States parties to the Covenant of the restrictions thus imposed.

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

New York, 3 June 2016

¹ Refer to depositary notification C.N.981.2016.TREATIES-IV.4 dated 11 January 2017 (Notification under article 4 (3): Ecuador)

Office of the President

No. 1001

**Rafael Correa Delgado
Constitutional President of the Republic**

Whereas:

Article 14 of the Constitution of the Republic of Ecuador recognizes the right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and good living (*sumak kawsay*);

Article 396 of the Constitution of the Republic of Ecuador provides that the State shall adopt timely policies and measures to avoid adverse environmental impacts where there is certainty of harm; and that, in case of doubt as to the environmental impact stemming from a deed or omission, even where there is no scientific evidence of harm, the State shall adopt timely protective measures;

Article 389 of the Constitution of the Republic of Ecuador provides that the State shall protect persons, communities and nature against the adverse effects of natural or man-made disasters through risk prevention, disaster mitigation, and the restoration and improvement of social, economic and environmental conditions, for the purpose of minimizing the condition of vulnerability;

Under article 389 of the Constitution of the Republic of Ecuador, the State shall exercise governance over the national decentralized system for risk management through the technical body established by law;

The Public and State Security Act establishes the National Risk Management Secretariat as the governing body of the national decentralized system for risk management;

In accordance with relevant law, the technical body shall, among other functions, provide liaison between institutions in order for them to coordinate actions to prevent and mitigate risk, as well as to address risk and restore or improve upon the conditions that existed prior to an emergency or disaster; and carry out and coordinate the necessary actions to reduce vulnerabilities and to prevent, mitigate, respond to and overcome the adverse effects of disasters or emergencies in the national territory;

On 16 April 2016, there were earthquakes near the border between the provinces of Esmeraldas and Manabí;

The most serious adverse effects of the earthquakes have been felt in Esmeraldas, Manabí, Santo Domingo, Los Ríos, Santa Elena and Guayas, necessitating the declaration of a state of emergency in those provinces;

In exercise of the powers conferred on him by articles 164 et seq. of the Constitution of the Republic and articles 29 and 36 et seq. of the Public and State Security Act,

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Decrees:

Article 1 - A state of emergency is hereby declared in the provinces of Esmeraldas, Manabí, Santa Elena, Santo Domingo de los Tsáchilas, Los Ríos and Guayas, on account of the adverse effects of this natural disaster.

Article 2 - Provision shall be made for national mobilization in the provinces of Esmeraldas, Manabí, Santa Elena, Santo Domingo de los Tsáchilas, Los Ríos and Guayas; accordingly, all entities of the Central and Institutional Public Administration, and in particular the Armed Forces, the National Police and the autonomous governments of the provinces affected, shall coordinate their efforts to take all necessary and indispensable actions to prevent and mitigate risks and to address, remedy and redress the adverse conditions caused by the earthquakes of 16 April 2016.

Article 3 - The Ministry of Finance is ordered to find the public funds needed to extend the state of emergency and is authorized to use all available budgetary allocations except those earmarked for health and education.

Article 4 - The present state of emergency shall be in effect for sixty days from the signing of this Executive Decree, whose territorial scope of application covers the aforementioned provinces.

Article 5 - The National Assembly and the Constitutional Court shall be apprised of this decree.

Article 6 - Implementation of this Executive Decree, which enters into force as of its date of issue, without prejudice to its publication in the Official Gazette, shall be the responsibility of the Minister of Security Coordination, the Minister of the Interior, the Minister of Defence, the Minister of Finance, the Minister of Health, the Minister for Economic and Social Inclusion and the National Risk Management Secretariat.

DONE at Rome, Republic of Italy, on 17 April 2016

[Signed]
Rafael Correa Delgado
Constitutional President of the Republic

11 January 2017



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