

Reference: C.N.839.2016.TREATIES-IV.4 (Depositary Notification)

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

GUATEMALA: NOTIFICATION UNDER ARTICLE 4 (3)

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

The above action was effected on 3 October 2016.

(Translation) (Original: Spanish)

J/1/1132
New York, 30 September 2016

Sir,

I have the honour to inform you that on 22 September 2016, the Government of Guatemala, issued Government Decree No. 7-2016, published in the Official Gazette on 23 September 2016, declaring a state of emergency in the national territory for a period of thirty (30) days, beginning on the date of entry into force of the aforesaid Decree.

The purpose of this Decree is to prevent the population from remaining in, or having access to, certain areas classified as vulnerable or at risk; to take all appropriate measures to mitigate the damage caused or which may be caused by the continuous heavy rainfall in order to prevent further consequences; and, in places where circumstances so warrant, to take the necessary action to alleviate or reduce its impact, thereby protecting the lives, safety and physical integrity of the Guatemalan population.

In this connection, I request your good offices in informing the States Parties of the attached Government Decree.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Jorge Skinner-Klée Arenales
Ambassador
Permanent Representative

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J/1/1147
New York, 4 October 2016

Sir,

I have the honour to write to you, further to Note No. J/1/1132 of 30 September 2016 concerning Decree No. 7-2016 published on 23 September 2016, whereby Guatemala declared a national state of emergency.

In this regard and in accordance with article 4 of the International Covenant on Civil and Political Rights, I wish to inform you that the Government of Guatemala has decided to take measures with regard to the provisions of article 12 of the Covenant.

In this connection, I request your good offices in informing the States Parties of the specific provisions referred to above concerning derogation.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Jorge Skinner-Klée Arenales
Ambassador
Permanent Representative

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Executive Branch
Office of the President of the Republic
Declaring a state of emergency in the national territory
Government Decree No. 7-2016
Guatemala City, 22 September 2016

THE VICE-PRESIDENT OF THE REPUBLIC, in his capacity as Acting President

WHEREAS it is incumbent upon the State and the authorities to guarantee to the inhabitants of the Nation the full enjoyment of their rights under the Political Constitution of the Republic of Guatemala. During a state of emergency, subject to a declaration by the President of the Republic in concert with the Cabinet, each individual situation must be assessed according to its nature and gravity, and such urgent legal measures as are strictly necessary must be applied in accordance with the provisions of the Public Order Act,

WHEREAS according to the United Nations report on the impact of disasters in Latin America and the Caribbean (1990-2011), Guatemala is among the five countries with the highest climate change vulnerability index, a situation that affects the entire territory of the Republic, and imminent risk of landslides and disasters caused by continuous and prolonged rainfall is one of the consequences that must be addressed by institutional, legal and economic measures, for which reason it is considered appropriate and necessary to urgently take all actions for purposes of information and prevention to protect the well-being of the population in the national territory, making it necessary to issue a decree containing a declaration of a state of emergency,

WHEREAS the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED) is a Guatemalan State institution established to prevent, mitigate and address the damage arising from disasters and to participate in rehabilitation and reconstruction; Legislative Decree No. 109-96 of the Congress of the Republic of Guatemala establishes the functions of CONRED as coordinator of the activities of public and private entities to that end; and CONRED is the overriding authority for measures to address natural or man-made disasters,

WHEREAS in accordance with the report issued by the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED), priority was assigned to those municipalities which are the most vulnerable and at risk nationally, and the report identifies, by department, those places on which the greatest attention should be focused,

THEREFORE, in exercise of the powers conferred on him by articles 1, 2, 9, 33, 138, 139, 183 (a), (f) and (m), 189, 190, 191 (e) and 195 of the Political Constitution of the Republic of Guatemala and on the basis of articles 7, 16 and 19 of Decree No. 114-97, Executive Branch Act, articles 1 and 3 of Decree No. 109-96, both of which are decrees of the Congress of the Republic of Guatemala; articles 1, 2, 6, 14, 15, 32 and 34 of Decree No. 7 of the National Constituent Assembly: Public Order Act; and article 44 (a) of Decree No. 57-92 of the Congress of the Republic of Guatemala: State Contracting Act and amendments thereto,

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IN CONCERT WITH THE CABINET,

DECREES AS FOLLOWS:

Article 1. Declaration. A state of emergency is hereby declared in the national territory.

Article 2. Justification. The state of emergency is decreed in response to the current manifestations of climate change in the national territory, as evidenced by increased frequency, duration or intensity of the rainy season, and to incidents of instability on slopes, landslides, falling matter and/or partial destruction of infrastructure in the municipalities identified by the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED), with the aim of protecting the lives and physical integrity of the inhabitants.

Article 3. Purpose. The purpose of the national state of emergency is to prevent the population from remaining in, or having access to, certain areas classified as vulnerable or at risk, to take all appropriate measures to mitigate the damage caused or which may be caused by continuous heavy rainfall in order to prevent further consequences, and in places where circumstances so warrant, to enable the necessary actions to be taken to avoid or reduce its impact, protecting the lives, safety and physical integrity of the population. It applies to various at-risk municipalities identified by the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED), primarily in the places described in this article and to those to which CONRED may accord priority during the period that the present Decree is in force: (a) Cerro Los Chorros in San Cristóbal Verapaz, Alta Verapaz; (b) Cerro Lec in San Antonio Semetabaj, Sololá; (c) Zone 1 of Mixco, Guatemala (declared a high-risk area); (d) La Catarata at kilometre 144.5 of the Sololá-Panajachel highway; (e) Colonia Villa Hermosa in San Miguel Petapa, Guatemala; (f) Comunidad La Cuchilla in San Rafael Las Flores, Santa Rosa; (g) Sector El Cambray II, Santa Catarina Pinula, Guatemala; (h) Jardines del Norte Residences, Zone 18, Guatemala City; (i) Area of San Marino condominium in Ciudad San Cristóbal, Mixco, Guatemala; (j) kilometre 309 at San Pedro Necta, Huehuetenango; (k) kilometre 10.5 on El Salvador highway, Department of Guatemala; (l) Colonia Santa Marta in Chinautla, Guatemala; (m) Colonia Nueva Loma Linda 1 in Tierra Nueva, Chinautla, Guatemala; (n) Jerez Jutiapa urban area (floods descending from the Chingo volcano); (ñ) Jesús de la Buena Esperanza Settlement, Zone 6, Guatemala; (o) Colonia Santa Isabel II, Zone 3 in Villa Nueva, Guatemala City; (p) kilometre 24-25 on the El Salvador highway; (q) Naranjo River and Pacaya River, municipality of Ocós, in the Department of San Marcos; (l) municipality of La Blanca in the Department of San Marcos; (r) municipality of Morales, in the Department of Izabal; (s) Michatoya River, Maria Linda Basin, municipality of Palin, Department of Escuintla; (t) Las Vacas River, Motagua Basin, municipality of Chinautla, Department of Guatemala; (u) Samalá River, municipality of San Sebastián, Department of Retalhuleu; (v) Pensativo River, municipality of La Antigua Guatemala, Department of Sacatepéquez; (w) Cabuz River, municipality of Catarina, Department of San Marcos; (x) Shinshin River, municipality of Gualán, Department of Zacapa.

Article 4. Period of application. The state of emergency is declared for a period of thirty (30) days, beginning on the date of entry into force of the present Decree.

Article 5. Measures. During the state of emergency, the following measures shall be taken:

(a) The National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED) shall be the focal point for all measures to mitigate the effects of the rainy season, in particular damage to houses, and for coordinating shelter and protection centres throughout the territory

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of the Republic of Guatemala;

(b) The Ministry of Public Health and Social Assistance, with the support of the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED), shall be the focal point for all measures to provide care to the affected population;

(c) The Ministry of Communications, Infrastructure and Housing, with the support of the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED), shall be the focal point for all measures to ensure unobstructed road access for the inhabitants of affected areas in which no public or private project of any kind can be carried out or supported inside at-risk zones during the period that the state of emergency is in force;

(d) All authorities and private individuals shall be required to provide the assistance and cooperation deemed essential for greater control of the situation of insecurity and risk;

(e) The civilian and military authorities, under the coordination of the Office of the Secretary of Food Security and Nutrition (SESAN) and with the support of the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED), shall be ordered to take all necessary measures to protect and safeguard the health and nutrition of the people directly affected;

(f) Prevention of food price speculation and, as necessary, application of the corresponding administrative measures shall be coordinated by the Ministry of the Economy;

(g) The rights to liberty of movement and assembly shall be restricted in the affected areas described in article 3 and those identified by the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED) during the period that the present Decree is in force.

Article 6. Procurement. Under Decree No. 57-92 of the Congress of the Republic of Guatemala: State Contracting Act, as long as the state of emergency remains in force, public entities and units that are assigned responsibilities by the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED) shall not be required to seek bids or quotations for the procurement of goods, supplies, works and services essential for addressing situations arising from the state of emergency declared by the present Government Decree which have caused, or could imminently cause, the suspension of public services with a view to safeguarding the lives and physical integrity of the inhabitants. In any case, procurement processes shall be publicized as required by the implementing regulations of the State Contracting Act.

To that end, the Ministry of Public Finance shall establish procedures, processes, budget items, a structure and a programming network in a ministerial circular.

Article 7. Budgetary allocation. The Ministry of Public Finance is hereby authorized to identify and allocate, in accordance with the law and the respective reports of the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED), such budgetary resources as may be necessary to address the events which have occurred or which may occur.

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Article 8. Notification. The Congress of the Republic of Guatemala shall be convened to take cognizance of, ratify and amend or reject the present Government Decree within a period of three days. In accordance with article 32 of the Public Order Act, a detailed report on the events that occurred and the actions and measures that were taken during the emergency shall be submitted to Congress in due course.

Article 9. Entry into force. The present Government Decree shall enter into force immediately and shall be published in the *Diario de Centro America* (Central American Gazette).

LET IT BE KNOWN

(Signed) Jafeth Ernesto Cabrera Franco

(Signed) Mario René Álvarez Galán
Second Deputy Minister of the Interior
Acting Minister

(Signed) Alicia Virginia Castillo Sosa
Deputy Minister for Foreign Affairs
Acting Minister

(Signed) Williams Agberto Mansilla Fernández
Minister of National Defence

(Signed) Victor Manuel Alejandro Martínez Ruiz
Deputy Minister of Financial Administration, Ministry of Public Finance
Acting Minister

(Signed) Aldo Estuardo García Morales
Minister of Communications, Infrastructure and Housing

(Signed) Oscar Hugo López Rivas
Minister of Education

(Signed) Mario Méndez Montenegro
Minister of Agriculture, Livestock and Food

(Signed) Edwin Giovanni Verbena de León
Deputy Minister of Investment and Competition, Ministry of the Economy
Acting Minister

(Signed) Edgar Rolando González Barreno
Deputy Minister of Public Health and Social Assistance
Acting Minister

(Signed) José Guillermo Gándara Espino
Deputy Minister of Labour Administration
Acting Minister

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(Signed) Luis Alfonso Chang Navarro
Minister of Energy and Mines

(Signed) José Luis Chea Urruela
Minister of Culture and Sports

(Signed) Sydney Alexander Samuels Milson
Minister of the Environment and Natural Resources

(Signed) José Guillermo Moreno Córdón
Minister of Social Development

(Signed) Carlos Adolfo Martínez Gularte
Secretary-General of the Office of the President of the Republic

9 November 2016

A handwritten signature in black ink, consisting of stylized initials and a surname, positioned below the date.

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