

**Background Report**  
**Law and Regulation for the Reduction of Risk from Natural Disasters**  
**in Guatemala**  
**A National Law Desk Survey**  
**July 2012**

**Acknowledgements**

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## **Law and Regulation for the Reduction of Risk in Natural Disasters in Guatemala: A Country Desk Survey**

### **Executive summary**

Guatemala is considered a high risk country due to its geographical characteristics that expose it to constant natural hazards , being affected both by geological and hydro meteorological phenomena's, but also because of its low resilience capacity resulting from the country's social and economic vulnerability .

The territory is divided in eight regions, twenty two departments and three hundred and thirty four municipalities. During 2002 the General Decentralization Law and it's regulation were promulgated. These decentralize by empowering the Executive with the ability to transfer to the municipalities, their local institutions (communities) and other State institutions the power of decision-making, competence, administrative functions, economical resources and social control. The National system of urban and rural development councils and local governments represent significant decentralization measures which include and prioritize community participation and vulnerable groups specifically women and indigenous population.

The most relevant laws regarding disaster management and disaster risk reduction mechanisms are the law creating the National coordinator for the reduction of natural and man-made disasters (CONRED), promulgated in 1996 and its regulation, published in 2012 . According to this laws the CONRED is a national disaster management specialized institution that is legally, economically, scientifically and technologically able to coordinate, plan, develop and execute all actions and activities destined to reduce the effects caused by disasters. Currently the CONRED in hand with the National Round Table for the Disaster Risk Reduction are the institutions responsible for the coordination and implementation of the Hyogo Framework of Action. Other important DM legal documents supporting the outlined laws are the National Policy for Disaster Risk Reduction, published in 2011 and the National Response plan .

No specific and sectorial regulations concerning rapid-onset disasters were found. However, legislation was found concerning slow-onset disaster. There isn't a particular and specific national water law nevertheless in 2009 was created by the Executive the Specific Cabinet of Water (Gabinete específico del Agua – GEA) as the main political authority coordinating water management. In 2011 , the GEA launched the National Water Policy which recommends that

CONRED should elaborate and implement a particular “National System for Water Risks Management” for drought and flooding. Regarding food security risks, Guatemala promulgated in 2005 the Law for the National System of Food and Nutritional Security , in 2006 its regulation and finally a National food and nutritional security policy.

Regulations of the built environment exist in Guatemala but the country suffers from high urbanization, high population density , numerous of informal settlements and insufficient land planning . According to a study made by the ISDR and the World Bank : “Guatemala is one of the most densely populated countries in Central America and unplanned urban growth has greatly increased population and infrastructure vulnerability. [...] Also characterized by inadequate application and enforcement of existing building codes. With increases in urban population and a lack of sufficient building code implementation, both the population and infrastructure are increasingly at risk to natural hazards”<sup>1</sup>.

This report will first shortly present general information on the studied country , like its main natural hazards, risk as its governmental structure to then exposed the information obtained thru the legal research questions based on the priorities from the Hyogo Framework of Action.

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<sup>1</sup> ISDR, WORLD BANK, *Global facility for disaster reduction and recovery: Disaster risk management programs for priority countries*, Washington, 2009, p.262

## List of abbreviations

CONRED	Coordinadora Nacional para la Reducción de Desastres de Origen Natural o Provocado
DM	Disaster Management
DRR	Disaster Risk Reduction
ECORED	Equipo Comunitario de Reducción de Desastres
GEA	Gabinete Especifico del Agua
GIRRD	Gestión Integral de la Reducción del Riesgo a Desastres
INSIVUMEH	Instituto Nacional de sismología, vulcanología, meteorología e hidrología
MAGA	Ministerio de Agricultura, Ganadería y Alimentación
MARN	Ministerio de Medio Ambiente y Recursos Naturales
PCGIRD	Política Centroamericana de Gestión Integral de Riesgo de Desastres
PRRD	Plan Regional de Reducción de Desastres
RIC	Registro de Información Catastral
SESAN	Secretaria de seguridad alimentaria y nutricional
SIAgua	Sistema Integrado de Información del Agua de Guatemala

## **(1) Introduction**

The Republic of Guatemala is a Central-American country with a territory that extends over 108,889 km<sup>2</sup>. Two mountain chains cross the country from east to west: the Sierra Madre and the Cuchumatanes. It is also shaped by a volcanic chain with over thirty volcanoes, 4 of them currently active. The country lies in the Caribbean plate, the North American Plate and the Cocos plate. The Motagua fault, which is a major active left lateral-moving transform fault that cuts-across Guatemala, is responsible for the high level of seismic activity in the country.

Guatemala is bordered by Mexico to the North and West, Belize to the North-East, Honduras and El Salvador to the South-East, the Pacific Ocean to the South-west and the Caribbean Sea to the East. With a coastline bordering both the Caribbean and the Pacific Ocean, it is highly vulnerable to hurricanes.

It has an estimated population of 13 million people, and has the widest diversity of indigenous groups in the region.

The vulnerability of the country's social and economic situation and of its physical infrastructure means that the risk of disaster caused by natural hazards is a Guatemalan reality. Hence the importance of effective national legislation on disaster risk reduction and its implementing mechanism such as policies, plans and programs.

This research is focused on Guatemala's legal preparedness in the face of possible disasters; however it shouldn't be interpreted as the sole indicator of the country's in-field capacity for disaster preparedness and risk reduction. The legal framework is only the first step.

This report is one of many Country Desk Surveys being carried out by the International Federation of Red Cross Red Crescent Societies and its partners. This report will contribute to the data for a Global Synthesis Report based on international legal research, other national law desk surveys and country case studies which examine how various countries have addressed issues related to disaster risk reduction in their laws and how successful their legislation has been in practice.

The research and analysis on Guatemala's National Law Desk Survey is based on predetermined "Research Questions for Country Desk Survey on Law and Regulation for the Reduction of Risk in Natural Disaster". The Research Questions reflect the first four Hyogo framework priorities : Institutional frameworks, resourcing and community participation in DRR (Hyogo 1); Early warning and reduction of underlying risk factors through regulation (Hyogo 2 and 4) and information management and exchange, community level DRR education & awareness (Hyogo 3). They are also structured around the four relevant cross-cutting issues that need to be applied across all five Hyogo priorities : taking a multi-hazard approach, considering gender perspective and cultural diversity, community and volunteers participation, capacity building & technology transfer.<sup>2</sup>

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<sup>2</sup> IFRC Disaster Law Programme, *Terms of Reference for National Desk Surveys: Law and Regulation for the Reduction of Risk in Natural Disasters*, Draft, May 2012

## **(2) Summary of Main Natural Hazards and Risks in Guatemala**

In order to summarize Guatemala's main natural hazards and risks, the following classification of Natural Hazards is used: Geological and Hydro-meteorological Phenomena's.

Geological Hazards are internal earth processes (permanent shear movements occurring along tectonic fault) and related Geo-physical processes.

Hydro-meteorological Hazards are processes or phenomena of atmospheric, hydrological or oceanographic nature.

Guatemala's been affected by both types of natural hazards. Regarding geological hazards there's been registers of earth tremors, earthquakes, volcanic activity and emissions, landslides, rockslides, subsidence, crevices and wildfires. Concerning Hydro-meteorological hazards, there's been occurrences of: rains, flooding, storms, overflows, effluents, strong winds, gale, hailstorm, frosts, swells, thunder storms and drought.

However, some disasters are more significant than others because they have caused higher loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption or environmental damage. Guatemala's most destructive natural hazards have been:

- The Earthquake on February 4th 1976
- Hurricane Mitch on November 4th 1998
- Tropical Storm Stan in October 2005
- Pacaya's Volcano Eruption on May 27th 2010
- Tropical Storm Agatha on May 29st 2010
- Landslides in September 2010

Guatemala's territory is located in a geological and geographical region with a potential for multiple natural threats and its level of social and economic development means there is a high vulnerability, meaning that a high proportion of the Guatemalan population, as well as the country's infrastructure and services, are exposed to risk from natural hazards that may become disasters.<sup>3</sup>

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<sup>3</sup> SE-CONRED, *Plan Nacional de Respuesta*, p.1

### **(3) Governmental & Legal Structure**

Guatemala has a democratic, representative and republican system of government, with a Constitution delegating its Sovereignty into three independent governmental powers: the executive, judiciary and legislative branches. The Constitution also promotes the decentralization and delegation of power.

Government administration is primarily the responsibility of the Executive Branch. There is a Central Government, chaired by the Presidency and Vice-Presidency, their Offices and Secretariats, and a number of Ministers, who together form the Council of Ministers. There are currently 14 Ministries in Guatemala, including: the Ministry of Agriculture, Livestock and Food; the Ministry of Environment and Natural Resources; the Ministry of Public Health and Social Assistance; the Ministry of Communications, Infrastructure and Housing; and the Ministry of Education.

The country created, with the Preliminary Law of Regionalization, eight autonomous regions to which delegation of Central Government powers may be made. Each of these regions is formed by several departments, the latter comprised of Municipalities<sup>4</sup>.

In examining law and DRR, the National System of Urban and Rural Development Councils and Local Governments (Municipal Government) are particularly important.

The National System of Urban and Rural Development Councils was conceived with the fundamental principle of establishing balance and harmony between the diverse cultures in Guatemala, favoring democratic participation processes in an environment of non-discrimination, equal opportunity and gender equity. Their main function is: to instigate citizen participation in the identification and resolution of development issues; to supervise and evaluate the adequate execution of development policies, plans and programs in addition to proposing consistent improvement measures; and to establish financial needs and manage the financial resources. These Urban and Rural Development Councils exist within the following levels: National, Regional, Departmental, Municipal.

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<sup>4</sup> Ley Preliminar de Regionalización

Decentralization requires transferring decision-making powers, public service administration and necessary resources to sectorial and local institutions capable of coordinating and regulating integrated development processes. Municipalities are autonomous institutions responsible for electing their local authorities, obtaining and managing resources, providing public services, land and town planning/zoning as the coordination of integral local development policies, plans and programs. They represent a basic unit of the State's territorial organization and an immediate space of citizen participation in public affairs, organized to obtain the population's common good and particularly characterized by its permanent neighborly relations, multiethnic group consults, cultural and language diversity. These local governments are each composed with a Municipality Council integrated by a designated Mayor and councilmen<sup>5</sup>.

The National System of Urban and Rural Development Councils and the Local Governments are the most significant decentralization measures allowing an effective decentralization of public expenditure throughout the national territory.

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<sup>5</sup> Código Municipal (Municipality Code) , Law No.102-2002, 2 April 2002. <http://www.unicef.org/guatemala/spanish/CodigoMunicipal.pdf>

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## 1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralization of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralization.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	Constitución Política de la República de Guatemala  Ley Preliminar de Regionalización	140,224  3	Guatemala has a Republican, Democratic and representative system of government. The Republic is divided in three governmental levels: Regions that are sub-divided in Departments which are themselves constituted by Municipalities. There are exactly 8 regions, 22 departments and 334 municipalities.
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to regional/local government?	Constitución Política de la República de Guatemala  Ley General de Descentralización	119, 134,224  2, 9, 17  2, 6,19	The Guatemalan Constitution declares the decentralization of the government as a fundamental state obligation to promote regional development , hence the country's.  During 2002 were promulgated the General Decentralization Law and it's regulation. These decentralize by empowering the Executive with the ability to transfer to the municipalities, their local institutions (communities) and other State institutions the power of decision-making, competence, administrative functions, economical resources and social control. It also promotes Citizen participation in the process of decentralization.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Reglamento de la Ley General de Descentralización		The law and regulation establish the President's Executive Coordination Secretariat ( Secretaria de la Coordinacion Ejecutiva de la Presidencia de la Republica) as the official office for the promotion, direction and supervision of decentralization.
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?	Constitución Política de la República de Guatemala  Código Municipal	2  53	Neither the Constitution nor the Decentralisation law and regulation mention any allocation of responsibility specifically regarding the different levels for reducing risks related to natural disasters. Even so the Constitution does enunciate that it is the State responsibility to guarantee the people's LIFE, freedom, justice, SECURITY, peace and human development.  On the other hand, the Municipal Code (Código Municipal ) states that it is the Mayor's obligation and responsibility to take the necessary measures in cases of catastrophes , disasters or at the risk of them. Therefore if we consider the Hierarchy of scale we could presume that it is a responsibility of the other levels of government even if not explicitly stated.
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? If so, please name the organisation(s).			No information provided.

## 2. Institutional frameworks, resourcing and community participation in DRR (Hyogo 1):

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>Part One. Disaster Management Law &amp; Institutions</b>			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
<b>A. Disaster Management Institutions</b>			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	Iniciativa de Ley de Gestión Integral de Riesgos de Desastres Naturales, Socio-naturales, Antrópicos y Antrópicos-Tecnológicos		There isn't a Disaster Management law per se in Guatemala. At the present time there is a draft bill that was presented to the Congress on march 2011 by Roxanna Baldetti (Actual vice-president) but there is no record of it being approved yet.

	<p>Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado</p> <p>Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado</p>		<p>However in 1996 was promulgated a particular law creating the governmental institution responsible for disaster reduction (Coordinadora Nacional para la Reduccion de Desastres de Origen Natural o Provocado) , it's regulation was published in 2012. According to the law this institution was constituted for the purpose of preventing, mitigating, attending and participating in the rehabilitation and reconstruction of damages originated by the effects of disasters. These law and regulation are considered as the main Disaster Management laws in Guatemala. Even if primarily the law focuses particularly in the Institution, the newly published regulation completes it comprehensively regarding the subject of disaster management.</p> <p>For the purposes of this Desk Survey the Coordinadora Nacional para la Reduccion de Desastres de Origen Natural o Provocado will be named CONRED.</p>
<p>6. Is there also a national disaster management policy? Provide details.</p>	<p>Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado</p> <p>Política Nacional para la Reducción de Riesgos de Desastres</p> <p>Política Centroamericana de Gestión Integral de Riesgo de Desastres</p>	<p>39,83</p>	<p>The regulation of the CONRED sets out that there should be annually presented a National Plan for Disaster Mitigation and Assistance (Plan Nacional de Mitigación y Atención de Desastres) , which must be elaborated accordingly with the guidelines of the Regional Plan of Disaster Reduction (Plan Regional de Reducción de Desastres –PRRD) and the Central American Integral Disaster Risk Management Policy (Política Centroamericana de Gestión Integral de Riesgo de Desastres– PCGIR) , it also states that there should be implemented a Disaster Risk Reduction Policy. In 2011 was implemented the National Policy for Disaster Risk Reduction. Its main objective is to increase the resilience and reduce the vulnerability of villages and populations (cultures), productive processes and territories with disaster risks as a foundation of the quality of life and the safe development of Guatemala.</p>

	Plan Regional de Reducción de Desastres (2006-2015)		
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?	Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado  Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado	9  4,5	The CONRED law and regulation is applicable throughout the Guatemalan territory. The CONRED system is structured at the following levels : national, regional, departmental , municipal and local.  At the national level it is incorporated by the National Coordinating Committee, itself structured by the National Council for Disaster Reduction and The Executive Board and Secretariat for Disaster Reduction  All the other levels will each be integrated by specific Coordinating Committees as for all the public , private , civic and aid organizations which could be related with the activities developed by the CONRED law and regulation in the subject of risk management.
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?			No separate provincial or local DM laws were found.
9. Does the DM or other law establish one or more specialist DM institutions? What are they and what are their mandates?	Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado		The Guatemalan DM law is based on the creation of a National DM specialist institution that is legally, economically , scientifically and technologically able to coordinate, plan, develop and execute all actions and activities destined to reduce the effects caused by disasters. The law establishes that this institution will be integrated by the following organs (See Annex 1) :

	Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado		<ul style="list-style-type: none"> <li>- National Council for Disaster Reduction : Superior organ of the CONRED;</li> <li>- Executive Board for Disaster Reduction: Organ responsible of making urgent and administrative decisions for the Nation Council;</li> <li>- Executive Secretariat for Disaster Reduction : Office executing the decisions of the National Council thru the consequent planning, coordination, management , monitoring, control and evaluation;</li> <li>- Scientific Council (INSIVUMEH) : Assessment organization composed by the National Institute of seismology, volcanology, meteorology and hydrology .</li> <li>- Regional Coordinating Committee for Disaster Reduction: administrative organization;</li> <li>- Departmental Coordinating Committee for Disaster Reduction: administrative organization</li> <li>- Municipal Coordinating Committee for Disaster Reduction: administrative organization</li> <li>- Local Coordinating Committee for Disaster Reduction: administrative organization</li> </ul>
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.			Since the National Policy for Disaster Risk Reduction is a responsibility of the CONRED it uses the same institutions established by its law and regulation.
11. Does the DM law or other law deal with: a. Disaster response? b. Disaster preparedness? c. Disaster mitigation and prevention?	Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado	2,38,39, 40,41,42, 43,44	<p>The CONRED regulation establishes that the Executive Secretariat for Disaster Reduction will be composed by the following offices which each deal individually with those subjects(See annex 1):</p> <ul style="list-style-type: none"> <li>- Disaster Risk Reduction Integral Management Office;</li> <li>- Mitigation Office;</li> <li>- Preparedness Office;</li> </ul>

<p>d. Disaster risk reduction (DRR)?</p> <p>e. If it includes DRR, how is it defined? (include definition)</p>			<ul style="list-style-type: none"> <li>- Response Office;</li> <li>- Recovery Office;</li> <li>- Office for the Incident Command System</li> </ul> <p>According to the CONRED regulation, the Disaster Risk Reduction Management is the management , conduction, promotion of the DRR cycle which the Institutions and governmental and municipal public sectors create thru analysis activities, interpretation and preparedness before the natural or provoked event, the institutional and field response at the time of the event and immediately after as for the post-disaster humanitarian aid and assistance , recovery and reconstruction .</p> <p>“GIRRD: Gestión Integral de la Reducción del Riesgo a Desastres es la administración , manejo, promoción del ciclo de la reducción de los riesgos a desastres que las instituciones y sectores públicos gubernamentales y municipales realizan a través de acciones de análisis, interpretación y preparación en el antes de la ocurrencia de eventos naturales o provocados , en la respuesta institucional y respuesta en campo en el momento de la ocurrencia e inmediatamente después y en el proceso de la ayuda y asistencia humanitaria , la rehabilitación y reconstrucción con transformación , después de desastre.”</p>
<p>12. Does the DM law or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.</p>	<p>Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado</p>	<p>7</p>	<p>The National Council is integrated by a Head representative and a substitute, ad honorem, from the ministries of (See annex 1):</p> <ul style="list-style-type: none"> <li>- National Defence</li> <li>- Public Health and Social Assistance</li> <li>- Education</li> <li>- Public Finances</li> <li>- Communication, Transportation and Public Works</li> <li>- Interior ( Department of State)</li> </ul>

	Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado	7	They will have a vote in the sessions organized by the National Council.
<p>13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado	4	<p>The CONRED law enunciates that all citizens have an obligation to collaborate. Individuals and corporate entities, Private and service entities will participate in all activities, before and after a disaster, according to their competence and specialty .</p> <p>The CONRED is constituted of an integrated system of public sector’s entities and departments, private sector and the civil society.</p>
	Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado	3	The Coordinating Committees at all levels are bound to work in hand with civil society.
<p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	Plan Nacional de Respuesta		The CONRED law and regulation do not prescribe a role For the National Red Cross and Red Crescent Society nor does the National Policy. The National Response Plan only accords to the Guatemalan Red Cross society a support function for Pre-Hospital Assistance.
<p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for</p>			The National Policy encourages the participation of Women in Disaster Risk Reduction.

<p>women's participation in DM institutions?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			
<p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>	<p>Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado</p>	<p>70,71,72</p>	<p>The CONRED regulation creates the Community Team for Disaster Reduction (Equipo Comunitario de Reduccion de Desastres – ECORED-). ECORED are local groups searching to guarantee Risk Reduction management activities and an immediate local and voluntary response to eventual disaster generated emergencies, by inducting knowledge and abilities that will fortify the social fabric and resilience capacities of the communities. These teams will be formed with local volunteers (women and men) directly from the communities. The Preparation office with the support of the local Coordinating Committees are directly in charge of the ECORED.</p> <p>The National Policy does enunciates that there should be a dialogue with the “native authorities” plus it highlights the importance of ethnic-cultural groups and women in Disaster Risk Reduction.</p>
<p>17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.</p>			<p>The DM policy is focused on specific strategies regarding Disaster Risk Reduction and the DM law is a detailed and general description of the institutional and administrative development on the CONRED. Nevertheless the both follow the same unifying thread regarding Disaster Management.</p>
<p>18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?</p>	<p>Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado</p>	<p>8</p>	<p>According to the CONRED regulation the National Council for disaster response has the obligation to approve an annual report of activities and present it to the President's Executive Office.</p> <p>There wasn't any other specific oversight mechanism on DRR</p>

			implementation in the reviewed legislation.
<b>B. Hyogo Framework for Action &amp; Climate Change Institutions</b>			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?	Mesa Nacional de Dialogo para la Reducción de Riesgos a Desastres en la República de Guatemala : Protocolo de Funcionamiento	2,5	<p>According to the legislation reviewed , The CONRED is the allocated institution to implement the Hyogo Framework of action thru its Executive Secretariat for Disaster Reduction. They have created , with the Guatemalan Vice-presidency, the National Round Table (Mesa Nacional de Dialogo) for the Disaster Risk Reduction which is the National Platform required by the Hyogo Framework for Action. This Round Table has four main objectives:</p> <ul style="list-style-type: none"> <li>- Identify and monitor risks</li> <li>- Risk Reduction</li> <li>- Institutional strengthening and planning</li> <li>- Financial strategy</li> </ul> <p>The National Policy is based on the Hyogo Framework of Action.</p>
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?	Programa Nacional de Cambio Climático		<p>The Adaptation to Climate Change is a direct Responsibility of the Ministry of Environment and Natural Resources, specifically of the Vice-Ministry of Natural Resources. A National Program for Climate Change was published in 2008 creating the Office for the Program of Climate Change. The role of this program is to promote national, regional and local policies towards : a) the recognition and quantification of greenhouse gasses ; b) the reduction of the emissions of greenhouse gasses; c) the reduction of the negative impacts of global warming and of the climate's change and variability.</p>
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are			<p>The DM institutions are in charge of implementing the Hyogo Framework . However there were not found, at first sight, any complementarities between the Disaster Management and the Climate Change Adaptation. Even so the Ministry of Environment and Natural Resources is part of the Executive Council of the main</p>

their mandates complementary or do they overlap? Describe.			DM institution.
<b>C. DRR priority and resource allocation in government</b>			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado  Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado	15  109, 110, 111	A National Fund for Disaster Reduction will be created by an account in the Bank of Guatemala, which will be capitalised by the State, national and international donations, the product of fines imposed as sanctions as for the Items dedicated by the State's General Budget of Incomes and Outcomes (Presupuesto General de Ingresos y Egresos del Estado). The CONRED will work with the annual State allocated resources. Any external cooperation will be tax deducted. There has been a draft bill for a National Fund for the Attention of Natural or Provoked Disaster Law but it hasn't been approved. On June 2012, the Commission of Decentralization and Development was still evaluating the proposal.
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?			There is no budget allocated to DRR at provincial/ state level.
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?			There is no budget allocated to DRR at municipal or local level.



h. Information?			
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p> <p>d. Are there financial limitations on any such claims (minimums or maximums)?</p>	<p>Ley de Amparo , Exhibición Personal y de Constitucionalidad</p>	<p>8-81</p>	<p>Guatemala has a specific law to develop the guarantees and defense of constitutional and human rights. It is called the “Law of Protection, Personal Display and Constitutionality (Ley de Amparo, Exhibicion Personal y de Constitucionalidad)”. The “Amparo” is a legal concept protecting individuals from the threat of a violation to their rights or by restoring the rule of law when the violation has occurred. Even if it’s not a specific figure for damage from natural disasters, it has the competence to protect from all rights violations, specifically the ones guaranteed by the constitution and international treaties and conventions giving priority to human rights.</p> <p>“Objeto del amparo. El amparo protege a las personas contra las amenazas de violaciones a sus derechos o restaura el imperio de los mismos cuando la violación hubiere ocurrido. No hay ámbito que no sea susceptible de amparo y procederá siempre que los actos , resoluciones, disposiciones o leyes de autoridad lleven implícitos una amenaza, restricción o violación a los derechos que la constitución y las leyes garantizan.”</p> <p>The “Amparo” can be requested against all public authorities including decentralized and self-governing entities as any State entity, association, organization or other legal institution.</p> <p>Anyone can act as a claimant in this procedure, it can also be filed any day at any time of the day and should be treated as a priority for the courts.</p> <p>If the claimant is notoriously poor or ignorant , underage or disabled they can file an oral request , which will immediately be presented to the Human Rights Ombudsman for his consulting or sponsoring.</p>

			No financial limitations are revealed for such claims.
<b>B. Liability &amp; Insurance</b>			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?			The reviewed legislation does not make government agencies liable for failure to prevent natural disaster affecting population.
28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			The reviewed legislation does not make government agencies liable for failure to warn or for making erroneous warning of natural disaster.
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?	Constitución Política de la República de Guatemala	155	Regarding Governmental liability the Constitution states that when a dignitary, staff member or any State employee , during its mandate or tenure, violates the law , inflicting on individuals, The State or State Institution which he serves will be jointly and severally liable for the resulting damages. This implies civil and criminal liability.  However it's not specific for erroneous warning.
30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal	Reglamento de la Ley de la Coordinadora Nacional Para La Reducción de Desastres de Origen Natural o Provocado	116,117,118,119,120	The CONRED Regulation declares that public servants, Private sector workers and personnel in general being part of any of the institutions mentioned in the CONRED law and Regulation , are obliged to execute and make sure that are upheld the laws and regulations, being at all cases liable for their actions.  Are considered offenses, transgressions and violations those

<p>mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>			<p>committed by action or default (omission) against the CONRED law and Regulation.</p> <p>The procedure will be delivered by the Executive Secretariat.</p>
<p>31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>			<p>The Civil Code does not establish any liability for damage caused to others from their property during natural disasters.</p> <p>I believe it's because a Natural Disaster can be considered as a case of "Force Majeure" which commonly frees from liability.</p>
<p>32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?</p>			<p>Insurance against the effects of natural disasters is specific of private insurance companies and their own particular regulations.</p>

**3. Early warning and reduction of underlying risk factors through regulation (Hyogo 2 and 4)**

<b>3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
<b>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</b>			
<b>A. Cyclones, tornadoes, or storms?</b>			
33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			There isn't a specific law about cyclones, tornadoes, or storms.
34. Does this law specify how management of this risk is financed? If so, describe.			There isn't a specific law about cyclones, tornadoes, or storms.
35. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty			There isn't a specific law about cyclones, tornadoes, or storms.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>There isn't a specific law about cyclones, tornadoes, or storms.</p>
<p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p>			<p>There isn't a specific law about cyclones, tornadoes, or storms.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			There isn't a specific law about cyclones, tornadoes, or storms.
39. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			There isn't a specific law about cyclones, tornadoes, or storms.
<b>B. Earthquake/Tsunami?</b>			
40. Is there a specific law about this			There isn't a specific law about earthquakes or tsunamis.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			
<p>41. Does this law specify how management of this risk is financed? If so, describe.</p>			<p>There isn't a specific law about earthquakes or tsunamis.</p>
<p>42. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>			<p>There isn't a specific law about earthquakes or tsunamis.</p>
<p>43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their</p>			<p>There isn't a specific law about earthquakes or tsunamis.</p>

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
mandate?			
<p>44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			There isn't a specific law about earthquakes or tsunamis.
<p>45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			There isn't a specific law about earthquakes or tsunamis.
<p>46. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> </ul>			There isn't a specific law about earthquakes or tsunamis.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			
<b>C. Fire?</b>			
<p>47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			There isn't a specific law about Fire.
<p>48. Does this law specify how management of this risk is financed? If so, describe.</p>			There isn't a specific law about Fire.
<p>49. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action</li> </ul>			There isn't a specific law about Fire.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			<p>There isn't a specific law about Fire.</p>
<p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons</p>			<p>There isn't a specific law about Fire.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
with disabilities? d. Socially isolated groups and the very poorest people?			
52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			There isn't a specific law about Fire.
53. If communities are involved in EWS, does this law provide that they: a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			There isn't a specific law about Fire.
<b>D. Floods?</b>			
54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of			There isn't a specific law about Floods.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			
55. Does this law specify how management of this risk is financed? If so, describe.			There isn't a specific law about Floods.
56. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			There isn't a specific law about Floods.
57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			There isn't a specific law about Floods.
58. Does this law provide for consultation and/or participation			There isn't a specific law about Floods.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>There isn't a specific law about Floods.</p>
<p>60. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to</li> </ul>			<p>There isn't a specific law about Floods.</p>

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
<b>E. Heat/cold waves?</b>			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			There isn't a specific law about heat/cold waves.
62. Does this law specify how management of this risk is financed? If so, describe.			There isn't a specific law about heat/cold waves.
63. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or			There isn't a specific law about heat/cold waves.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
both?			
64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			There isn't a specific law about heat/cold waves.
65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?			There isn't a specific law about heat/cold waves .
66. Does this law provide for Early			There isn't a specific law about heat/cold waves.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			
<p>67. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			There isn't a specific law about heat/cold waves.
68. Describe form of regulation, and institutional responsibility.			There isn't a specific law about heat/cold waves.
<b>F. Insect Infestations?</b>			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of			There isn't a specific law about insect infestation.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
government is this regulated?			
70. Does this law specify how management of this risk is financed? If so, describe.			There isn't a specific law about insect infestation.
71. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			There isn't a specific law about insect infestation.
72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			There isn't a specific law about insect infestation.
73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk			There isn't a specific law about insect infestation.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>There isn't a specific law about insect infestation.</p>
<p>75. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone,</li> </ul>			<p>There isn't a specific law about insect infestation.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
radio or internet access to meteorological or seismological data and analysis)?			
<b>G. Landslides and avalanches?</b>			
76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			There isn't a specific law about landslides and avalanches.
77. Does this law specify how management of this risk is financed? If so, describe.			There isn't a specific law about landslides and avalanches.
78. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>			There isn't a specific law about landslides and avalanches.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			There isn't a specific law about landslides and avalanches.
80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?			There isn't a specific law about landslides and avalanches.
81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require			There isn't a specific law about landslides and avalanches.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
community involvement in EWS?			
<p>82. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			There isn't a specific law about landslides and avalanches.
<b>H. Volcanoes?</b>			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			There isn't a specific law about volcanoes.
84. Does this law specify how management of this risk is financed?			There isn't a specific law about volcanoes.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
If so, describe.			
<p>85. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>			There isn't a specific law about volcanoes.
<p>86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			There isn't a specific law about volcanoes.
<p>87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of</p>			There isn't a specific law about volcanoes.

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>There isn't a specific law about volcanoes.</p>
<p>89. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological</li> </ul>			<p>There isn't a specific law about volcanoes.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
data and analysis)?			
<b>Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation</b>			
<b>I. Drought and related famine?</b>			
<p>90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <p>a. Rain and river water storage, distribution and conservation measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution?</p> <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>			<p>Since 1958 there has been numerous Draft bills regarding a National water law presented to the congress. However none of them have been approved, thereby blocking the establishment of a legal and institutional water system. Nonetheless several decentralized and self-governing institutions and ministries have developed programs and plans to regulate water management.</p> <p>Nevertheless in 2009 the Specific Cabinet of Water (Gabinete específico del Agua – GEA) was created by the executive as the main political authority coordinating water management.</p> <p>In 2011 , the GEA launched the National Water Policy which two of its specific goals are :</p> <ul style="list-style-type: none"> <li>- To contribute to the national adaptation of climate change by the conservation, protection and improvement of water sources, ground water and riverbanks regulating the hydrologic cycle in basins.</li> <li>- To contribute with the social and economic development goals as with the national adaptation to climate change, trough governance and effective water management, hydrological planning and the national system of hydraulic works regulating the hydrologic cycle to satisfy the highest number of demands, future requirements and manage</li> </ul>

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			water risks.
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>	Política Nacional de Agua	2.3.8	<p>The National Water Policy only recommends that CONRED should elaborate and implement a particular “National System for Water Risks Management” for drought and flooding. This system should include early warning systems consistent with the social structure capable of managing it.</p> <p>“El objetivo de este sistema es reducir a cero la pérdida de vidas y minimizar los impactos económicos en ocasión de eventos extraordinarios del régimen de las aguas, manifiestos especialmente en sequias e inundaciones. [...] El plan Nacional para la Reducción del Riesgo a los Desastres 2011-2016 , aprobado por CONRED en el 2011, en su eje “Gestión, mitigación, transferencia y adaptación”, defina la importancia de actividades relacionadas con la aplicación de sistemas locales de gestión de sequias e inundaciones y con el uso de escenarios de riesgo a sequias e inundaciones.</p> <p>Se deben integrar actividades de planificación y medidas preventivas de índole variada, dirigidas hacia el ordenamiento de la ocupación del espacio y hacia la construcción de obras de prevención, cuya aplicación práctica y oportuna descansa en la organización y funcionamiento permanente de sistemas de alerta temprana, consistentes en la estructura social capaz de gestionarlos adecuadamente.”</p>
92. Do the above laws or mandates specify how management of	Política Nacional de Agua	1.1.6 (c)	It should be financed by public investment. The investment resources are mainly from the domestic tax regime with a low

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
drought and famine risk is financed? If so, describe.			proportion of external funding.
93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?	Política Nacional de Agua	2.3.2	<p>The INSIVUMEH is in charge of the collection and distribution of information regarding Hydrological Issues, through their “Network of Hydrological Modernization “</p> <p>Also the National Water Policy recommends the design and implementation of an “Integrated water information system” (SIAgua)</p>
<p>94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the</li> </ul>	Politica Nacional de Agua	1.4 (d)	<p>The National Water Policy sets out the need to implement mechanism for Citizen Participation and dialogue platforms. This policy considers as very important the contribution of native groups and women in water management.</p> <p>“Para avanzar hacia la gobernabilidad eficaz del agua , la Política Nacional del Agua plantea la necesidad de implementar mecanismos de participación ciudadana y plataformas de dialogo que permitan construir consensos , pactos sociales, locales y nacionales , distribuyendo beneficios y costos entre los actores en atención a la extensión de sus derechos que luego pueden traducirse en herramientas de política pública y en arreglos legales e institucionales socialmente sostenibles, que cuenten también con el soporte de la planificación hidrológica. [...] La política considera trascendente el aporte de los pueblos indígenas en el proceso de construir acuerdos locales y nacionales y para adoptar medidas para la gestión integrada del agua; así como el papel de la mujer en el abasto domestico de agua en el área rural y en el</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
very poorest people?			apropiado uso del agua que para propósitos de higiene, salud y calidad de vida haga toda la familia.”
<b>J. Other food security risks?</b>			
95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration). a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility b. At what level(s) of government is this regulated?	Ley del Sistema Nacional de Seguridad Alimentaria y Nutricional	7,9,10	Guatemala promulgated in 2005 the Law for the National System of Food and Nutritional Security (Ley del Sistema Nacional de Seguridad Alimentaria y Nutricional) and in 2006 created its Regulation (Reglamento de la Ley del Sistema Nacional de Seguridad Alimentaria y Nutricional). It also Has a National Policy on Food and Nutritional Security.  The National Food and Nutritional Security Council is the responsible authority.  It aims to reduce risk by implementing strategic plans of food and nutritional security (PESAN 2009-2012 and PLANOC 2012-2016).  At national level it’s constituted by the National Food and Nutritional Security Council and the National Food and Nutritional Presidential Secretariat (SESAN). Institutional support institutions are responsible for the executions of food and nutritional actions at all levels.
96. Does the above law or mandate specify how management of food security is financed? If so, describe.	Ley del Sistema Nacional de Seguridad Alimentaria y Nutricional	38	The law declares that it will be financed by an item of 0.5 % of the General State Budget as by international funds (UNICEF, FAO,BID., etc.)

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?</p>	<p>Ley del Sistema Nacional de Seguridad Alimentaria y Nutricional</p>	<p>21,28-34</p>	<p>The collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production is obtained thru the support institutions like the Ministry of Agriculture, Ministry of Public Health and Social Assistance and the Councils of Urban and Rural development.</p> <p>There should be a National Information System of Food and Nutritional Security in charge of the Food and Nutritional Security Monitoring , evaluation and Planning Directorate. This system will facilitate decision making at administrative-political level and include research actions to identify and characterize vulnerable groups and measures to issue early warnings.</p>
<p>98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> </ul>	<p>Ley del Sistema Nacional de Seguridad Alimentaria y Nutricional</p> <p>Política Nacional de seguridad alimenticia y nutricional</p>	<p>26,34</p>	<p>It promotes the community consultation and participation by support groups at all levels.</p> <p>The strategic plans work with trans-sectorial policies to include the voice all social groups in the community participation.</p> <p>The national Food and Nutritional security Policy gives priority to the vulnerable groups such as children between 0-3 years old, Pregnant women , Ethnic population , social groups in extreme poverty, older persons, immunosuppressed populations, Highly undernourished populations and individuals with disabilities.</p> <p>The policy also recommends the identification of groups of populations and geographical areas with high vulnerability.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Socially isolated groups and the very poorest people?			
<b>Part Three. Early Warning, Hazard Mapping and Risk Information</b>			
<b>A. Early Warning</b>			
<p>99. In addition to the sectorial laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law?</p> <p>a. If so, does this include institutional mandates on EWS?</p> <p>b. Which institution(s) are involved and what are their mandates on EWS?</p> <p>c. Is there legal provision for financing of EWS?</p>	<p>Reglamento de la Ley de la Coordinadora Nacional para la Reducción de Desastres de Origen Natural o Provocado</p> <p>Plan Nacional de Respuesta</p>	<p>90,91,92, 93,94,95</p>	<p>The CONRED regulation establishes that the Coordinating Committees will be in charge of operating Early Warning Systems. The EWS has two types of warnings :</p> <ul style="list-style-type: none"> <li>- Institutional : only for the personnel of the CONRED . This warning will be declared by the Minister of Defence;</li> <li>- Public : For the affected population and is declared by the National Council and the Executive Secretariat for Disaster Reduction .</li> </ul> <p>For Hydro-meteorological and geological incidents the EWS is based on the information of the INSIVUMEH.</p> <p>In cases of sanitary incidents the EWS is based on the information of the Ministry of Public Health and Social Assistance.</p> <p>Regarding Chemical incidents it will depend on the information of the according institution.</p> <p>The CONRED has the obligation of sending the collected data to the Executive so they can proceed, if it's the case, with a declaration of the "State of Public Calamity".</p> <p>There aren't any legal provisions for financing EWS in the reviewed</p>

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			legislation.
100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.			There isn't a per se regulation on EWS in Guatemala.  Since the early warning systems are in charge of the Coordinating Committees at all levels, it is their obligation to coordinate the participation of the community in the development of EWS.
101. Does EWS regulation provide for community-based early warning data collection? Describe.			There should be Local commissions for evacuation, surveillance and monitoring
102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.	Plan Nacional de Respuesta		The National Plan of Response only declares that the population should be informed of the evolution and behavior of the event , carefully avoiding a higher state of alarm than necessary.
103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:  a. geographical coverage of telecommunications to include remote and/or at-risk areas?  b. priority access to communications technology for at-risk communities and	Ley de Radio-comunicación	27,31,75	Guatemala's Radio-communication law declares that broadcasting is a Public interest service and public administration will pay special attention so its public function may be adequately fulfilled. It is an obligation to broadcast , with priority, the government reports regarding matters of security and defense of the national territory , the conservation of public order , or measures regarding to prevent or repair any public calamity.  Private telecommunications infrastructure must always be available to serve the State in cases of emergency or public calamity.

<b>3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
<p>responders to disaster?</p> <p>c. access for vulnerable groups such as the elderly and persons with disabilities?</p> <p>d. Support for early warning systems?</p>	Reglamento de la ley de la Coordinadora Nacional para la reducción de desastres	47	The CONRED regulation creates the Social Communication Directorate in charge of Broadcasting by any media information regarding natural and provoked disasters to the general population.
<p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <p>a. Generally throughout the territory?</p> <p>b. In specified areas?</p> <p>c. Under specified circumstances?</p>	Ley de Radio-comunicación	78,79, 80,96	<p>The law states that specific engineering and international regulations and technical conditions must always be followed. An example of these is the amount of microvolts per square meters. The supervision is a responsibility of the Communications, Infrastructure and Public works Ministry.</p> <p>Inspections can and should be made at all times.</p>
<b>B. Risk identification, assessment and monitoring</b>			
<p>105. In addition to the sectorial laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?</p>	Reglamento de la Ley de la Coordinadora Nacional para la Reducción de Desastres de Origen Natural o Provocado	41	<p>The CONRED regulation incorporates the Mitigation Office . This office is in charge of risk mapping. It's general objective is to consolidate a technical and conceptual model framework with instruments of measure and methods that will allow to identify and minimize factors of risk , as for the characteristics of the threats in Guatemala and its physical vulnerabilities , threats mapping and its correlation with structural vulnerabilities and the drawing of maps and risk scenarios, among other specific objectives. (See annex 1)</p> <p>The Preparation Office, helped by the Mitigation Office, designs,</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>develops , implements and validates the tools to collect and communicate the necessary information to plan prevention activities.</p> <p>(See annex 1)</p>
<p>106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?</p>	<p>Reglamento de la Ley de la Coordinadora Nacional para la Reducción de Desastres de Origen Natural o Provocado</p>	<p>57,58,59</p>	<p>The CONRED regulation creates a Scientific Council formed by the National Institute of seismology, volcanology, meteorology and hydrology (INSIVUMEH). The responsibilities of the INSIVUMEH are:</p> <ul style="list-style-type: none"> <li>- Technical and scientific assessment;</li> <li>- Develop multidisciplinary , technical and scientific research on vulnerability, risk, high risk, prevention and mitigation;</li> <li>- Permanent monitoring on all threats , vulnerabilities and risks;</li> <li>- Develop Mathematical models necessary to study and monitor threats, vulnerabilities and risks;</li> <li>- Create and update a Geographical data system of threats, vulnerabilities and risks throughout the National territory;</li> <li>- Periodic evaluations of the seismic risks of public buildings, health and security infrastructures as of the roads and communication nets;</li> <li>- All others considered of its competence.</li> </ul> <p>The INSIVUMEH responds and reports directly to the Executive Secretariat for Disaster Reduction.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?	Ley de Registro Nacional de Personas  Ley Orgánica del Instituto Nacional de Estadísticas	27	The Law of National Registration of Individuals (Ley de Registro Nacional de Personas) regulates the collection and publication of population data.  More specifically the Organic Law for the National Institute of Statistics (Ley Organica del Instituto Nacional de Estadísticas) states that the institution has the obligation of carrying out , at least every 10 years, a detailed Population Census.  They both have jurisdiction throughout the territory.

**Part Four. Regulation of the Built Environment**

The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers’ rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.

**A. Building Codes**

Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.

108. Is there a national building and construction law? If so, what			There were found, in the reviewed legislation, a Preliminary Town Planning law and the Housing and Human settlements law and regulation however neither can be considered as a specific building
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3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
authority is responsible for its implementation?			and construction law.  The Ministry of Communications, Infrastructure and Housing is responsible on this matter as is the Public Works office.
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?	Ley Preliminar de Urbanismo  Plan Regulator de la Ciudad de Guatemala: Reglamento de Construcción.	9	According to the Preliminary Town planning law, each Municipality should have there "Control Plan" (Plan Regulator).  This "Control plan" must include recommendations regarding: <ul style="list-style-type: none"> <li>- Road system</li> <li>- Utilities</li> <li>- Transportation system</li> <li>- Open Spaces and recreation system</li> <li>- Public Buildings and Community services</li> <li>- Residential Zones</li> <li>- Commercial zones</li> <li>- Industrial Zones</li> <li>- Reserved Easement areas</li> <li>- Any other convenient aspect</li> </ul> Guatemala City owns its "Control Plan" with Construction regulations and the Specific Regulation of town planning and construction rules for social housing projects.
110. Does the building and construction law include detailed			There are two legal documents concerning Building and Construction that are promoted by the CONRED (DM institution),

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water &amp; sanitation etc.)? List these categories of regulation.</p>			<p>these are:</p> <ul style="list-style-type: none"> <li>- The “Structural Security Rules for Buildings and Infrastructural Works”</li> <li>- The “Minimum security rules for buildings and public use facilities “.</li> </ul> <p>Both are considered mandatory for new and remodeled constructions.</p>
<p>111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?</p>	<p>Normas de Seguridad Estructural de Edificaciones y Obras de Infraestructura Para la República de Guatemala</p>	<p>NSE 1- 4</p>	<p>The “Structural Security Rules for Buildings and Infrastructural Works” establish a procedure to request Building Approval (Permiso de construccion) which should be presented to the competent authority, this being the design and construction department specific to each Municipality.</p> <p>To request for Building Approval must include the following information: :</p> <ul style="list-style-type: none"> <li>- Identification and description of the building work;</li> <li>- Use and occupancy of the building work;</li> <li>- Structural draft</li> <li>- Memory of the structural design</li> <li>- Geotechnical study</li> </ul> <p>The Construction License is the previous authorization, issued by the competent authority , to execute construction works ,</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			extensions , adaptations, structural reinforcement, modifications or uses changes, according to the rules and regulations.
112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to: a. New buildings? b. Renovations / extensions of existing buildings? c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?	Normas de Seguridad Estructural de Edificaciones y Obras de Infraestructura Para la República de Guatemala	NSE 1 NSE6	The “Structural Security Rules for Buildings and Infrastructural Works” describes a compulsory Structural Supervision that mostly applies for new buildings and extensions and renovations.  It also has a Seismic Risk evaluation system.
113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?			No mechanisms for enforcement or sanctioning were found in the reviewed legislation.
114. Do the building regulations have special standards or requirements for: a. schools?	Normas mínimas de Seguridad en Edificaciones e Instalaciones de Uso Público		The “Minimum security rules for buildings and public use facilities “ are meant to be applied in constructions of:  - Legal body Offices

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>b. hospitals?  c. fire stations?  d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?</p>			<ul style="list-style-type: none"> <li>- Executive Body Offices</li> <li>- Legislative Body Offices</li> <li>- Housing complex</li> <li>- Private Offices , Factories, warehouses</li> <li>- Business Premises</li> <li>- Restaurants , Bars...</li> <li>- Markets</li> <li>- Event Facilities (Churches, Chapels, Hotels, Auditoriums, conference and meeting halls, convention centres...)</li> <li>- Private and Public Educational Facilities</li> <li>- Private and Public Health Facilities</li> <li>- Buildings for Public Shows and Entertainment Presentations (Movies, theatres, Discotheques, amusement parks , stages...)</li> <li>- Private and Public Sports Facilities</li> <li>- Airport buildings</li> <li>- River and Sea Ports</li> <li>- Private and Public Transportation Terminals and Stations</li> <li>- nurseries, nursing homes, orphanages, shelters</li> <li>- Fuelling stations</li> <li>- Others considered by CONRED</li> </ul> <p>The “Structural Security Rules for Buildings and Infrastructural Works” applies for all buildings.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.	Normas mínimas de Seguridad en Edificaciones e Instalaciones de Uso Público		“Minimum security rules for buildings and public use facilities” apply for Business/commercial premises . The authority responsible in this case would be the Ministry of Economy
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.	Normas mínimas de Seguridad en Edificaciones e Instalaciones de Uso Público		The “Minimum security rules for buildings and public use facilities” apply for Housing Complex buildings. The responsible authority would be the Municipality and its Territorial Control Office.
117. Do the building laws/regulations include small self-built constructions? Identify & describe.			The Regulation for the Housing and Human Settlements Law has a special focus on precarious housing and settlements. (See legal research questions on Informal and Precarious settlement).  Other regulations don’t have any particularities regarding small self-built constructions.
118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation?			The laws/regulations reviewed are mostly for urban settings.

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<ul style="list-style-type: none"> <li>b. the level of government at which it is regulated?</li> <li>c. other?</li> </ul>			
119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?			There wasn't found any regulation on emergency and transitional shelter.
<p>120. Do the building laws/regulations include:</p> <ul style="list-style-type: none"> <li>a. Inspections?</li> <li>b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)?</li> </ul> <p>If so, what form of regulation and which institution(s) have responsibility for this?</p>			No incentives for making existing buildings safe were found in the reviewed laws and regulations.
121. What if any provision is there for planning, approval and construction of public roads, bridges and related	Especificaciones Generales de Construcción de Carreteras y Puentes		The General Specifications for bridges and road constructions regulates the planning, approval and construction of public roads and bridges.

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public works? – describe the authority(s) & mandate(s).			It's authority of the General Directory of Road , dependence of the Communications, Infrastructure and Housing Ministry.
122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?			The “Minimum security rules for buildings and public use facilities “ describes Emergency Response Plans mandatory for new and existing buildings.
<b>B. Land Use Planning Laws</b>			
The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).			
123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?			There isn't a National Law on Land zoning and/or land use planning to the current date. However a Draft Bill has been proposed.  Nevertheless at least 17 laws and 6 regulations mention Land Zoning and/or Land use planning. Therefore it has been formed a “National System of Strategic Territorial Planning”.
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a			Land Zoning and/or Land use planning is mainly regulated at local level. The responsibilities relay completely on the Municipalities. Two examples of these are the Town Planning Law, the Urban and Rural development Councils Law and specially the “Code of Law for

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law at each level?			Municipalities” (Codigo Municipal).
<p>125. Does the land use planning and/or zoning law include processes for:</p> <ul style="list-style-type: none"> <li>a. Formal release of land for new developments?</li> <li>b. Approval of each new urban development?</li> <li>c. Approval of major commercial developments?</li> </ul>	Codigo Municipal	142-149	<p>The Municipality Code of Law regulates land use planning and zoning as soil uses by the Territorial planning and Integral development plans of each Municipality, which must respect sacred places or the ones with historical and cultural value. These plans will also determine the uses of the soil.</p> <p>The approval of this plans as there changes will be made with the in favor vote of 2/3 of the members from the Municipality Council.</p> <p>No constructions will proceed with a License from the Municipality.</p>
<p>126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?</p>	Reglamento de Control Urbano para las Zonas Bajo Régimen Especial de Protección por Riesgo		There is an Urban Control regarding Risk Zones Regulation that protects, manages and conserves this type of sites without stopping urban development and allowing construction under adequate measures.
<p>127. Does the planning / zoning law include public open space for evacuation?</p>	Ley Preliminar de Urbanismo	9	According to the preliminary town zoning law the “Control Plan” of each Municipality must include a recreation system as Open Spaces .
<p>128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?</p>	Ley Preliminar de Urbanismo	9	According to the preliminary town zoning law the “Control Plan” of each Municipality must include a Reserved Easement Zone.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?</p>	<p>Código Municipal</p>	<p>142,147</p>	<p>Any form of development must include at least the following utilities infrastructures:</p> <ul style="list-style-type: none"> <li>- Drinking water with its corresponding system , equipment and distribution network</li> <li>- Energy, street and household lighting</li> <li>- Culverts, Sewers and Drains as their household connections</li> <li>- Recreation and sport areas, schools, markets, passengers and transportation terminals and health centres.</li> </ul>
<p>130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?</p>	<p>Código Municipal</p>	<p>142,147</p>	<p>Any form of development must provide routes , streets, avenues, traffic islands and sidewalks/pavement with the adequate dimensions, securities and qualities according with their nature.</p>
<p>131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g.</p> <ol style="list-style-type: none"> <li>a. the extent of regulation?</li> <li>b. the level of government at which it is regulated?</li> <li>c. other?</li> </ol>			<p>The Municipality Code of Law includes Urban and Rural settings all together.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?	Guía de Facilitación de la Planificación Estratégica Territorial y el Plan de Desarrollo Municipal	1.4, 1.5	Not at first sight, however the Territorial Planning Strategy Guide considers the importance of Human Security, Disaster management and Collective Risks when Land Planning / Zonning.
<b>C. Land tenure</b>			
133. Is there a national system of land title registration established under law? a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law? b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?	Código Civil  Reglamento de los Registros de la Propiedad.		The Guatemalan Civil Code regulates the national system of land title registration. For this ends it created the public institution “Registro de la Propiedad”. To this day there are two “Registros” in the country, “the “Registro General de la Propiedad” located at Guatemala City and the “Segundo Registro de la Propiedad” in Quetzaltenango.  It’s required that the records should be kept in manual or electronic books by using the system “Folio real”. The public books however should never be removed from the Registration Office where all the precautions are taken for their maintenance, conservation and security.  Nevertheless the registration Officer has the faculty to innovate the supervising and operating systems by incorporating all types of programs, techniques and procedures using affordable new technologies.  All electronic data must have a back-up.
134. Are there institutions mandated to survey land and/or register title?	Ley del Registro de Información Catastral	1,2,26,27	Guatemala has a Law for the Registration of Cadaster Information (Ley de Registro de Informacion Catastral) . The Cadaster

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<p>Does this mandate:</p> <ul style="list-style-type: none"> <li>a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</li> <li>b. establish a timeframe for the conclusion of land mapping?</li> <li>c. allocate resources for land mapping?</li> </ul>			<p>Information Registry (Registro de Informacion Catastral –RIC) is the competent authority .</p> <p>The Cadastral activities are unique competence of the RIC and its technical work might be done by direct administration, subcontracting or contract. During this process , whomever has or considers having rights over the land , can be accompanied , to their expenses, by technical or legal consultants.</p> <p>Before closing any Cadastral analysis , the preliminary results should be presented to the population for the purpose of its public knowledge and the recollecting of additional data .</p> <p>If needed the RIC can request cooperation from the Property Registry , the National Geographic Institute, the Land fund, the Municipalities, other State institutions.</p> <p>The General Budget of Incomes and Outcomes will allocate an Item to the RIC. It can also receive donations and subsidies , as any other financial resources.</p>
<p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. All ethnic or religious groups?</li> </ul>	<p>Constitución Política de la República de Guatemala</p> <p>Código Civil</p>	<p>39</p>	<p>First of all, the constitution guarantees the private property as an inherent right of the human being.</p> <p>“Propiedad Privada. Se garantiza la propiedad privada como un derecho inherente a la persona humana. Toda persona puede disponer libremente de sus bien de acuerdo con la ley. El Estado garantiza el ejercicio de este derecho y deberá crear las condiciones que faciliten al propietario el uso y disfrute de sus</p>

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c. Non-nationals?	Reglamento de los Registros de la Propiedad		<p>bienes , de manera que se alcance el progreso individual y el desarrollo nacional en beneficio de los guatemaltecos.”</p> <p>On the other hand, there is no mention of any exclusion of women, determined ethnic or religious groups nor foreigners, in the right of ownership and inheritance of land in the Guatemalan property registration system.</p>
136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.	Código Civil		According to the Civil Code Land Tenure rights cannot be obtained by occupation. Lands are either Public Domain property or Private Individual property.
137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.	Ley del Registro de Información Catastral	23	The Cadastral Law recognizes “Communitarian Lands” being those in ownership, possession or occupation by Native communities or Peasants as collective entities, with or without legal personality. Are parts of this description, the lands registered in the name of the State or Municipalities but whom are traditionally possessed or occupied by a Communal Property Regime.
138. Is there legislation or case law that recognises land tenure as a result of occupation, such as:	Código Civil	620-640	<p>According to the Guatemalan Civil Code: possession presumes property.</p> <p>The Civil Code recognizes a legal mechanism named “Usucapion”</p>

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<p>a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?</p> <p>b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?</p>			<p>which represents the Guatemalan Acquisitive prescription.</p> <p>To produce ownership, possession should be based on : just title , good faith, ten years of continuous, public and pacific use.</p> <p>If these conditions are respected, the possessor may request a Title by Adverse Possession and its approval allows him to acquire the property.</p> <p>If it's a Legal Entity, the individuals forming it should all be nationals by birth.</p> <p>Only nationals by birth will be able to use this procedure when the claimed property is near the borders.</p>
<p>139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?</p>			<p>No parallel systems were observed in the reviewed legislation.</p>
<p>140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include:</p> <p>a. risk reduction from natural</p>	<p>Constitución Política de la República de Guatemala</p>	<p>40</p>	<p>In Guatemala, the Law of Expropriation allows the appropriation of private property for public use or in the public interest.</p> <p>Public utility, public necessity or social interests are understood as everything set to satisfy a collective necessity, in the material or spiritual order. The declaration of public utility, public necessity or social interests should be made, if possible, referring precisely to the determined lands that will be expropriated , in order that no</p>

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<p>disasters?</p> <p>b. land to be kept for evacuation or emergency or transitional shelter?</p>	<p>Ley de Expropiación</p>		<p>other lands will be affected other than the necessary for the fulfillment of the collective need.</p> <p>The offered indemnity must compensate the tenant for the property value as for all damages, fading and expenditure caused by the expropriation. The indemnity should be previous and monetary.</p> <p>In cases of Public Calamity the land can be occupied or expropriated without a previous compensation, however this one should be made immediately after the emergency is passed.</p>
<p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <p>a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b. Are such tribunals or mechanisms available throughout the territory, including in rural areas?</p>			<p>Land Tribunal or courts do not exist in Guatemala, consequently land tenure disputes relay under the jurisdiction of the ordinary courts and tribunals throughout the country.</p> <p>According to the Law of Cadastral Information Registration, in nonconformity cases regarding the procedure, a conciliatory solution can be undertaken.</p> <p>For the Native population the RIC will use their cultural and traditional settlement methods.</p>

**D. Informal and precarious settlements**

Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The

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housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.

<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p>			<p>There have been records of arbitrary evictions in Guatemala, most of them violating human rights. Most of these evictions are of Native groups. The moved residents are not provided with alternative housing nor relocated. This has caused a concern from the Guatemalan population and international NGO's.</p> <p>There weren't found, at the reviewed legislation, any law regulating the clearing of slums or informal/precarious settlements.</p>
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<p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p>			
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>	<p>Ley de Vivienda y Asentamientos Humanos</p> <p>Reglamento de la Ley de Viviendas y Asentamientos Humanos</p> <p>Política Nacional de Vivienda y Asentamientos Humanos</p>	<p>4,9,10</p> <p>8,9,10</p>	<p>The Ministry of Communication, Transportation, Housing and Public Works is the governing and supervising entity regarding housing and human settlements.</p> <p>The Housing and Human Settlement law enforces that all housing and human settlements must require an adequate planning; also it must be taken under consideration the population growth tendency, territorial expansion of human settlements, conservation and use of natural resources and the environmental degradation.</p> <p>An adequate housing must fulfill conditions of legal Tenure security, utilities and infrastructure availability and a proximity to community resources.</p> <p>The National Housing policy is mainly focused on populations in extreme poverty living in unstable and high risk areas same as populations with a savings capacity. Precarious Urban Settlements are also a priority, where basic public utilities are absent, they lack of tenure and proper building materials plus are usually located at high vulnerability and risk landing.</p> <p>This National policy includes disaster risks as a cross-cutting priority , highlighting that risk vulnerabilities are major and highly</p>

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			<p>frequent under precarious settlements. Disaster prevention and reduction will be favored thru construction regulations guarantying minimum vulnerability and establishing quality control for building materials and construction methods. Mitigation measures should be proposed for human settlements, especially the precarious.</p> <p>Another cross-cutting priority is the implementation of basic utilities and social resources in all poor housings throughout the country, specifically in rural areas and precarious urban settlements.</p> <p>International construction regulations and standards will abide to the constructions.</p>
<p>144. Does any law require that informal settlements are included in:</p> <ul style="list-style-type: none"> <li>a. Early Warning Systems?</li> <li>b. Community based DRR education and training?</li> </ul>	<p>Política Nacional de Vivienda y Asentamientos Humanos</p>		<p>The National Housing and Human Settlements Policy proposes DRR education and training for precarious settlements.</p>
<p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <ul style="list-style-type: none"> <li>a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)?</li> </ul>	<p>Ley de Viviendas y Asentamientos Humanos</p> <p>Reglamento de la Ley de Viviendas y Asentamientos</p>	<p>18,30</p> <p>15</p>	<p>The access to an adequate housing for families in poverty or extreme poverty will be facilitated by subsidies and financial assistance, with the condition that the beneficiary offers a minimum contribution (monetary, building materials, work force...).</p> <p>The Guatemalan Housing Fund will be exclusively used to provide</p>

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<p>b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?</p>	<p>Humanos  Política Nacional de Vivienda y Asentamientos Humanos</p>		<p>the following housing solutions:</p> <ul style="list-style-type: none"> <li>- Acquiring Land plots , with or without utilities;</li> <li>- Housing Construction or acquisition;</li> <li>- Housing improvement, repair and expansion</li> <li>- Introducing basic housing support services</li> </ul> <p>On the other hand, the National Housing and Human Settlements Policy declares that a system should be created to simplify the acquisition of public land occupied by families in poverty and extreme poverty.</p> <p>It also proposes that a “Legal and physic Reinforcement of precarious Human settlements Program” which will focus on the recognition of tenure by a special inscription document accepted by the Property Registry”.</p>
<b>E. Urban Water and Flood Management</b>			
<p>146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?</p>			<p>There isn't a specific National Water Law however there is a National Plan for Public Services of Clean Water and Sanitation (Plan Nacional de Servicios Publicos de Agua Potable y Saneamiento) and National Water Policy.</p> <p>It is mainly regulated at a National and local level.</p>

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<p>147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?</p>	<p>Politica Nacional de Agua</p>	<p>1.4 (a)</p>	<p>The National Water authority is the Specific Water Cabinet (GEA).                      Its National Water Policy includes strategies for risk reduction and water storage , for example it sets out, among others, the following goals:</p> <ul style="list-style-type: none"> <li>-Regulate the physical environment with infrastructures searching to adapt the natural water occurrence and prevent sufficient water supply to fulfill demands and future requirements for the different systems of consumers/user; preserving the resources and managing the risks associated with extraordinary events.</li> <li>-Managing the water risks implies a group of measures that regulate the hydrological cycle as: (i) to store surface water during rainy season ; (ii) Managing ground water extraction ; (iii) water transportation from one hydrological region to another; (iv) design and construction of appropriate building sites to reduce natural water threats and a laminar flow of flooding.</li> <li>-Apply Local systems of integrated drought and flooding management; reducing to zero human loss , minimizing the loss or damage of goods and livelihoods; focused on vulnerable groups and high risk areas.</li> </ul>
<p>148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)?</p>	<p>Código Municipal</p>		<p>The “Código Municipal” allocates responsibility for flood mitigation construction and other water management against flooding to the communities. The Municipality Councils are responsible of regulating it.</p>

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If so, what authority is responsible?			
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?			See question 148.  It occurs at community level. An example is the “Codigo Municipal”.
<b>Part Five. Regulation of the Natural &amp; Rural Environment</b>			
Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.			
<b>A. Human Risks in Environmental Change</b>			
150. Is there legislation on environmental protection? If so, what institution has responsibility?	Ley de Protección y Mejoramiento del Medio Ambiente		Guatemala has the “Law for the protection and Improvement of the Environment (Ley de Protección y Mejoramiento del Medio Ambiente)” and its regulation (Reglamento de Evaluación, Control y Seguimiento Ambiental). The responsible institution is the Ministry of the Environment and Natural Resources (Ministerio de Ambiente y Recursos Naturales - MARN)
151. Does the above mandate include environmental management from	Ley de Protección y Mejoramiento del Medio	1	The Guatemalan environmental management focuses primarily on the perspective of maintaining an ecological balance. It defines the

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>the perspective of:</p> <ul style="list-style-type: none"> <li>a. human safety?</li> <li>b. preservation of livelihoods?</li> <li>c. food security, especially concerning protection of crops and livestock?</li> </ul>	<p>Ambiente</p>		<p>ecological balance as the relationship of interdependence between the elements of the environment that make possible the existence, transformation and development of the human being and other living beings . The ecological balance between the human being activities and its environment exists when the effects of the first do not exceed the carrying capacity of the latter. The existence of one should not represent a danger to the other.</p> <p>The perspective of food security is not perceived in the environmental management legislation.</p>
<p>152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?</p>	<p>Reglamento de Evaluación, Control y Seguimiento Ambiental</p>	<p>4</p>	<p>The regulation provides a system of environmental evaluation, control and monitoring formed by entities, procedures as operational and technical tools allowing the evaluation, control and monitoring process of projects, industries, works or activities that could deteriorate and degrade natural resources , the environment and the country's cultural resources.</p>
<p>153. If there are EIAs, do the criteria include:</p> <ul style="list-style-type: none"> <li>a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security?</li> <li>b. assessment in light of the known natural hazards affecting the relevant locality, or downstream</li> </ul>	<p>Reglamento de Evaluación, Control y Seguimiento Ambiental</p>	<p>17</p>	<p>The Guatemalan “Estudio de Evaluacion de Impacto Ambiental” can determine the potential risks and environmental impacts of the project, industry , work or activity in the relevant area and identifies ways to improve their design and implementation to prevent , minimize, mitigate or compensate negative environmental impacts and promote positive impacts.</p> <p>It analyses the potential effects of the proposal and its practical alternatives according to the territorial, biological, cultural and socioeconomic qualities and characteristics of a determined</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
communities (where relevant)?			geographical area.
154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?			This authority wasn't found in the reviewed legislation. However we could assume this authority would be the Ministry of environment and Natural resources.
<b>B. Forests</b>			
155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility?	Ley Forestal		The "Forest law" is the designated legislation for forest management. The National Forest Institute is the competent authority.
156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as: a. prevention of wildfires? b. deforestation and erosion relevant to prevention of landslides and floods? c. other hazards, (such as	Ley Forestal		The Forest Law states that military and civil authorities are obligated to give the necessary assistance and resources to prevent and fight wildfires.  The National Forest Institute should take all measures to prevent plagues and other forest disease ,  Systems of afforestation are established to fight deforestation.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
encroachment by wildlife into agricultural land or villages)? Describe the scope.			
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?	Ley Forestal		The use and management of the forest will be controlled by a Management Plan approved by the National Forest Institute. Also a License will be requested.  Reforestation is obligated when the use and management of the forest is approved.
158. Does the law provide for use, conservation or management of forests and their resources by communities?	Ley Forestal		The law declares as one of its main goals to improve the communities quality of life by increasing the proportion of assets and services derived from the forest to satisfy the needs of wood, housing, rural infrastructure and food.  The community Environment Committees must support the National Forest institute in the implementation of the Forest Law.
<b>C. Rivers and watercourses</b>			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?	Constitución Política de la República de Guatemala	126-128	The Constitution declares that all waters are Public domain assets.  According to the National Water Policy the institution responsible for watercourse management is the Ministry of Environment and Natural Resources (Ministerio de Ambiente y Recursos Naturales-MARN)
160. Does the above mandate include river management from the	Política Nacional del Agua	1.4.1 (a)	To achieve one of its leading objective on contributing to National adaptation to climate change , the National Water Policy describes

**3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)**

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>perspective of natural disaster risk reduction, such as:</p> <p>a. Riverbed management relevant to flood prevention and mitigation?</p> <p>b. Water storage and distribution for human, agricultural and industrial consumption in rural areas?</p> <p>Describe the scope.</p>			<p>two particular guidelines:</p> <ul style="list-style-type: none"> <li>- To manage water as a natural asset , within the hydrographical basin, trough ground and forest management to assure the reproduction of the hydrological cycle and the physical integrity of water sources as its subsequent run-off, riverbeds and riverbanks ; and</li> <li>- To assure water access during summer and/or drought periods by storing water during winter and protecting individuals and their personal goods from the impacts of extreme events .</li> </ul>
<p>161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?</p>	<p>Politica Nacional del Agua</p>	<p>2.3.6</p>	<p>Another recommendation from the National Water Policy is formulating and implementing a National Program to identify and systematize social practices of water management and governance (Programa nacional de identificacion y sistematizacion de practicas sociales de gestion y gobernanza del agua). The goal is to join communitarian and ancestral knowledge (especially from native groups) with scientific and technological research.</p> <p>“Esta acción pretende aprovechar el conocimiento comunitario y ancestral y nutrirlo mediante la investigación (ciencia y tecnología modernas) al identificar y sistematizar prácticas sociales de gestión y gobernanza del agua, especialmente aquellas llevadas a cabo por la comunidades y pueblo indígenas. Implica el diseño, promoción y aplicación de un programa nacional de identificación, sistematización e intercambio de experiencias de prácticas sociales de gestión y gobernanza del agua tanto nacionales como</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			regionales y mundiales.”
162. Does the law provide for use, conservation or management of rivers and their resources by communities?	Politica Nacional del Agua	2.3.4	<p>The National Water Policy believes in reaching Social agreements with leaders of public, private and social sectors that will allow an effective governance of water.</p> <p>“Conciliar y armonizar las demandas competitivas del agua es fundamental y exige construir alianzas estratégicas entre actores y sectores y plataformas de dialogo para lograr acuerdos sociales respecto a los temas centrales de la gestión aun no resueltos, como se estima son lo relativo a los derechos de propiedad y aprovechamiento del agua y en relación con quien y como se asumen las externalidades producidas por el beneficio de usar el agua y/o por deteriorarla.</p> <p>Los acuerdos se requieren a qué queremos hacer con el agua, cuándo, cómo, con quien, con qué y para qué y significan dejar atrás ciertas prácticas para renovarlas con acciones eficaces y eficientes, equitativas y sostenibles. La participación ciudadana deberá realizarse en el ámbito de gobiernos municipales, Sistema de Consejos de Desarrollo, Gobernaciones departamentales, Gobierno Central y sus delegaciones, Sistema Nacional de Planificación.”</p>
<b>D. Drought and food security</b>			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if	Reglamento Orgánico Interno del Ministerio de Agricultura ,	3,24	The Organic Internal Regulation for the Ministry of Agriculture, Livestock and Food (Ministerio de Agricultura, Ganaderia y Alimentacion –MAGA) regulates risk reduction and prevention

<b>3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?	Ganadería y Alimentación		measures relating to drought. The Authority being the Ministry of Agriculture, Livestock and Food more specifically the Rules and Regulation Unit.
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			The above mandate concerns water and soil matters. Yet construction and maintenance of water reserves are mostly a particular issue regarding water legislation.
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?			The Food and Nutritional Security legal System and the National Water System are the relevant legislation regarding food security and desertification prevention.

#### **4. Information management and exchange, community level DRR education & awareness (Hyogo 3)**

Most elements of this Hyogo Priority will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			<p>See legal research question 106.</p> <p>The data is nationally published thru telecommunications and media sources.</p>
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			<p>See research question 107.</p> <p>The data is nationally published thru telecommunications and media sources</p>
<p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>	<p>Reglamento de la Ley de la Coordinadora Nacional para la Reducción de Desastres</p>	87	<p>The CONRED regulation declares that the Coordinating Committees will request collaboration from public and private education authorities to establish educational programs forwards to create a disaster reduction culture.</p> <p>The Coordinating Committees will also permanently maintain and</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>promote training programs regarding disaster reduction.</p> <p>The Education Law does not mention DRR awareness in the school Curriculum.</p>
<p>169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?</p> <p>a. If so, which authorities and what are they required to do?</p> <p>b. In particular does it require DRR education in schools?</p>	<p>Política Nacional para la Reducción del Riesgo a los desastres.</p>		<p>The National Disaster Management policy doesn't require any public authority to conduct public education.</p> <p>However it states the importance of DRR awareness in the construction of resilient communities.</p>
<p>170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?</p>			<p>DRR awareness and education is an obligation of the Coordinating Committee which are competent municipally and locally. No provision for community participation in the development and delivery of public education and awareness campaigns is made.</p>
<p>171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR</p>			<p>The reviewed legislation doesn't provide any designated role to the Red Cross Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level.</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
education and awareness at community level?			
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?			The reviewed legislation does not provide any designated role for Civil Society in DRR education and awareness.
173. Does any law provide for community-level results in DRR, such as: a. Natural disaster warnings that extend to community level? b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters? c. Community involvement in land-use and urban planning? d. Community involvement in and education concerning building codes?	Ley de los Consejos de Desarrollo Urbano y Rural	1,3,6,10	Guatemala has Urban and Rural Development Councils that promotes processes of democratic participation in conditions of equity and equality with any discrimination whatsoever. Their objective is to organize and coordinate Public Administration by conceiving development policies, budget plans and programs as inter-institutional, public and private coordination.  They supervise that all policies, plans and programs are being executed.  They promote and ease up the effective organization and participation of the population and their organizations in prioritizing the needs, problems and solutions necessary for the integral development of the Nation's.

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