



General Assembly
Security Council

Distr.
GENERAL

A/51/796
S/1997/114
7 February 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 40

SECURITY COUNCIL
Fifty-second year

THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT
OF A FIRM AND LASTING PEACE AND
PROGRESS IN FASHIONING A REGION
OF PEACE, FREEDOM, DEMOCRACY AND
DEVELOPMENT

Identical letters dated 5 February 1997 from the
Secretary-General addressed to the President of
the General Assembly and to the President of the
Security Council

I have the honour to transmit herewith the texts of the last two agreements pertaining to the Guatemala peace process, which were signed by the Peace Commission of the Government of Guatemala (COPAZ) and the General Command of the Unidad Revolucionaria Nacional Guatemalteca (URNG) under the auspices of the United Nations on 29 December 1996.

The Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (annex I) was signed by the parties at Guatemala City on 29 December 1996 in the presence of the United Nations Moderator, Mr. Jean Arnault. The Agreement is a detailed guide for the implementation of all the commitments undertaken by the parties in agreements signed since 1994. It sets out a calendar for the phased implementation of those commitments from 1997 to the end of 2000 and for the establishment of the Follow-up Commission to ensure that the process is carried out effectively. The Agreement also requests the Secretary-General to establish a mission to verify all the agreements, into which the current United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) is to be absorbed.

The Agreement on a Firm and Lasting Peace (annex II) was signed in the National Palace of Guatemala City on 29 December 1996, in a formal ceremony

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attended by President Alvaro Arzú, by the Heads of State of numerous nations and by my predecessor, Mr. Boutros Boutros-Ghali, who was, in addition, a signatory to the Agreement. The Agreement brings into effect all the previous agreements encompassing military, political, social, economic and environmental issues and binds them into a comprehensive nationwide agenda for peace. It is a milestone for Guatemala, where it ends 35 years of internal conflict, and for Central America, where it ends the last war in the region and thus completes the principal task which the Presidents of the region set themselves when they signed the Esquipulas II Agreement in 1987.

As requested by the General Assembly in its resolution 51/198 of 17 December 1996, I shall submit recommendations shortly to the Assembly on how the structure and staffing of the current MINUGUA should be redesigned to allow the new mission to fulfil the new responsibilities arising from the signing of the peace agreements.

I should be grateful if you could issue the text of the present letter as a document of the General Assembly, under agenda item 40, and of the Security Council.

(Signed) Kofi A. ANNAN

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ANNEX II

Agreement on a firm and lasting peace

Whereas:

The signing of this Agreement puts an end to more than three decades of armed conflict in Guatemala and thus to a painful era in our history,

In recent years, the search for a political solution to the armed conflict has created new opportunities for dialogue and understanding within Guatemalan society,

The country now faces the task, in which all Guatemalans must share, of preserving and consolidating peace,

To this end, the Peace Agreements provide the country with a comprehensive agenda for overcoming the root causes of the conflict and laying the foundations for a new kind of development,

Compliance with these Agreements is an historic, unavoidable commitment,

Present and future generations must be made aware of the full implications of the peace commitments,

The Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) have agreed as follows:

I. CONCEPTS

1. The Peace Agreements reflect a national consensus. They have been endorsed by the various sectors represented in the Assembly of Civil Society and outside it. Their progressive implementation must fulfil the legitimate aspirations of Guatemalans and, at the same time, unite the efforts of all behind these common objectives.
2. The Government of the Republic reaffirms its adherence to the principles and norms aimed at guaranteeing and protecting full respect for human rights, and its political determination to enforce them.
3. Population groups uprooted by the armed conflict have the right to reside and live freely in Guatemalan territory. The Government of the Republic undertakes to ensure their return and resettlement in conditions of dignity and security.
4. The Guatemalan people are entitled to know the full truth about the human rights violations and acts of violence that occurred in the context of the internal armed conflict. Shedding light objectively and impartially on what happened will contribute to the process of national reconciliation and democratization in the country.

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5. Recognition of the identity and rights of indigenous peoples is essential for building a multi-ethnic, multicultural and multilingual country of national unity. Respect for and the exercise of the political, cultural, economic and spiritual rights of all Guatemalans is the foundation for a new coexistence reflecting the diversity of their nation.

6. Firm and lasting peace must be based on participatory socio-economic development that is geared to the common good and to the needs of the entire population. Such development requires social justice, as one of the cornerstones of national unity and solidarity, and sustainable economic growth as a prerequisite for meeting the population's social demands.

7. The genuine participation of citizens - both men and women - from all sectors of society is essential for achieving social justice and economic growth. The State must broaden these opportunities for participation and strengthen its own role as guiding force of national development, lawmaker, source of public investment, provider of basic services and promoter of social consensus and settlement of disputes. To that end, it must raise fiscal revenues and, as a matter of priority, channel public spending towards social investment.

8. In the search for growth, economic policy must be directed towards preventing processes of economic exclusion, such as unemployment and impoverishment, and towards optimizing the benefits of economic growth for all Guatemalans. Raising the standard of living and ensuring health care, education, social security and training for Guatemalans are preconditions for achieving sustainable development in Guatemala.

9. The State and organized sectors of society must join forces to find a solution to agrarian problems and promote rural development, both of which are the key to improving the situation of the majority of the population living in rural areas - the population group most seriously affected by poverty, inequity and the weakness of State institutions.

10. The strengthening of civilian power is an essential prerequisite for the existence of a democratic regime. The ending of the armed conflict affords an historic opportunity to renew the country's institutions so that, working in coordination, they can guarantee Guatemalans the rights to life, liberty, justice, security, peace and the full development of the individual. The Guatemalan armed forces must adjust their functions to the new era of peace and democracy.

11. The legal integration of URNG, in conditions of security and dignity, is in the national interest and is directly related to the objective of reconciliation and the consolidation of a democratic system open to all.

12. The constitutional reforms set out in the Peace Agreements provide the fundamental substantive basis for the reconciliation of Guatemalan society within the framework of the rule of law, democratic coexistence and the full observance of and strict respect for human rights.

13. Elections are essential for Guatemala's current transition to a functional, participatory democracy. Improving the electoral regime will help to strengthen the legitimacy of public authority and facilitate the country's democratic transformation.

14. The implementation of the national agenda arising out of the Peace Agreements is a complex, long-term undertaking requiring the determination to fulfil the commitments made and the involvement of State bodies and of the country's various social and political forces. This undertaking calls for a strategy that sets realistic priorities for the gradual fulfilment of commitments, thereby ushering in a new chapter in Guatemala's history - one of development and democratic coexistence.

II. ENTRY INTO FORCE OF THE PEACE AGREEMENTS

15. All agreements signed on the basis of the Framework Agreement on Democratization in the Search for Peace by Political Means, signed at Querétaro, Mexico, on 25 July 1991, and those concluded since the Framework Agreement for the Resumption of the Negotiating Process, signed at Mexico City on 10 January 1994, are hereby incorporated into this Agreement on a Firm and Lasting Peace. Those agreements are:

(a) The Comprehensive Agreement on Human Rights, signed at Mexico City on 19 March 1994;

(b) The Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, signed at Oslo on 17 June 1994;

(c) The Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer, signed at Oslo on 23 June 1994;

(d) The Agreement on Identity and Rights of Indigenous Peoples, signed at Mexico City on 31 March 1995;

(e) The Agreement on Social and Economic Aspects and the Agrarian Situation, signed at Mexico City on 6 May 1996;

(f) The Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, signed at Mexico City on 19 September 1996;

(g) The Agreement on the Definitive Ceasefire, signed at Oslo on 4 December 1996;

(h) The Agreement on Constitutional Reforms and the Electoral Regime, signed at Stockholm on 7 December 1996;

(i) The Agreement on the Basis for the Legal Integration of URNG, signed at Madrid on 12 December 1996;

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(j) The Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements, signed at Guatemala City on 29 December 1996.

16. With the exception of the Comprehensive Agreement on Human Rights, which has been in force since it was signed, all the agreements incorporated into the Agreement on a Firm and Lasting Peace shall enter into force formally and in full when the present Agreement is signed.

III. EXPRESSION OF GRATITUDE

17. Upon completion of the historic negotiating process in the search for peace by political means, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca wish to place on record their gratitude for the national and international efforts that have contributed to the conclusion of the Agreement on a Firm and Lasting Peace. They emphasize the role played by the National Reconciliation Commission, the Conciliation, the Assembly of Civil Society and United Nations Moderation. They also express appreciation for the support provided by the Group of Friends of the Guatemalan Peace Process, consisting of the Republic of Colombia, the United Mexican States, the Kingdom of Norway, the Kingdom of Spain, the United States of America and the Republic of Venezuela.

IV. FINAL PROVISIONS

First. The Agreement on a Firm and Lasting Peace shall enter into force when it is signed.

Second. This Agreement shall be widely publicized, especially through formal education programmes.

Guatemala City, 29 December 1996.

For the Government of Guatemala:

(Signed) Gustavo PORRAS CASTEJÓN

(Signed) Otto PÉREZ-MOLINA
Brigadier-General

(Signed) Raquel ZELAYA ROSALES

(Signed) Richard AITKENHEAD CASTILLO

For the Unidad Revolucionaria Nacional Guatemalteca:

(Signed) Ricardo RAMÍREZ DE LEÓN
(Commander Rolando MORÁN)

(Signed) Jorge Ismael SOTO GARCÍA
(Commander Pablo MONSANTO)

(Signed) Ricardo ROSALES ROMÁN
(Carlos GONZÁLES)

(Signed) Jorge Edilberto ROSAL MELÉNDEZ

For the United Nations:

(Signed) Boutros BOUTROS-GHALI

Annex I

Comprehensive Agreement Human Rights

Preamble

Taking into consideration the constitutional provisions in effect in respect of human rights and international treaties, conventions and other instruments on the subject to which Guatemala is a party,

Considering the wish of the Government of Guatemala and of the Unidad Revolucionaria Nacional Guatemalteca that the agreement on human rights and international verification be applied in accordance with the aforesaid constitutional provisions and international treaties,

Bearing in mind the commitment of the Government of Guatemala to respect and promote human rights in accordance with the constitutional mandate,

Considering further that the Unidad Revolucionaria Nacional Guatemalteca undertakes to respect the inherent attributes of the human being and to contribute to the effective enjoyment of human rights,

Recognizing the importance of national institutions and entities for the protection and promotion of human rights and the desirability of strengthening them and building them up,

The Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, hereinafter referred to as "the Parties", hereby agree:

I. GENERAL COMMITMENT REGARDING HUMAN RIGHTS

1. The Government of the Republic of Guatemala reaffirms its adherence to the principles and norms designed to guarantee and protect the full observance of human rights, and its political will to enforce them.
2. The Government of the Republic of Guatemala shall continue to encourage all those measures designed to promote and perfect norms and mechanisms for the protection of human rights.

II. STRENGTHENING INSTITUTIONS FOR THE PROTECTION OF HUMAN RIGHTS

1. The Parties consider that any behaviour that limits, restricts or impairs the functions assigned to the judiciary, the Counsel for Human Rights and the Public Prosecutor's Office in respect of human rights undermines fundamental principles of the rule of law and that, accordingly, those institutions must be supported and strengthened in the exercise of those functions.

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2. With regard to the judiciary and the Public Prosecutor's Office, the Government of the Republic of Guatemala reiterates its will to respect their autonomy and to protect the freedom of action of both vis-à-vis pressures of any type and origin, so that they may enjoy fully such guarantees and means as they may require in order to operate efficiently.

3. With regard to the Counsel for Human Rights, the Government of the Republic of Guatemala shall continue to support the latter's work so as to strengthen that institution, backing his actions and promoting such reforms of the enactments as may be needed to enable him to better carry out his functions and responsibilities. The Government of the Republic of Guatemala shall support initiatives designed to improve the technical and material conditions available to the Counsel for Human Rights in carrying out his tasks of investigation, monitoring and follow-up to ensure full enjoyment of human rights in Guatemala.

III. COMMITMENT AGAINST IMPUNITY

1. The Parties agree on the need for firm action against impunity. The Government shall not sponsor the adoption of legislative or any other type of measures designed to prevent the prosecution and punishment of persons responsible for human rights violations.

2. The Government of the Republic of Guatemala shall initiate in the legislature necessary legal amendments to the Penal Code so that enforced or involuntary disappearances and summary or extra-judicial executions may be characterized as crimes of particular gravity and punished as such; likewise, the Government shall foster in the international community, recognition of enforced or involuntary disappearances and of summary or extra-judicial executions as crimes against humanity.

3. No special law or exclusive jurisdiction may be invoked to uphold impunity in respect of human rights violations.

IV. COMMITMENT THAT THERE ARE NO ILLEGAL SECURITY FORCES AND CLANDESTINE MACHINERY; REGULATION OF THE BEARING OF ARMS

1. In order to maintain unlimited respect for human rights, there must be no illegal security forces nor any clandestine security machinery. The Government of Guatemala recognizes that it has an obligation to combat any manifestation thereof.

2. The Government of the Republic of Guatemala reiterates its commitment to continue with the purification and professionalization of the security forces. It also expresses the need to continue with the adoption and implementation of effective measures so as to provide specific regulations governing the possession, bearing and use of firearms by individuals, in accordance with the law.

V. GUARANTEES REGARDING FREEDOM OF ASSOCIATION AND
FREEDOM OF MOVEMENT

1. Both Parties agree that the freedoms of association and of movement are internationally and constitutionally recognized human rights which must be exercised in accordance with the law and must be fully enjoyed in Guatemala.
2. In the exercise of his functions, the Counsel for Human Rights shall be responsible for establishing whether members of the volunteer civil defence committees have been compelled to join those committees against their will or whether their human rights have been violated.
3. Upon receiving a complaint the Counsel for Human Rights shall immediately conduct the necessary investigations. For that purpose, after publicly announcing that such committees must be made up of persons who have joined of their own free will, and must observe the law and human rights, he shall conduct consultations in the villages, making sure that, in such case, committee members express their wishes freely and without any pressure.
4. Should it be established that some people have not joined of their own free will or that there have been violations of the legal order, the Counsel shall take whatever decisions he may deem necessary and shall initiate corresponding judicial or administrative action to punish the human rights violations.
5. The Government of Guatemala shall unilaterally declare that it shall not encourage the organization of nor shall it establish further volunteer civil defence committees in any part of the national territory provided that there is no reason for it to do so. For its part, the Unidad Revolucionaria Nacional Guatemalteca sees the unilateral statement as a positive expression of the Government's will to achieve peace and shall contribute to the aims of such declaration.
6. In the event of a complaint, the residents affected shall go to the town mayor who at the same time shall convene a public meeting and shall call the Counsel for Human Rights to verify, by all means at his disposal, whether or not the residents acted of their own free will.
7. Both Parties agree that other aspects of the volunteer civil defence committees shall be dealt with later, in connection with other items on the general agenda.
8. The Parties recognize the work done by the Office of the Counsel for Human Rights with regard to education and information, and request that the latter should include in its work information regarding the content and scope of the present agreement.

VI. MILITARY CONSCRIPTION

1. Conscription for compulsory military service must not be forced, nor should it be cause for a violation of human rights and, therefore, while military service should continue to be a civic duty and right, it must be just and non-discriminatory.
2. To that end, for its part, the Government of the Republic of Guatemala shall continue to adopt and implement the necessary administrative decisions and shall initiate, as soon as possible and in the spirit of this agreement, a new Military Service Act.

VII. SAFEGUARDS AND PROTECTION OF INDIVIDUALS AND ENTITIES WORKING FOR THE PROTECTION OF HUMAN RIGHTS

1. The Parties agree that all acts which may affect the safeguards of those individuals or entities working for the promotion and protection of human rights are to be condemned.
2. Accordingly, the Government of the Republic of Guatemala shall take special measures to protect those persons or entities working in the field of human rights. Furthermore it shall investigate, in a timely and exhaustive manner, any complaint it may receive relating to acts or threats that may be directed at them.
3. The Government of the Republic of Guatemala reiterates the commitment to safeguard and protect effectively the work of individuals and entities engaged in upholding human rights.

VIII. COMPENSATION AND/OR ASSISTANCE TO THE VICTIMS OF HUMAN RIGHTS VIOLATIONS

1. The Parties recognize that it is a humanitarian duty to compensate and/or assist victims of human rights violations. Said compensation and/or assistance shall be effected by means of government measures and programmes of a civilian and socio-economic nature addressed, as a matter of priority, to those whose need is greatest, given their economic and social position.

IX. HUMAN RIGHTS AND INTERNAL ARMED CONFRONTATION

1. Until such time as the firm and lasting peace agreement is signed, both Parties recognize the need to put a stop to suffering of the civilian population and to respect the human rights of those wounded, captured and those who have remained out of combat.
2. These statements by the Parties do not constitute a special agreement, in the terms of article 3 (Common), paragraph 2, second subparagraph of the Geneva Conventions of 1949.

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X. INTERNATIONAL VERIFICATION BY THE UNITED NATIONS

1. The Parties reaffirm the decision stated in the Framework Agreement of 10 January 1994 that all the agreements must be accompanied by appropriate national and international verification mechanisms, and that the latter must be the responsibility of the United Nations.

2. In this context the Parties agree to request the Secretary-General of the United Nations to organize a mission for the verification of human rights and of compliance with the commitments of the agreement. The mission will be a component of the overall verification of the firm and lasting peace agreement which the parties undertook to sign within the shortest possible time during the current year.

3. The Parties recognize the importance of the role of the national institutions responsible for enforcing, monitoring and safeguarding human rights, such as the judiciary, the Public Prosecutors Office and the Counsel for Human Rights, and they emphasized the role of the latter, in particular.

4. The Parties agree to ask the Secretary-General of the United Nations that the mission for the verification of the agreement be established with the following in mind:

Functions

5. In verifying human rights, the mission shall carry out the following functions:

(a) Receive, consider and follow-up complaints regarding possible human rights violations;

(b) Establish that the competent national institutions are carrying out the necessary investigations autonomously, effectively and in accordance with the political constitution of the Republic of Guatemala and international norms regarding human rights;

(c) Determine whether or not a violation of human rights has occurred on the basis of whatever information it may obtain in the exercise of the powers referred to in paragraph 10, subparagraphs (a), (b), (c) and (d), taking into consideration any investigations that the competent constitutional institutions may carry out.

6. In verifying the other commitments set forth in the present agreement, the mission shall determine whether it is being fully implemented by the parties.

7. According to the findings of its verification activities, the mission shall make recommendations to the Parties, in particular regarding measures necessary to promote full observance of human rights and faithful implementation of the present agreement as a whole.

8. Bilateral talks shall be instituted between the mission and each one of the Parties so that the latter may make observations regarding the mission's

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recommendations and so as to facilitate implementation of the above-mentioned measures.

9. The mission shall report regularly to the Secretary-General of the United Nations, who shall report to the competent bodies of that Organization. Copies of these reports shall be transmitted to the Parties.

10. The mission shall be empowered to:

(a) Establish itself and move freely throughout the national territory;

(b) Interview any person or group of persons freely and privately for the proper performance of its functions;

(c) Visit government offices and Unidad Revolucionaria Nacional Guatemalteca encampments freely and without prior notice when this is deemed necessary for the performance of its functions;

(d) Collect whatever information may be relevant for the implementation of its mandate.

11. The mission may disseminate information relating to its functions and activities to the Guatemalan public through the mass media.

12. In verifying the observance of human rights, the mission shall pay particular attention to the rights to life, integrity and security of person, to individual liberty, to due process, to freedom of expression, to freedom of movement, to freedom of association and to political rights.

13. In the performance of its functions the mission shall take into account the situation of the most vulnerable groups of society and to the population directly affected by the armed confrontation (including displaced persons, refugees and returnees).

14. The mission's activities shall relate to events and situations subsequent to the mission's installation.

15. For purposes of implementation of the general commitment regarding human rights (chapter I of the present agreement), the Parties understand human rights as meaning those rights which are recognized in the Guatemalan legal order including international treaties, conventions and other instruments on the subject to which Guatemala is a party.

Cooperation and support for national institutions for the protection of human rights

16. The Parties agree in acknowledging that international verification must contribute to strengthening the permanent constitutional mechanisms and other national governmental and non-governmental entities for the protection of human rights. In order to support them, the verification mission shall be empowered to:

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(a) Cooperate with national institutions and entities, as necessary, for the effective protection and promotion of human rights and, in particular sponsor technical cooperation programmes and carry out institution-building activities;

(b) Offer its support to the judiciary and its auxiliary organs, the Public Prosecutor's Office, the Counsel for Human Rights and the Presidential Human Rights Committee in order to contribute to the development and strengthening of national institutions for the protection of human rights and due legal process;

(c) Promote the international technical and financial cooperation required to strengthen the capacity of the Counsel for Human Rights and that of other national institutions and entities to carry out their functions in respect of human rights;

(d) Contribute, in cooperation with the State and the various bodies of society, to encouraging a culture of respect for human rights.

Duration and structure of the mission

17. The mission shall initially be established for one year and its mandate may be renewed.

18. The verification mission shall be headed by a chief, appointed by the Secretary-General of the United Nations, assisted by such international and national officials and experts in various specialities as may be needed to achieve the aims of the mission. The Government of Guatemala and the mission shall sign the relevant headquarters agreement, in accordance with the Convention on the Privileges and Immunities of the United Nations of 1946.

Launching of the international verification mission

19. Taking into consideration its wish to promote human rights in Guatemala, and the fact that the provisions of the present agreement reflect constitutional rights that are already set forth in Guatemala's legal order and considering the role of the international mission to strengthen national institutions and entities for the protection of human rights, in particular the Counsel for Human Rights, the Parties recognize that it is desirable, as an exceptional measure, that verification of the human rights agreement should commence prior to the signing of the firm and lasting peace agreement.

20. Since the verification mission is to begin its functions prior to the end of the armed confrontation, and thus while military operations continue, the mission shall make the necessary security arrangements.

21. The Parties agree immediately to ask the Secretary-General of the United Nations to send a preliminary mission as soon as possible to prepare, in coordination with the Parties, the establishment of the mission at the earliest possible date, and to evaluate the financial and technical needs essential for verification of the agreement on human rights.

Cooperation of the Parties with the verification mission

22. The Parties undertake to provide their broadest support to the mission and, to that end, they pledge to provide it with whatever cooperation it may need in order to carry out its functions; in particular to see to the safety of members of the mission and of persons submitting complaints or giving testimony to the mission.

23. The international verification carried out by the mission shall be carried out within the framework of the provisions of the present agreement. Any situation that may arise regarding the scope of the agreement shall be resolved by means of the talks provided for in paragraph 8 above.

XI. FINAL PROVISIONS

1. The present agreement shall enter into force as from the date of its signature by the Parties.

2. The present agreement shall form part of the firm and lasting peace agreement.

3. A copy of the present agreement shall be transmitted by the Parties to the Secretary-General of the United Nations and to the Counsel for Human Rights.

4. The present agreement shall be widely disseminated throughout Guatemala, in the Spanish and indigenous languages. This task shall be the responsibility of the Counsel for Human Rights and the relevant government offices.

Done at Mexico, D.F. on 29 March 1994.

For the Government of the Republic of Guatemala

(Signed)

Héctor ROSADA GRANADOS

(Signed)

Antonio F. ARENALES FORNO

(Signed)

Mario PERMUTH

(Signed)

Ernesto VITERI ECHEVERRIA

(Signed)

General Carlos Enrique PINEDA CARRANZA

(Signed)

General Julio Arnoldo BALCONI TURCIOS

(Signed)

General José Horacio SOTO SALAN

/...

For the Unidad Revolucionaria Nacional Guatemalteca

General Command

(Signed)

Commander Pablo MONSANTO

(Signed)

Commander Rolando MORAN

(Signed)

Commander Gaspar ILOM

(Signed)

Carlos GONZALES

Political and Diplomatic Commission

(Signed)

Luis Felipe BECKER GUZMAN

(Signed)

Miguel Angel SANDOVAL VASQUEZ

(Signed)

Francisco VILLAGRAN MUÑOZ

(Signed)

Mario Vinicio CASTAÑEDA PAZ

For the United Nations

(Signed)

Marrack GOULDING
Under-Secretary-General

(Signed)

Jean ARNAULT
Moderator

Annex III

Joint Statement by the Government of Guatemala and
the Unidad Revolucionaria Nacional Guatemalteca

In order to facilitate the signing of the agreement on human rights, a historic achievement in the Guatemala peace process, the Parties have decided that consideration of the item regarding the Commission to look into human rights violations during the armed confrontation shall be concluded at a special session of the negotiations, without prejudice to existing rapprochements on the subject. For that purpose, the Parties have asked the Moderator to proceed with the consultations that may be necessary and to convene said special session in the month of May 1994.

(Signed)

Héctor ROSADA GRANADOS
Coordinator of the Commission
for Peace of the Government
of Guatemala

(Signed)

Pablo MONSANTO
Coordinator of the Delegation
of the Unidad Revolucionaria
Nacional Guatemalteca

(Signed)

Jean ARNAULT
Moderator

ANNEX I

Agreement on Resettlement of the Population Groups
Uprooted by the Armed Conflict

Preamble

Reiterating their commitment to put an end to the armed conflict through a negotiation process which lays the bases for a firm and lasting peace in Guatemala,

Considering the national, traumatic dimensions of the uprooting that occurred during the armed conflict in the country, in human, cultural, material, psychological, economic, political and social terms, which caused violations of human rights and great suffering in the communities which were forced to abandon their homes and ways of life, and in the populations which remained in those areas,

Considering the commitment of the Government of Guatemala and of the Unidad Revolucionaria Nacional Guatemalteca to contribute constructively, together with the rest of Guatemalan society, to finding a lasting solution and to facilitating the process of resettling the uprooted population groups in a framework of social justice, democratization and sustained, sustainable and equitable national development,

Considering that the resettlement of these uprooted population groups should be a dynamic factor in the economic, social, political and cultural development of the country and, consequently, an important component of a firm and lasting peace,

Recognizing the indispensable role of the participation of the affected population groups in taking decisions concerning the design and implementation of an effective resettlement strategy,

Bearing in mind the statements and proposals for consensus elaborated on this topic by the civil Assembly, which includes the specific demands of organizations representing the various uprooted groups,

Reiterating that the present Agreement together with those to be signed on the other agenda items in the negotiation process form part of an agreement on a firm and lasting peace and shall enter into force at the time of the signing of such agreement, with the exception of matters relating to the Technical Committee referred to in section V of this agreement and in paragraph 4 of that section,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as "the Parties") agree as follows:

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I. DEFINITIONS, PRINCIPLES AND OBJECTIVES OF A COMPREHENSIVE STRATEGY FOR RESETTLING THE POPULATIONS UPROOTED BY ARMED CONFLICT

Definitions

1. For the purposes of this Agreement, the term "uprooted population" shall include all persons who have been uprooted for reasons connected with the armed conflict, whether they live within or outside Guatemala, and shall include, in particular, refugees, returnees and internally displaced persons, either dispersed or in groups, including popular resistance groups.

2. "Resettlement" shall mean the legal process of return of uprooted population groups and individuals to their place of origin or another place of their choice in Guatemalan territory, and their relocation and integration therein, in accordance with the Political Constitution of the Republic of Guatemala.

Principles

The Parties agree that a comprehensive solution to the problem of uprooted population groups should be guided by the following principles:

1. Uprooted population groups have the right to reside and live freely in Guatemalan territory. Accordingly, the Government of the Republic undertakes to ensure that conditions exist which permit and guarantee the voluntary return of uprooted persons to their places of origin or to the place of their choice, in conditions of dignity and security.

2. Full respect for the human rights of the uprooted population shall be an essential condition for the resettlement of this population.

3. Uprooted population groups deserve special attention, in view of the consequences they have suffered from being uprooted, through the implementation of a comprehensive, exceptional strategy which ensures, in the shortest possible time, their relocation in conditions of security and dignity and their free and full integration into the social, economic and political life of the country.

4. Uprooted population groups shall participate in decision-making concerning the design, implementation and supervision of the comprehensive resettlement strategy and its specific projects. This participatory principle shall extend to population groups residing in resettlement areas in all aspects concerning them.

5. A comprehensive strategy will be possible only within the perspective of a sustained, sustainable and equitable development of the resettlement areas for the benefit of all the population groups and individuals residing in them in the framework of a national development plan.

6. The implementation of the strategy shall not be discriminatory and shall promote the reconciliation of the interests of the resettled population groups and the population groups already living in the resettlement areas.

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Objectives

The comprehensive resettlement strategy shall have the following objectives:

1. To ensure that the uprooted population groups fully enjoy all their rights and fundamental freedoms, in particular those rights and freedoms which were affected during the uprooting process;
2. To reintegrate the uprooted population groups, which were socially, economically and politically marginalized, and create the conditions that would allow them to be a dynamic factor in the economic, social, political and cultural development of the country;
3. To give priority to the fight against poverty and extreme poverty, which have had a particularly serious effect on areas where the population has been uprooted, and which largely correspond to the resettlement areas;
4. To develop and strengthen the democratization of State structures, ensuring that the constitutional rights and duties of the uprooted population groups are respected at the community, municipal, departmental, regional and national levels;
5. To promote genuine reconciliation, fostering a culture of peace in the resettlement areas and at the national level based on participation, mutual tolerance, reciprocal respect and commonality of interests.

II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

In conformity with past resettlement initiatives and activities, particularly the letter of understanding between the Government and the Office of the United Nations High Commissioner for Refugees and the agreement of 8 October 1992 between the Government and the Standing Committees of Refugees, with its ad hoc verification mechanism, the Parties have agreed as follows:

1. Full respect for human rights and fundamental freedoms is essential for the security and dignity of resettlement processes. The Parties reiterate their decision to comply fully with the Comprehensive Agreement on Human Rights, which took effect on 29 March 1994, promoting respect for the human rights of uprooted populations, one of the vulnerable sectors which deserve particular attention, with special vigilance.
2. Special emphasis should be placed on protecting female-headed families and widows and orphans, who have been the most seriously affected.
3. The rights of the various indigenous communities, primarily Mayas, should be taken into account, especially respect for, and encouragement of, their way of life, cultural identity, customs, traditions and social organization.

4. Concerned about the security of those who are being resettled or who live in the zones affected by the conflict, the Parties recognize the urgent need to remove all types of mines or explosive devices buried or abandoned in these areas, and they commit themselves to cooperate fully in these activities.

5. In view of the efforts being made by uprooted communities to improve the level of education of their people and of the need to support and provide continuity to this process, the Government undertakes to:

5.1. Recognize the formal and informal educational levels of uprooted persons, through the use of rapid evaluation and/or certification procedures;

5.2. Recognize the informal studies of education and health promoters and grant them, following an appropriate evaluation, equivalent credit.

6. The Parties request the United Nations Educational, Scientific and Cultural Organization (UNESCO) to elaborate a specific plan to support and provide continuity to efforts to educate the population groups in the resettlement areas, including providing continuity to the efforts being made by the uprooted communities.

7. The lack of personal documentation for the majority of the uprooted population groups increases their vulnerability and limits their access to basic services and the enjoyment of their civil and political rights. This problem requires urgent solutions. Consequently, the Parties agree that the following steps are necessary:

7.1. In order to arrange for the documentation of uprooted persons as soon as possible, the Government, with the cooperation of the international community, shall intensify its efforts to streamline the necessary mechanisms, taking into account, where appropriate, the registers kept by the uprooted communities themselves;

7.2. Decree No. 70-91, a provisional act concerning replacement and registration of birth certificates in civil registers destroyed by violence, shall be revised so as to establish a system adapted to the needs of all the affected population groups, with streamlined, free-of-charge registration procedures. For such purposes, the views of the affected sectors shall be taken into account. Personal documentation and identification shall be completed as soon as possible;

7.3. The necessary administrative rules to streamline formalities to ensure that children of uprooted persons born outside the country are registered as native Guatemalans, in compliance with article 144 of the Constitution of the Republic, shall be promulgated;

7.4. For the implementation of this documentation programme, the Government shall request the cooperation of the United Nations and the international community.

8. An essential element of the resettlement process is legal security in the holding (inter alia, the use, ownership and possession) of land. In that

regard, the Parties recognize the existence of a general problem which particularly affects the uprooted population. One of the principal manifestations of legal insecurity is the difficulty of producing evidence of landholding rights. This situation stems, inter alia, from problems concerning registration, the disappearance of the files of the Instituto Nacional de Transformación Agraria (INTA), the institutional weakness of specialized bodies and municipalities; the existence of rights based on customary systems for the holding and surveying of land; the existence of secondary occupants or the annulment of rights on the basis of the improper application of provisions concerning voluntary abandonment.

9. In the particular case of abandonment of land as a result of armed conflict, the Government undertakes to revise and promote legal provisions to ensure that such an act is not considered to be voluntary abandonment, and to ratify the inalienable nature of landholding rights.

In this context, it shall promote the return of land to the original holders and/or shall seek adequate compensatory solutions.

10. In accordance with the observance of political rights, the organizational practices of the uprooted populations shall be respected, pursuant to the constitutional framework, for the purpose of strengthening the community organization system and to allow these populations to become agents of development and manage their own services and infrastructure. It is important to integrate new groups of resettled populations into the municipal system.

11. The Parties recognize the humanitarian work of non-governmental organizations and churches which are supporting the resettlement processes. The Government shall safeguard their security.

12. The Government undertakes to strengthen its policy for protecting citizens abroad, especially uprooted population groups residing abroad for reasons related to the armed conflict. It shall also ensure the voluntary resettlement of this population group in conditions of security and dignity. With regard to uprooted persons who desire to remain abroad, the Government shall take the necessary steps and conduct the necessary negotiations with the host countries so as to ensure that the migrants are living in a stable situation.

III. PRODUCTIVE INTEGRATION OF UPROOTED POPULATION GROUPS AND DEVELOPMENT OF RESETTLEMENT AREAS

The Parties agree that a comprehensive resettlement strategy presupposes the productive integration of the uprooted population into the framework of a sustained, sustainable and equitable development policy in the resettlement areas and regions that will benefit all the population groups living there. This productive integration policy shall be based on the following criteria and measures:

1. The resettlement areas are predominantly rural. Land, which is a finite resource, is one of the alternative sources of economic and productive integration. Sustainable agricultural development projects are required, in

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order to offer the population the means to break the vicious circle of poverty and degradation of natural resources and, in particular, to allow for the productive and ecologically sound protection and development of fragile areas.

2. For the identification of land that could be used for resettling uprooted persons who do not own land but wish to acquire it, the Government undertakes to:

2.1. Carry out a review and updating of official land and real estate registers;

2.2. Conduct studies to identify and individualize all State-owned, municipally owned and private land, offering an option to purchase it. These studies shall include information on the location, legal regime, acquisition, size, boundaries and agricultural suitability of the land in question;

2.3. Complete these studies by the date of entry into force of the present agreement, at the latest.

3. The criteria for selecting land for settlements shall include the agro-ecological potential of the soil, its price, the sustainability of natural resources and existing services.

4. The development of the above-mentioned areas in conditions of justice, equity, maintainability and sustainability shall involve, in addition to agricultural activities, the creation of jobs and income from agro-industry, industry and services, under systems that are appropriate to the rural environment and to the preservation of natural resources. To this end, it is essential to develop basic infrastructure for communications, electrification and production. Public investment shall be geared primarily to this purpose, and a system of investment incentives for rural development in the areas in question shall be established.

5. To improve the quality of life, the objectives of rural development should include: (i) local food security and basic service infrastructure for the population groups, including housing, sanitation, drinking water, rural storage, health and education; (ii) an increase in production and productivity and promotion of local and regional markets for agricultural, agro-industrial and non-industrial products and inputs; (iii) generation of jobs and income; (iv) sustained and sustainable use of the available natural resources, through management of resources at the local level.

6. Productive integration projects and activities related to the comprehensive resettlement strategy shall take into account the following criteria:

6.1. The regional and local aspects of the resettlement areas, and the use of territorial management tools to promote the use of resources in accordance with their best potential;

6.2. Use of the response capacity, organizational levels and expectations of the population, promoting an increasingly organized and informed participation;

6.3. Legalization and award of land titles, and of water rights, to provide the necessary framework of security in the use of these basic natural resources;

6.4. Promotion of local and regional organizations and institutions for the combining of interests and rational planning of the use of available resources;

6.5. Establishment of successive development objectives, based on a prime, immediate objective of food security and adequate nutrition for families and communities;

6.6. Promotion of local and regional markets for products and inputs, and developing appropriate marketing mechanisms for agricultural, agro-industrial and non-industrial products;

6.7. Establishment of basic service infrastructure for population groups: housing, sanitation, drinking water, rural storage, health and education;

6.8. Improvement and/or installation of permanent, competent services of technical support to all organizations and projects, including support to non-governmental organizations which select population groups to help implement their projects;

6.9. Improvement and/or establishment of rural financial and credit assistance services suited to the needs and possibilities of the populations involved;

6.10. Setting up of training programmes designed to diversify and expand the production and management capacity of the beneficiaries.

7. The Government undertakes to put into effect and promote the agreed planning systems for developing the resettlement areas and to ensure that the population groups have access to them as neighbours and residents.

8. The Government undertakes to eliminate any form of de facto or de jure discrimination against women with regard to access to land, housing, credits and participation in development projects. The gender-based approach shall be incorporated into the policies, programmes and activities of the comprehensive development strategy.

9. The solving of each of the problems involved in resettlement and development of the affected areas shall take as a point of departure the study and design of resettlement conditions and the advice, views and organized participation of the uprooted groups and resident communities.

10. The institutional development of municipalities is fundamental in the democratic development process and in the integration of marginalized populations. The Government agrees to intensify the administrative, technical and financial strengthening of local governments and organizations through basic training, occupational training and employment programmes. It shall also strengthen the community organization system so that communities can be their

own agents of development, manage their own systems of services and infrastructure and be duly represented in the management of their own political, legal and economic affairs.

11. The Government also undertakes to expand on its plan for decentralization of public administration, and to enhance its capacity to implement them, gradually transferring decision-making power in the management of resources and administration of services to local communities and governments.

IV. RESOURCES AND INTERNATIONAL COOPERATION

1. The Parties recognize that the responsibility for solving the problems of resettling the uprooted population falls on the entire Guatemalan society, and not on the Government alone. Broad sectors of Guatemalan society must unite their efforts to ensure its success.

2. For its part, the Government undertakes to allocate and mobilize national resources in a manner consistent with its efforts at macroeconomic stabilization and modernization of the economy; and to reorient and target public expenditure towards fighting poverty and resettling the uprooted population.

3. The Parties recognize that the series of tasks relating to the resettlement of the uprooted population is of such breadth and complexity that the strong support of the international community is needed in order to complement the domestic efforts of the Government and of the various sectors of civil society. Otherwise, the Government's commitment would be limited by financial constraints.

V. INSTITUTIONAL ARRANGEMENTS

1. The agreements contained in the comprehensive resettlement strategy shall be implemented through the execution of specific projects.

2. For that purpose the Parties agree to establish a Technical Committee for the implementation of the resettlement agreement, to be composed of two representatives designated by the Government, two representatives designated by the uprooted population groups and two representatives of donors, cooperating bodies and international cooperating agencies. The latter representatives shall have consultative status. The Committee shall draw up its own rules of procedure.

3. The Committee shall be established within 60 days following the signing of this Agreement and to that end the Government of Guatemala shall issue the corresponding governmental decree.

4. The Committee shall, from the time it is established until the entry into force of this Agreement, conduct the necessary evaluations and studies in order to identify and analyse the needs and demands of the uprooted population and to formulate projects corresponding to the various undertakings contained in the strategy determined in this Agreement. In carrying out said studies and

analyses and formulating projects the Committee shall have the technical support of the corresponding specialized personnel.

5. Once the study phase is completed and as soon as this Agreement enters into force, the Committee shall be responsible for prioritizing and approving projects and supervising their execution, allocating the funds required in each case and securing technical and financial resources. The Parties agree that implementation of the strategy shall meet the criteria of priority to the struggle against poverty, efficient management, participation of the recipient populations and transparency concerning expenditures.

6. For the purpose of ensuring implementation of the resettlement strategy, the Parties agree to establish a fund to implement the agreement on resettlement of population groups uprooted by armed conflict essentially with contributions from the international community. The United Nations Development Programme (UNDP) shall be asked to administer the funds of each of the projects to be executed.

VI. FINAL PROVISION

In accordance with the Framework Agreement of 10 January 1994, this Agreement shall be subject to international verification by the United Nations.

Oslo, 17 June 1994

For the Government of the Republic of Guatemala

(Signed)
Héctor ROSADA GRANADOS

(Signed)
General Carlos Enrique PINEDA CARRANDA

(Signed)
Antonio ARENALES FORNO

(Signed)
General Julio Arnoldo BALCONI TURCIOS

(Signed)
Mario PERMUTH

(Signed)
General José Horacio SOTO SALAN

(Signed)
Amilcar BURGOS SOLIS

For the Unidad Revolucionaria Nacional Guatemalteca

General Command

(Signed)
Commander Rolando MORAN

(Signed)
Commander Pablo MONSANTO

(Signed)
Commander Gaspar ILOM

(Signed)
Carlos GONZALEZ

/...

Political and Diplomatic Commission

(Signed)
Luis Felipe BECKER GUZMAN

(Signed)
Miguel Angel SANDOVAL

(Signed)
Francisco VILLAGRAN MUNOZ

(Signed)
Luz MENDEZ GUTIERREZ

Advisers

(Signed)
Mario Vinicio CASTAÑEDA

(Signed)
Miguel Angel REYES

(Signed)
Jorge ROSAL

For the United Nations

(Signed)
Jean ARNAULT
Moderator

Operation

I. The Commission shall receive particulars and information from individuals or institutions that consider themselves to be affected and also from the Parties.

II. The Commission shall be responsible for clarifying these situations fully and in detail. In particular, it shall analyse the factors and circumstances involved in those cases with complete impartiality. The Commission shall invite those who may be in possession of relevant information to submit their version of the incidents. Failure of those concerned to appear shall not prevent the Commission from reaching a determination on the cases.

III. The Commission shall not attribute responsibility to any individual in its work, recommendations and report nor shall these have any judicial aim or effect.

IV. The Commission's proceedings shall be confidential so as to guarantee the secrecy of the sources and the safety of witnesses and informants.

V. Once it is established, the Commission shall publicize the fact that it has been established and the place where it is meeting by all possible means, and shall invite interested parties to present their information and their testimony.

Composition

The Commission shall consist of the following three members:

- (i) The present Moderator of the peace negotiations, whom the Secretary-General of the United Nations shall be asked to appoint.
- (ii) One member, a Guatemalan of irreproachable conduct, appointed by the Moderator with the agreement of the Parties.
- (iii) One academic selected by the Moderator, with the agreement of the Parties, from a list proposed by the University presidents.

The Commission shall have whatever support staff it deems necessary, with the requisite qualifications, in order to carry out its tasks.

Installation and duration

The Commission shall be set up, installed and shall start to work as of the day the firm and lasting peace agreement is signed. The Commission shall work for a period of six months starting from the date of its installation; this period may be extended for a further six months if the Commission so decides.

Report

The Commission shall prepare a report which shall be handed over to the parties and to the Secretary-General of the United Nations who shall publish it.

/...

Inability to investigate all the cases or situations presented to the Commission shall not detract from the report's validity.

Commitment of the Parties

The Parties undertake to collaborate with the Commission in all matters that may be necessary for the fulfilment of its mandate. In particular, they undertake to establish, prior to setting up the Commission and during its operations, the necessary conditions so that the Commission may fulfil the terms of reference established in the present agreement.

International verification

In conformity with the Framework Agreement of 10 January 1994, implementation of this Agreement shall be subject to international verification by the United Nations.

Measures for prompt execution following the signing of this Agreement

The Parties agree to ask the Secretary-General to appoint the Moderator of the negotiations as a member of the Commission as soon as possible. When he is appointed, he shall be authorized to proceed forthwith to make all necessary arrangements to ensure that the Commission functions smoothly once it is established and installed in conformity with the provisions of this Agreement.

Oslo, 23 June 1994

For the Government of the Republic of Guatemala

(Signed)
Héctor ROSADA GRANADOS

(Signed)
General Carlos Enrique PINEDA CARRANZA

(Signed)
Antonio M. ARENALES FORNO

(Signed)
General Julio Arnoldo BALCONI TURCIOS

(Signed)
Mario PERMUTH

(Signed)
General José Horacio SOTO SALAN

(Signed)
Amilcar BURGOS SOLIS

For the Unidad Revolucionaria Nacional Guatemalteca

General Command

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(Signed)
Miguel Angel REYES

(Signed)
Jorge ROSAL

For the United Nations

(Signed)
Jean ARNAULT
Moderator

ANNEX II

Agreement on the establishment of the Commission to clarify
past human rights violations and acts of violence that have
caused the Guatemalan population to suffer

Whereas the present-day history of our country is marked by grave acts of violence, disregard for the fundamental rights of the individual and suffering of the population connected with the armed conflict;

Whereas the people of Guatemala have a right to know the whole truth concerning these events, clarification of which will help avoid a repetition of these sad and painful events and strengthen the process of democratization in Guatemala;

Reiterating its wish to comply fully with the Comprehensive Agreement on Human Rights of 29 March 1994;

Reiterating its wish to open as soon as possible a new chapter in Guatemala's history which, being the culmination of a lengthy process of negotiation, will put an end to the armed conflict and help lay the bases for peaceful coexistence and respect for human rights among Guatemalans;

Whereas, in this context, promotion of a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance is a prerequisite for a firm and lasting peace,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereafter referred to as "the Parties") have agreed as follows:

To establish a Commission whose terms of reference shall be as follows:

Purposes

I. To clarify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict.

II. To prepare a report that will contain the findings of the investigations carried out and provide objective information regarding events during this period covering all factors, internal as well as external.

III. Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process.

Period covered

The Commission's investigations shall cover the period from the start of the armed conflict until the signing of the firm and lasting peace agreement.

/...

Operation

I. The Commission shall receive particulars and information from individuals or institutions that consider themselves to be affected and also from the Parties.

II. The Commission shall be responsible for clarifying these situations fully and in detail. In particular, it shall analyse the factors and circumstances involved in those cases with complete impartiality. The Commission shall invite those who may be in possession of relevant information to submit their version of the incidents. Failure of those concerned to appear shall not prevent the Commission from reaching a determination on the cases.

III. The Commission shall not attribute responsibility to any individual in its work, recommendations and report nor shall these have any judicial aim or effect.

IV. The Commission's proceedings shall be confidential so as to guarantee the secrecy of the sources and the safety of witnesses and informants.

V. Once it is established, the Commission shall publicize the fact that it has been established and the place where it is meeting by all possible means, and shall invite interested parties to present their information and their testimony.

Composition

The Commission shall consist of the following three members:

- (i) The present Moderator of the peace negotiations, whom the Secretary-General of the United Nations shall be asked to appoint.
- (ii) One member, a Guatemalan of irreproachable conduct, appointed by the Moderator with the agreement of the Parties.
- (iii) One academic selected by the Moderator, with the agreement of the Parties, from a list proposed by the University presidents.

The Commission shall have whatever support staff it deems necessary, with the requisite qualifications, in order to carry out its tasks.

Installation and duration

The Commission shall be set up, installed and shall start to work as of the day the firm and lasting peace agreement is signed. The Commission shall work for a period of six months starting from the date of its installation; this period may be extended for a further six months if the Commission so decides.

Report

The Commission shall prepare a report which shall be handed over to the parties and to the Secretary-General of the United Nations who shall publish it.

Inability to investigate all the cases or situations presented to the Commission shall not detract from the report's validity.

Commitment of the Parties

The Parties undertake to collaborate with the Commission in all matters that may be necessary for the fulfilment of its mandate. In particular, they undertake to establish, prior to setting up the Commission and during its operations, the necessary conditions so that the Commission may fulfil the terms of reference established in the present agreement.

International verification

In conformity with the Framework Agreement of 10 January 1994, implementation of this Agreement shall be subject to international verification by the United Nations.

Measures for prompt execution following the signing of this Agreement

The Parties agree to ask the Secretary-General to appoint the Moderator of the negotiations as a member of the Commission as soon as possible. When he is appointed, he shall be authorized to proceed forthwith to make all necessary arrangements to ensure that the Commission functions smoothly once it is established and installed in conformity with the provisions of this Agreement.

Oslo, 23 June 1994

For the Government of the Republic of Guatemala

(Signed)
Héctor ROSADA GRANADOS

(Signed)
General Carlos Enrique PINEDA CARRANZA

(Signed)
Antonio M. ARENALES FORNO

(Signed)
General Julio Arnoldo BALCONI TURCIOS

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Miguel Angel REYES

(Signed)
Jorge ROSAL

For the United Nations

(Signed)
Jean ARNAULT
Moderator

ANNEX

[Original: Spanish]

Agreement on identity and rights of indigenous peoples

Considering

That the question of identity and rights of indigenous peoples is a vital issue of historic importance for the present and future of Guatemala;

That the indigenous peoples include the Maya people, the Garifuna people and the Xinca people, and that the Maya people consist of various socio-cultural groups having a common origin;

That, because of its history, conquest, colonization, movements and migrations, the Guatemalan nation is multi-ethnic, multicultural and multilingual in nature;

That the parties recognize and respect the identity and political, economic, social and cultural rights of the Maya, Garifuna and Xinca peoples, within the unity of the Guatemalan nation, and subject to the indivisibility of the territory of the Guatemalan State, as components of that unity;

That the indigenous peoples have been particularly subject to de facto levels of discrimination, exploitation and injustice, on account of their origin, culture and language and that, like many other sectors of the national community, they have to endure unequal and unjust treatment and conditions on account of their economic and social status;

That this historical reality has affected and continues to affect these peoples profoundly, denying them the full exercise of their rights and political participation, and hampering the configuration of a national unity which should adequately reflect the rich and diversified physionomy of Guatemala with its wealth of values;

That until this problem affecting Guatemalan society is resolved, its economic, political, social and cultural potential will never be able to develop fully and neither will it be able to take the place in the community of nations due to it by virtue of its ancient history and the spiritual grandeur of its peoples;

That it will be possible to eliminate oppression and discrimination in Guatemala only if due recognition is given to all aspects of the identity and rights of the peoples who have inhabited and continue to inhabit it, all of whom are components of its present reality and protagonists in its development, in all senses;

That all matters of direct interest to the indigenous peoples need to be dealt with by and with them and that the present agreement seeks to create, expand and strengthen the structures, conditions, opportunities and guarantees

/...

regarding participation of the indigenous peoples, with full respect for their identity and the exercise of their rights;

That the international community, through the United Nations and the agencies and programmes of the United Nations system, the Organization of American States and other international agencies and instruments have recognized the aspirations of the indigenous peoples who wish to gain control over their own institutions and forms of life as peoples;

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as the parties) have agreed as followed:

I. IDENTITY OF INDIGENOUS PEOPLES

1. Recognition of the identity of the indigenous peoples is fundamental to the construction of a national unity based on respect for and the exercise of political, cultural, economic and spiritual rights of all Guatemalans.

2. The identity of the peoples is a set of elements which define them and, in turn, ensure their self-recognition. In the case of the Mayan identity, which has shown an age-old capacity for resistance to assimilation, those fundamental elements are as follows:

(a) Direct descent from the ancient Mayas;

(b) Languages deriving from a common Mayan root;

(c) A view of the world based on the harmonious relationship of all elements of the universe, in which the human being is only one additional element, in which the earth is the mother who gives life and maize is a sacred symbol around which Mayan culture revolves. This view of the world has been handed down from generation to generation through material and written artifacts and by an oral tradition in which women have played a determining role;

(d) A common culture based on the principles and structures of Mayan thought, a philosophy, a legacy of scientific and technical knowledge, artistic and aesthetic values of their own, a collective historical memory, a community organization based on solidarity and respect for one's peers, and a concept of authority based on ethical and moral values; and

(e) A sense of their own identity.

3. The multiplicity of socio-cultural groups of the Maya people, which include the Achi, Akateco, Awakateko, Chorti, Chuj, Itza, Jakalteco, Kanjobal, Kaqchikel, Kiche, Mam, Mopan, Poqomam, Poqomchi, Q'eqchi, Sakapulteko, Sikapakense, Tectiteco, Tz'utujil and Uspanteco, has not affected the cohesion of their identity.

4. The identity of the Maya people, as well as the identities of the Garifuna and Xinca peoples is recognized within the unity of the Guatemalan nation and

the Government undertakes to promote, in the Guatemalan Congress, a reform of the Guatemalan Constitution to that effect.

II. STRUGGLE AGAINST DISCRIMINATION

A. Struggle against de jure and de facto discrimination

1. To overcome the age-old discrimination against indigenous peoples the assistance of all citizens will be needed in the effort to change thinking, attitudes and behaviour. This change must begin with a clear recognition by all Guatemalans of the reality of racial discrimination and of the compelling need to overcome it and achieve true peaceful coexistence.

2. For its part, with a view to eradicating discrimination against the indigenous peoples, the Government shall take the following measures:

(a) Promote in the Guatemalan Congress, the classification of ethnic discrimination as a criminal offence;

(b) Promote a review by the Guatemalan Congress of existing legislation with a view to abolishing any law or provision that could have discriminatory implications for the indigenous peoples;

(c) Widely disseminate information on the rights of the indigenous peoples through education, the communications media and through other channels; and

(d) Promote the effective protection of such rights. To that end, promote the creation of legal offices for the defence of indigenous rights and the installation of popular law offices to provide free legal assistance for persons of limited economic means in municipalities in which indigenous communities are prevalent. Furthermore, the Office of the Counsel for Human Rights and other organizations for the protection of human rights are urged to give special attention to the protection of the rights of the Maya, Garifuna and Xinca peoples.

B. Rights of indigenous women

1. It is recognized that indigenous women are particularly vulnerable and helpless, being confronted with twofold discrimination both as women and indigenous people, and also having to deal with a social situation characterized by intense poverty and exploitation. The Government undertakes to take the following measures:

(a) Promote legislation to classify sexual harassment as a criminal offence, considering as an aggravating factor in determining the penalty for sexual offences the fact that the offence was committed against an indigenous woman;

(b) Establish an Office for the Defence of Indigenous Women's Rights, with the participation of such women, including legal advice services and social services; and

(c) Promote the dissemination and faithful implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

2. The communications media and organizations concerned with the promotion of human rights are urged to cooperate in the attainment of the objectives listed in this section.

C. International instruments

International Convention on the Elimination of All Forms of Racial Discrimination

1. The Government undertakes to promote, in the Guatemalan Congress, a bill incorporating the provisions of the Convention in the Penal Code.

2. Since Guatemala is a party to the Convention it undertakes to use all available means aiming at recognition of the Committee on the Elimination of Racial Discrimination, as provided in article 14 of that Convention.

Indigenous and Tribal Peoples Convention, 1989 (ILO Convention No. 169)

3. The Government has transmitted to the Guatemalan Congress, for its approval, Convention No. 169 of the International Labour Organization and will accordingly promote approval of that Convention by the Congress. The parties urge the political parties to facilitate approval of the Convention.

Draft declaration on the rights of indigenous peoples

4. The Government shall promote approval of the draft declaration on the rights of indigenous peoples in the appropriate forums of the United Nations, in consultation with the indigenous peoples of Guatemala.

III. CULTURAL RIGHTS

1. Mayan culture is the original basis of Guatemalan culture and, in conjunction with the other indigenous cultures, is an active and dynamic factor in the development and progress of Guatemalan society.

2. The development of the national culture is therefore inconceivable without recognition and promotion of the culture of the indigenous peoples. Thus, in contrast with the past, educational and cultural policy must be oriented to focus on recognition, respect and encouragement of indigenous cultural values. With such recognition of cultural differences in mind, an effort must be made to promote contributions and exchanges that can help to enrich Guatemalan society.

3. The Maya, Garifuna and Xinca peoples are the authors of their cultural development. The role of the State is to support that development by eliminating obstacles to the exercise of this right, adopting the necessary legislative and administrative measures to strengthen indigenous cultural development in all fields covered by the State and ensuring the participation of indigenous persons in decisions on the planning and execution of cultural programmes and projects through their organizations and institutions.

A. Language

1. Language is one of the mainstays of culture since, in particular, it is the vehicle for learning and passing on the indigenous view of the world, and indigenous knowledge and cultural values. Thus, all the languages spoken in Guatemala deserve equal respect. In that context provision must be made to recover and protect indigenous languages and to promote the development and use of those languages.

2. To that end, the Government shall take the following measures:

(a) Promote a constitutional reform calling for the listing of all languages existing in Guatemala which the State is constitutionally required to recognize, respect and promote;

(b) Promote the use of all indigenous languages in the educational system, to enable children to read and write in their own tongue or in the language most commonly spoken in the community to which they belong and, in particular, protect bilingual and intercultural education and institutions such as the Mayan Schools and other indigenous educational projects;

(c) Promote the use of the languages of the indigenous people when providing State social services at the community level;

(d) Inform indigenous communities, in their own languages in keeping with the traditions of the indigenous peoples and by adequate means, of their rights, obligations and opportunities in various areas of national life. Recourse shall be had, if necessary, to written translations and the use of mass communications media in the languages of those peoples;

(e) Promote programmes for the training of bilingual judges and court interpreters from and into indigenous languages;

(f) Enhance the status of indigenous languages, opening up new opportunities for them in the mass communications and cultural transmission media, strengthening such organizations as the Academy of Mayan Languages and other similar institutions; and

(g) Promote the granting of official status to indigenous languages. To that end an officialization commission will be set up with the participation of representatives of the linguistic communities and the Academy of Mayan Languages of Guatemala, which shall study arrangements for granting official status, taking account of linguistic and territorial criteria. The Government shall

promote, in the Guatemalan Congress, a reform of article 143 of the Constitution to reflect the results of the officialization commission's work.

B. Names, surnames and place names

The Government reaffirms the full right to register indigenous names, surnames and place names. It also reaffirms the right of communities to change the names of places in which they reside, when a majority of members so decide. The Government shall take the measures provided for in part II, section A, of this agreement to combat any de facto discrimination in the exercise of this right.

C. Spirituality

1. Recognition is accorded to the importance and special nature of Mayan spirituality as an essential component in the Mayan vision of the world and in the transmittal of its values, as well as those of the other indigenous peoples.
2. The Government undertakes to secure respect for the exercise of this spirituality in all its manifestations, and particularly for the right to practice it, both in public and in private by means of education, worship and observance. Recognition is also given to the importance of the respect due to indigenous spiritual guides and to sacred ceremonies and holy places.
3. The Government shall promote, in the Guatemalan Congress, the reform of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

D. Temples, ceremonial centres and holy places

1. Recognition is accorded to the historical value and current importance of temples and ceremonial centres as part of the cultural, historical and spiritual heritage of the Maya and other indigenous peoples.

Temples and ceremonial centres situated in areas protected by the State as archaeological sites

2. According to the Guatemalan Constitution, temples and ceremonial centres of archaeological value constitute part of the national cultural heritage. As such, they are the property of the State and must be protected. In that context, measures must be taken to ensure that this principle is not violated in the case of temples and ceremonial centres of archaeological value situated or found on private property.
3. The right of the Maya, Garifuna and Xinca peoples to participate in the conservation and administration of such places is recognized. To guarantee this right the Government undertakes to promote, with the participation of indigenous

peoples, legal measures to ensure redefinition of State entities responsible for this function in order to make this right effective.

4. Changes shall be made in the regulations for the protection of ceremonial centres in archaeological areas to ensure that such regulations permit the practice of spirituality and cannot be made an impediment to the exercise of spiritual values. The Government shall promote, in cooperation with indigenous spiritual organizations, regulations governing access to ceremonial centres to guarantee the free practice of indigenous spirituality in conditions of respect laid down by spiritual guides.

Holy places

5. It is recognized that there are other holy places in which indigenous spirituality and, in particular, Mayan spirituality, is traditionally practised and which need to be preserved. A commission formed of representatives of the Government and indigenous organizations and of indigenous spiritual guides shall be set up to identify these places and establish rules for their preservation.

E. Use of indigenous dress

1. The constitutional right to wear indigenous dress must be respected and guaranteed in all areas of national life. The Government shall take the measures provided for in part II, section A, of this agreement to combat any de facto discrimination regarding the use of indigenous dress.

2. Furthermore, in a campaign to make the public more aware of the different manifestations of the Mayan, Garifuna and Xinca cultures, information shall be provided on the spiritual and cultural value of indigenous dress and the need to respect it.

F. Science and technology

1. The existence and value of the scientific and technological knowledge of the Maya and other indigenous peoples are recognized. This legacy must be retrieved, developed and disseminated.

2. The Government undertakes to promote the study and dissemination of this knowledge and to help put it to practical use. Universities, academic centres, the communications media, non-governmental organizations and international cooperation agencies are urged to validate and publicize the scientific and technical contributions of indigenous peoples.

3. Furthermore, the Government shall facilitate access by indigenous peoples to contemporary knowledge and shall promote scientific and technical exchanges.

G. Education reform

1. The educational system is one of the most important vehicles for the transmittal and development of cultural values and knowledge. It must be responsive to the cultural and linguistic diversity of Guatemala, recognizing and strengthening the cultural identity of indigenous peoples, the values and educational systems of the Maya and other indigenous peoples, and the need to afford access to formal and non-formal education and to include the educational concepts of indigenous peoples in national school curricula.

2. To this end, the Government undertakes to promote the following reforms in the educational system:

(a) Decentralize and regionalize the system in order to adapt it to linguistic and cultural needs and specific features;

(b) Give communities and families, which are a source of education, an active role in determining curricula and the school calendar and the authority to recommend the appointment or removal of teachers in order better to serve the educational and cultural interests of communities;

(c) Incorporate the educational concepts of the Maya and other indigenous peoples, particularly in the philosophical, scientific, artistic, pedagogical, historical, linguistic and socio-political areas, as part of the overall reform of the educational system;

(d) Expand and promote intercultural bilingual education and place emphasis on the study and knowledge of indigenous languages at all educational levels;

(e) Promote improvements in the socio-economic living conditions of communities by developing the values, content and methods of their culture, technological innovations and the ethical principle of protection of the environment;

(f) Include in educational syllabuses programmes that strengthen national unity through respect for cultural diversity;

(g) Recruit and train indigenous bilingual teachers and technical and administrative officials to develop education in their communities and to introduce mechanisms to permit consultation with and the participation of representatives of indigenous communities and organizations in the educational process;

(h) Pursue the effective realization of the constitutional right to education to which the entire population is entitled, especially in indigenous communities which exhibit the lowest levels of educational coverage, by expanding such coverage and taking steps to ensure the achievement of these objectives; and

(i) Increase the budget of the Ministry of Education, so that a substantial part of this increase can be allocated to the implementation of educational reform.

3. As part of the educational reform, full account shall be taken of the different Mayan educational experiences. The Mayan Schools shall continue to be encouraged and the National Programme of Intercultural Bilingual Education for indigenous peoples and the Mayan Culture and Language Component for the entire school population of Guatemala shall be consolidated. The establishment of a Mayan university or indigenous institutions of higher learning and the operation of the National Council of Mayan Education shall also be promoted.

4. In order to facilitate access by indigenous people to formal and non-formal education, the system of scholarships and student grants shall be strengthened. Teaching materials containing cultural and gender stereotypes shall also be revised.

5. A joint commission comprised of representatives of the Government and of indigenous organizations shall be established to design the above-mentioned reform.

H. Mass media

1. Like the educational system, the communications media play a paramount role in the defence, development and transmittal of cultural values and knowledge. It is the responsibility not only of the Government but also of all those working in and involved with the news media to promote respect for indigenous cultures, the dissemination of such cultures, and the elimination of all forms of discrimination, and to help all Guatemalans to take full possession of their multicultural heritage.

2. For its part, in order to promote the broadest possible access to the communications media by the Maya communities and institutions and those of the other indigenous peoples, the widest possible dissemination in indigenous languages of the indigenous, and especially Mayan, cultural heritage, as well as of the universal cultural heritage, the Government shall, in particular, take the following measures:

(a) Create opportunities in the official media for the dissemination of expressions of indigenous culture and promote a similar opening in the private media;

(b) Promote, in the Guatemalan Congress, the reforms of the existing Act on radio communications that are required in order to make frequencies available for indigenous projects and to ensure respect for the principle of non-discrimination in the use of the communications media. Furthermore, promote the abolition of any provision in the national legislation which is an obstacle to the right of indigenous peoples to have their own communications media for the development of their identity; and

(c) Regulate and support a system of informational, scientific, artistic and educational programmes on indigenous cultures in their languages, through the national radio, television and the written media.

IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS

A. Constitutional framework

The Government of Guatemala undertakes to promote a reform of the Constitution in order to define and characterize the Guatemalan nation as being of national unity, multi-ethnic, multicultural and multilingual.

B. Local indigenous communities and authorities

1. Recognition is accorded to the importance the Maya and other indigenous communities have had and continue to have in the political, economic, social, cultural and spiritual spheres. Their cohesion and dynamism have enabled the Maya, Garifuna and Xinca peoples to preserve and develop their culture and way of life, despite the discrimination to which they have been subjected.
2. Bearing in mind the constitutional commitment of the State to recognize, respect and promote these forms of organization which are peculiar to the indigenous communities, recognition is accorded to the role of the community authorities that were constituted in accordance with the customary norms of the communities, in the management of their affairs.
3. Recognizing the role of the communities, within the framework of municipal autonomy, in exercising the right of indigenous peoples to determine their own development priorities, particularly in the fields of education, health, culture and the infrastructure, the Government undertakes to strengthen the capacity of such communities in this area.
4. To this end, and in order to promote the participation of the indigenous communities in the decision-making process in all matters which affect them the Government shall promote a reform of the Municipal Code.
5. That reform shall be promoted in accordance with the conclusions adopted by the commission on reform and participation, established in section D, paragraph 4, of this part in the following areas, within the framework of municipal autonomy and the legal provisions granting indigenous communities the right to manage their internal affairs in accordance with their customary norms, as mentioned in section E, paragraph 3, of this part:
 - (a) Definition of the status and legal capacity of indigenous communities and their authorities constituted in accordance with traditional norms;
 - (b) Definition of the modalities concerning respect for customary law and all matters related to the habitat in the discharge of municipal functions, taking into consideration, where necessary, the situation of linguistic, ethnic and cultural diversity of the municipalities;

(c) Definition of the modalities for promoting the equitable distribution of government expenditure, including the percentage of the State's general budget of regular revenue which is transferred annually to the municipalities, among the communities, indigenous or non-indigenous, that make up the municipality, strengthening the capacity of those communities to manage resources and to be the instruments of their own development; and

(d) Definition of the modalities for communities to join together in the defence of their rights and interests and the conclusion of agreements for the design and implementation of communal and regional development projects.

C. Regionalization

Taking account of the advisability of having a regional administration based on far-reaching decentralization and deconcentration, the pattern of which reflects economic, social, cultural, linguistic and environmental criteria, the Government undertakes to regionalize the administration of the educational, health and cultural services of the indigenous peoples on the basis of linguistic criteria; in addition, it undertakes to facilitate the effective participation of community representatives in the management of education and culture at the local level in order to guarantee efficiency and relevance.

D. Participation at all levels

1. It is recognized that the indigenous peoples have been excluded from the decision-making process in the country's political life, so that it is extremely difficult, if not impossible, for them freely and fully to express their demands and defend their rights.

2. In this connection, it is reaffirmed that the Maya, Garifuna and Xinca peoples have the right to create and manage their own institutions, to control their development and to have a genuine opportunity freely to exercise their political rights. It is also recognized and reaffirmed that the free exercise of these rights gives validity to their institutions and strengthens the unity of the nation.

3. Consequently, it is necessary to institutionalize the representation of indigenous peoples at the local, regional and national levels and to ensure their free participation in the decision-making process in the various areas of national life.

4. The Government undertakes to promote legal and institutional reforms to facilitate, regulate and guarantee such participation. It also undertakes to plan such reforms with the participation of representatives of the indigenous organizations through the establishment of a joint commission on reform and participation, made up of representatives of the Government and of the indigenous organizations.

5. Without limiting its mandate, the commission may consider reforms or measures in the following areas:

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(a) Mandatory mechanisms for consultation with the indigenous peoples whenever legislative and administrative measures likely to affect the Maya, Garifuna and Xinca peoples are being considered;

(b) Institutional forms of individual and collective participation in the decision-making process, such as advisory, consultative or other bodies that ensure a permanent dialogue between organs of the State and the indigenous peoples;

(c) Institutions representing the indigenous peoples which defend the interests of the indigenous peoples at the regional and/or national level and which have statutes that ensure their representativity and powers that guarantee the adequate defence and promotion of those interests, including the power to make proposals to the executive and legislative bodies; and

(d) Guarantee of free access by indigenous peoples to the various branches of public service, promoting their appointment to posts within the local, regional and national government administrations whose work most directly concerns their interests or whose activities are limited to predominantly indigenous areas.

E. Customary law

1. The traditional norms of indigenous peoples have been and continue to be an essential element for the social regulation of the life of the communities and, consequently, for the maintenance of their cohesion.

2. The Government recognizes that both the failure of national legislation to take account of the customary norms which govern life in the indigenous communities and the lack of access by indigenous peoples to the resources of the national judicial system have resulted in the denial of rights, in discrimination and in marginalization.

3. To strengthen the security before the law of the indigenous communities, the Government undertakes to promote, before the legislative organ and with the participation of indigenous organizations, the development of rules of law which would recognize the right of the indigenous communities to manage their own internal affairs in accordance with their customary norms, provided that the latter are not incompatible with the fundamental rights defined by the national legal system or with internationally recognized human rights.

4. In cases where the intervention of the courts is required, and in particular in criminal matters, the competent authorities should take fully into account the traditional norms governing the communities. To this end, the Government undertakes to take the following measures:

(a) Propose, with the participation of representatives of indigenous organizations, legal provisions calling for the inclusion of cultural expertise and the development of mechanisms which would permit the community authorities to indicate the customs which constitute their set of internal norms; and

(b) Promote, in coordination with Guatemalan universities, professional associations and indigenous organizations, a continuing programme for judges and officers of the court (Ministerio Público) on the culture and identifying features of the indigenous peoples and, in particular, an understanding of the norms and mechanisms which govern their community life.

5. To ensure the access of indigenous peoples to the resources of the national legal system, the Government undertakes to promote free legal advisory services for those with limited economic resources and reiterates its obligation to make court interpreters available to the indigenous communities, free of charge, thus ensuring the application of the principle that no one may be judged without having had the assistance of interpretation into his own language.

6. The Government, in cooperation with indigenous organizations, national universities and competent professional associations, shall promote the systematic and in-depth study of the values and procedures of the traditional system of norms.

F. Rights relating to land of the indigenous peoples

1. The rights relating to land of the indigenous peoples include both the communal or collective and the individual tenure of land, rights of ownership and possession and other real rights, and the use of natural resources for the benefit of the communities without detriment to their habitat. Legislative and administrative measures must be developed to ensure recognition, the awarding of title, protection, recovery, restitution and compensation for those rights.

2. The lack of protection of the rights relating to land and natural resources of the indigenous peoples is part of a very wide-ranging set of problems resulting, inter alia, from the fact that both the indigenous and the non-indigenous peasants have had difficulty in having their rights legalized through the acquisition of title and land registration. When, in exceptional cases, they have been able to have their rights legalized, they have not had access to legal mechanisms to defend them. Since this problem is not exclusive to the indigenous population - although the latter has been particularly affected - it should be dealt with in the context of "Social and economic issues and the agrarian question", as one of the considerations to be taken into account in connection with the reform of the land tenure structure.

3. However, the situation with regard to the particular lack of protection and plundering of indigenous communal or collectively held lands merits special attention within the framework of this agreement. The Guatemalan Constitution establishes the obligation of the State to give special protection to cooperative, communal or collectively-held lands; recognizes the right of indigenous and other communities to maintain the system of administration of the lands which they hold and which historically belong to them; and lays down the obligation of the State to provide State lands for the indigenous communities which need them for their development.

4. Recognizing the special importance which their relationship to the land has for the indigenous communities, and in order to strengthen the exercise of their

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collective rights to the land and its natural resources, the Government undertakes to adopt directly, when that is within its competence, and to promote, when that is within the competence of the legislative organ or the municipal authorities, the following measures, inter alia, which shall be implemented in consultation and coordination with the indigenous communities concerned.

Regularization of the land tenure of indigenous communities

5. The Government shall adopt or promote measures to regularize the legal situation with regard to the communal possession of lands by communities which do not have the title deeds to those lands, including measures to award title to municipal or national lands with a clear communal tradition. To that end, an inventory of the land tenure situation shall be drawn up in each municipality.

Land tenure and use and administration of natural resources

6. The Government shall adopt or promote the following measures:

(a) Recognize and guarantee the right of access to lands and resources which are not occupied exclusively by communities but to which the latter have historically had access for their traditional activities and their subsistence (rights of way, such as passage, wood-cutting, access to springs, etc., and use of natural resources) and for their spiritual activities;

(b) Recognize and guarantee the right of communities to participate in the use, administration and conservation of the natural resources existing in their lands;

(c) Secure the approval of the indigenous communities prior to the implementation of any project for the exploitation of natural resources which might affect the subsistence and way of life of the communities. The communities affected shall receive fair compensation for any loss which they may suffer as a result of these activities; and

(d) Adopt, in cooperation with the communities, the measures necessary for the protection and preservation of the environment.

Restitution of communal lands and compensation for rights

7. Recognizing the particularly vulnerable situation of the indigenous communities, which have historically been the victims of land plundering, the Government undertakes to institute proceedings to settle the claims to communal lands formulated by the communities and to restore or pay compensation for those lands. In particular, the Government shall adopt or promote the following measures:

(a) Suspend the awarding of supplementary titles in respect of property to which the indigenous communities have claimed a right;

(b) Suspend the statute of limitations in respect of any action involving the plundering of the indigenous communities; and

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(c) When the statute of limitations has already expired, however, establish procedures to compensate the communities which have been plundered with lands acquired for that purpose.

Acquisition of land for the development of indigenous communities

8. The Government shall take the necessary measures, without detriment to peasant smallholdings, to discharge its constitutional mandate to provide State lands for the indigenous communities which need them for their development.

Legal protection of the rights of indigenous communities

9. In order to facilitate the defence of the aforementioned rights and to protect the communities effectively, the Government undertakes to adopt or promote the following measures:

(a) Develop legal rules recognizing the right of indigenous communities to administer their lands in accordance with their customary norms;

(b) Promote an increase in the number of courts dealing with land cases and expedite procedures for the settlement of those cases;

(c) Urge faculties of law and the social sciences to strengthen the agrarian law component of the curriculum and include a knowledge of the relevant customary norms;

(d) Establish competent legal advisory services to advise on land claims;

(e) Provide the indigenous communities with the services of interpreters, free of charge, in respect of legal matters;

(f) Promote the widest dissemination, within indigenous communities, of information about land rights and the legal recourses available; and

(g) Eliminate any form of discrimination against women, in fact or in law, with regard to facilitating access to land, housing, loans and participation in development projects.

10. The Government undertakes to give the fulfilment of the undertakings set out in this section F the priority which the situation of insecurity and urgency that characterize the land problems of the indigenous communities deserves. To that end, the Government shall, in consultation with the indigenous peoples, establish a joint commission on the rights relating to land of the indigenous peoples to study, devise and propose more appropriate institutional arrangements and procedures. The commission shall be composed of representatives of the Government and of indigenous organizations.

V. JOINT COMMISSIONS

With regard to the composition and functioning of the commission on education reform referred to in part III, section G, paragraph 5, the commission on reform and participation referred to in part IV, section D, paragraph 4, and the commission on rights relating to land of the indigenous peoples referred to in part IV, section F, paragraph 10, the parties agree as follows:

(a) The commissions shall be composed of an equal number of representatives of the Government and representatives of indigenous organizations;

(b) The number of members of the commissions shall be established in consultations between the Government and the Maya sectors of the Assembly of Civil Society;

(c) The Maya sectors of the Assembly of Civil Society shall convene the Maya, Garifuna and Xinca organizations interested in participating in the said commissions for them to designate indigenous representatives to them;

(d) The commissions shall adopt their conclusions by consensus;

(e) The commissions shall base their operation on the mandates set out in this agreement; and

(f) The commissions may request the advice and cooperation of national and international organs relevant to the discharge of their mandates.

VI. RESOURCES

In view of the importance of the measures set out in this agreement, the Government undertakes to make every effort to mobilize the resources which are essential for the fulfilment of the undertakings it has given in this agreement. In addition to the Government, broad sectors of the national community may play an active role in promoting respect for the identity of the indigenous peoples and the full exercise of their rights. Those sectors are urged to contribute to the implementation of this agreement in the areas within their competence with the resources available to them. International cooperation is essential to supplement national efforts with technical and financial resources, particularly in the context of the International Decade of the World's Indigenous People (1994-2004).

VII. FINAL PROVISIONS

1. In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to undertake the verification of the implementation of this agreement, and it is suggested that, in planning the verification mechanism, he should take into account the views of indigenous organizations.

2. The aspects of this agreement which relate to the human rights recognized in the legislation of Guatemala and in the treaties, conventions and other international instruments in that area to which Guatemala is a party, shall have immediate force and application. It is requested that the verification should be carried out by the United Nations Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA).

3. This agreement shall form part of the firm and lasting peace agreement and, except as otherwise provided in the previous paragraph, shall enter into force at the time of the signing of the latter agreement.

4. This agreement shall be disseminated as widely as possible both in Spanish and in the principal indigenous languages. To this end, international financial cooperation is requested.

Note. The statements contained in the consensus document of the Assembly of Civil Society on this subject which relate more directly to outstanding items in the negotiating agenda will be discussed in due course.

Mexico City, 31 March 1995.

For the Government of the Republic of Guatemala:

[Signed] Héctor ROSADA GRANADOS	[Signed] Brigadier General Carlos Enrique PINEDA CARRANZA
[Signed] Antonio ARENALES FORNO	[Signed] Brigadier General Julio Arnoldo BALCONI TURCIOS
[Signed] Mario PERMUTH	[Signed] Brigadier General José Horacio SOTO SALAN
[Signed] Rubén Amilcar BURGOS SOLIS	[Signed] Manuel SALAZAR TETZAGUIC

For the Unidad Revolucionaria Nacional Guatemalteca:

General Command

[Signed] Commander Gaspar ILOM	[Signed] Commander Rolando MORAN
[Signed] Commander Pablo MONSANTO	[Signed] Carlos GONZALES

Political and Diplomatic Commission

[Signed] Luis Felipe BECKER GUZMAN	[Signed] Miguel Angel SANDOVAL
[Signed] Francisco VILLAGRAN MUÑOZ	[Signed] Luz MENDEZ GUTIERREZ

/...

Advisers

[Signed] Mario Vinicio CASTAÑEDA

[Signed] Miguel Angel REYES

For the United Nations:

[Signed] Gilberto Bueno SCHLITTLER-SILVA
Director, Guatemala Unit

[Signed] Jean ARNAULT
Moderator

ANNEX

[Original: Spanish]

Agreement on Social and Economic Aspects and Agrarian Situation,
concluded on 6 May 1996 between the Presidential Peace Commission
of the Government of Guatemala and the Unidad Revolucionaria
Nacional Guatemalteca

Whereas:

A firm and lasting peace must be consolidated on the basis of social and economic development directed towards the common good, meeting the needs of the whole population,

This is necessary in order to overcome the poverty, extreme poverty, discrimination and social and political marginalization which have impeded and distorted the country's social, economic, cultural and political development and have represented a source of conflict and instability,

Socio-economic development requires social justice, as one of the building blocks of unity and national solidarity, together with sustainable economic growth as a condition for meeting the people's social needs,

Rural areas require an integral strategy that facilitates access by small farmers to land and other production resources, offers juridical security and promotes conflict resolution,

It is essential, both for the realization of the production potential of Guatemalan society and for the achievement of greater social justice, that all sectors of society participate effectively in finding a way to meet their needs, particularly in setting public policies that concern them,

The State should pursue democratization in order to expand those possibilities for participation and strengthen its role as a leader of national development, as a legislator, as a source of public investment and a provider of services and as a promoter of consensus-building and conflict resolution,

This Agreement seeks to create or strengthen mechanisms and conditions to guarantee the effective participation of the people and contains the priority objectives for Government action to lay the foundations of this participatory development,

The implementation of this Agreement should enable all the country's social and political forces to face together, in a cooperative and responsible way, the immediate tasks of combating poverty, discrimination and privilege, thus building a united, prosperous and just Guatemala that will afford a dignified way of life to its people as a whole,

/...

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as "the Parties") have agreed as follows:

I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT

A. Participation and consensus-building

1. In order to pursue a true, functional and participatory democracy, the process of social and economic development should be democratic and participatory and include: (a) consensus-building and dialogue among agents of socio-economic development; (b) consensus-building between these agents and State bodies in the formulation and implementation of development strategies; and (c) effective citizen participation in identifying, prioritizing and meeting their needs.

2. Expanded social participation is a bulwark against corruption, privilege, distortions of development and the abuse of economic and political power to the detriment of society. Therefore, it is an instrument for the eradication of economic, social and political polarization in society.

3. In addition to representing a factor in democratization, citizen participation in economic and social development is essential in order to promote productivity and economic growth, achieve a more equitable distribution of wealth and train human resources. It ensures transparency in public policies and their orientation towards the common good rather than special interests, the effective protection of the interests of the most vulnerable groups, efficiency in providing services and, consequently, the integral development of the individual.

4. In this spirit, and in line with the agreements already concluded on the resettlement of the population groups uprooted by the armed conflict and on identity and rights of indigenous peoples, the Parties agree on the importance of establishing or strengthening mechanisms allowing the citizens and different social groups to exercise their rights effectively and participate fully in decision-making on the various matters affecting or involving them, with full awareness of both their individual and collective obligations to society, which they will fulfil responsibly.

5. Strengthening social participation means that greater opportunities in social and economic decision-making should be offered to organized groups. This assumes that all kinds of grass-roots organizations representing different interests will be recognized and encouraged. It requires, in particular, the guarantee of full and effective rights for rural and urban workers and small farmers to participate, as organized entities, in the process of building consensus with the business sector or at the national level. For this purpose, flexible laws and administrative regulations must be passed to grant legal personality or other forms of legal recognition to those organizations requesting it.

6. This also assumes a major effort to promote a culture of consensus and capacity-building in business, labour and other types of organizations in order to increase their ability to plan and negotiate and effectively to assume the rights and duties inherent in democratic participation.

Consensus-building

7. Building consensus at the national, departmental and communal levels and among rural and urban units of production is essential in order to stimulate and stabilize economic and social growth. State structures must be adapted to fulfil this role of building consensus and reconciling interests, in order to be able to work effectively and efficiently to modernize the production sector, enhance competitiveness, promote economic growth and provide basic social services efficiently and universally.

Participation at the local level

8. Bearing in mind that the people who live in a department or municipality, whether business owners, workers, members of cooperatives or community representatives, are the ones who can best define the measures that benefit or affect them, a package of instruments must be adopted for institutionalizing the decentralization of social and economic decision-making, involving a real transfer of government funds and of the authority to discuss and decide locally on the allocation of resources, how projects will be executed and the priorities and characteristics of government programmes or activities. In this way, government bodies will be able to base their actions on proposals arising from the reconciliation of interests among the various segments of society.

9. Through this Agreement, the Government commits itself to take a series of steps designed to increase the people's participation in the various aspects of public life, including social and rural development policies. This series of reforms must enable structures that generate social conflict to be replaced by new relationships that ensure the consolidation of peace, as an expression of harmonious life together, and the strengthening of democracy, as a dynamic and perfectible process from which advances can be achieved through the participation of various segments of society in shaping the country's political, social and economic choices.

10. In order to reinforce the people's ability to participate and, at the same time, the State's management capacity, the Government agrees to:

Communities

(a) Promote a reform of the Municipal Code so that deputy mayors are appointed by the municipal mayor, taking into account the recommendations of local residents in an open town council meeting;

Municipalities

(b) Foster social participation in the context of municipal autonomy, pursuing the process of decentralization to give more authority to municipal

governments, and consequently, strengthening their technical, administrative and financial resources;

(c) Establish and implement as soon as possible, in cooperation with the National Association of Municipalities, a municipal training programme that will serve as a framework for national efforts and international cooperation in this field. The programme will stress the training of municipal staff who will specialize in executing the new duties that will be the responsibility of the municipality as a result of decentralization, with an emphasis on land use planning, a land register, urban planning, financial management, project management and training of local organizations so that they can participate effectively in meeting their own needs;

Departments

(d) Promote in the Congress a reform of the Act concerning the governance of the departments of the Republic, to the effect that the governor of the department would be appointed by the President of the Republic, taking into consideration the candidates nominated by the non-governmental representatives of the departmental development councils;

Regions

(e) Regionalize health care, education and cultural services for indigenous people and ensure the full participation of indigenous organizations in the design and implementation of this process;

System of urban and rural development councils

(f) Take the following steps, bearing in mind the fundamental role of urban and rural development councils in ensuring, promoting and guaranteeing the people's participation in the identification of local priorities, the definition of public projects and programmes and the integration of national policy into urban and rural development:

- (i) Re-establish local development councils;
- (ii) Promote a reform of the Urban and Rural Development Councils Act to broaden the range of sectors participating in departmental and regional development councils;
- (iii) Provide adequate funding for the council system.

B. Participation of women in economic and social development

11. The active participation of women is essential for Guatemala's economic and social development, and the State has a duty to promote the elimination of all forms of discrimination against women.

12. Recognizing women's undervalued contributions in all spheres of economic and social activity, and particularly their efforts towards community

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improvement, the Parties agree that there is a need to strengthen women's participation in economic and social development on equal terms.

13. To this end, the Government undertakes to take the specific economic and social situation of women into account in its development strategies, plans and programmes, and to train civil servants in analysis and planning based on this approach. This undertaking includes the following:

(a) Recognizing the equal rights of women and men in the home, in the workplace, in the production sector and in social and political life, and ensuring that women have the same opportunities as men, particularly with regard to access to credit, land ownership and other productive and technological resources;

Education and training

(b) Ensuring that women have equal opportunities for education and training in the same conditions as men, and that any form of discrimination against women that may be found in school curricula is eliminated;

Housing

(c) Ensuring that women have equal access to housing of their own by eliminating the obstacles and impediments that affect women in relation to rental property, credit and construction;

Health

(d) Implementing nationwide comprehensive health programmes for women, which involves giving women access to appropriate information, prevention and health care services;

Labour

(e) Guaranteeing women's right to work, which requires:

- (i) Using various means to encourage vocational training for women;
- (ii) Revising labour legislation to guarantee equality of rights and opportunities between men and women;
- (iii) In rural areas, recognizing women as agricultural workers to ensure that their work is valued and remunerated;
- (iv) Enacting laws to protect the rights of women who work as household employees, especially in relation to fair wages, working hours, social security and respect for their dignity;

Organization and participation

(f) Guaranteeing women's right to organize and their participation, on the same terms as men, at the senior decision-making levels of local, regional and national institutions;

(g) Promoting women's participation in public administration, especially in the formulation, execution and supervision of government plans and policies;

Legislation

(h) Revising national legislation and regulations to eliminate all forms of discrimination against women in terms of economic, social, cultural and political participation, and to give effect to the government commitments deriving from the ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

II. SOCIAL DEVELOPMENT

14. The State is responsible for promoting, guiding and regulating the country's socio-economic development so as to ensure economic efficiency, increased social services and social justice in an integrated manner and through the efforts of society as a whole. In the quest for growth, economic policy should be aimed at preventing processes of socio-economic exclusion, such as unemployment and impoverishment, and maximizing the benefits of economic growth for all Guatemalans. In seeking to ensure the well-being of all Guatemalans, social policy should foster economic development through its impact on production and efficiency.

15. Guatemala requires speedy economic growth in order to create jobs and enhance social development. The country's social development, in turn, is essential for its economic growth and for better integration into the world economy. In this regard, better living standards, health, education and training are the pillars of sustainable development in Guatemala.

State responsibilities

16. The State has inescapable obligations in the task of correcting social inequities and deficiencies, both by steering the course of development and by making public investments and providing universal social services. Likewise, the State has the specific obligations, imposed by constitutional mandate, of ensuring the effective enjoyment, without discrimination of any kind, of the right to work, health, education and housing, as well as other social rights. The historical social imbalances experienced in Guatemala must be corrected, and peace must be consolidated, through decisive policies which are implemented by both the State and society as a whole.

Productive investments

17. The country's socio-economic development cannot depend exclusively on public finances or on international cooperation. Rather, it requires an increase in productive investments that create adequately paid jobs. The Parties urge national and foreign entrepreneurs to invest in the country, considering that the signing and implementation of an agreement on a firm and lasting peace are essential components of the stability and transparency required for investment and economic expansion.

Gross domestic product

18. For its part, the Government undertakes to adopt economic policies designed to achieve steady growth in the gross domestic product of not less than 6 per cent per annum, which would enable it to implement a progressive social policy. At the same time, it undertakes to implement a social policy aimed at ensuring the well-being of all Guatemalans, with emphasis on health, nutrition, education and training, housing, environmental sanitation and access to productive employment and to decent pay.

The State's leadership role

19. To meet this objective and to enable the State to play its leadership role in social policy, the Government undertakes to:

(a) Apply and develop the regulatory framework to guarantee the exercise of social rights and provide social services through public entities and, where necessary, through semi-public or private entities, and supervise the adequate provision of such services;

(b) Promote and ensure the participation, in accordance with the regulatory framework, of all social and economic sectors that can cooperate in social development, particularly in providing full access to basic services;

(c) Ensure that the public sector provides services efficiently, considering that the State has a duty to give the population access to quality services.

20. In response to the population's urgent demands, the Government undertakes to:

(a) Increase social investment significantly, especially in the areas of health, education and employment;

(b) Restructure the budget so as to increase social expenditure;

(c) Give priority to the neediest sectors of society and the most disadvantaged areas of the country, without short-changing other sectors of society;

(d) Improve the administration of government resources and investments by decentralizing them and making them less concentrated and bureaucratic, reforming budget performance mechanisms by giving them autonomy in decision-making and financial management to guarantee their efficiency and transparency, and strengthening supervisory and auditing mechanisms.

A. Education and training

21. Education and training have a fundamental role in the country's economic, cultural, social and political development. They are central to the strategy of equity and national unity, and vital for economic modernization and international competitiveness. Reform of the educational system and of its administration is therefore necessary, as is the implementation of coherent and forceful State policies in the field of education, in order to achieve the following objectives:

(a) To affirm and disseminate the moral and cultural values and the concepts and behaviour patterns which are the foundations of democratic coexistence, including respect for human rights, for the cultural diversity of Guatemala, for the productive work of its people and the protection of the environment and for the values and mechanisms of power-sharing and social and political consensus-building which constitute the basis of a culture of peace;

(b) To avoid the perpetuation of poverty and of social, ethnic, sexual and geographical forms of discrimination, particularly those which arise from the divide between urban and rural society;

(c) To contribute to the application of technical and scientific progress and, consequently, to the achievement of higher productivity, the creation of more jobs and increased income for the population, and beneficial integration into the world economy.

22. In response to the country's needs in the field of education, the Government undertakes to:

Spending on education

(a) Implement significant increases in the resources allocated to education. By the year 2000, the Government proposes to step up public spending on education as a proportion of gross domestic product by at least 50 per cent over its 1995 level. These targets will be revised upwards in the light of future developments in State finances;

Adjustment of educational curricula

(b) Adjust educational curricula in accordance with the objectives set out in paragraph 21. These adjustments will take into account the conclusions of the Education Reform Commission established by the Agreement on Identity and Rights of Indigenous Peoples;

Coverage

(c) Expand, as a matter of urgency, the coverage of education services at all levels, and in particular the provision of bilingual education in rural communities, by means of:

- (i) The integration of children of school age into the educational system, ensuring that they complete the pre-primary and primary levels and the first level of secondary school; in particular, by the year 2000, the Government undertakes to provide access, for all those between ages 7 and 12, to at least three years of schooling;
- (ii) Literacy programmes in as many languages as is technically feasible, with the participation of suitably qualified indigenous organizations; the Government undertakes to raise the literacy rate to 70 per cent by the year 2000; and
- (iii) Education, training and technical courses for adults;

Occupational training

(d) Develop, with appropriate and efficient methodology, training programmes in communities and enterprises for the retraining and technical updating of workers, with emphasis on the inhabitants of isolated areas and rural communities, with support from those sectors which are able to collaborate in this undertaking;

Training for participation

(e) Provide training to enable social organizations at the municipal, regional and national levels to take part in socio-economic development, including the fields of public administration, fiscal responsibility and consensus-building;

Civic education programme

(f) Design and implement a national civic education programme for democracy and peace, promoting the protection of human rights, the renewal of political culture and the peaceful resolution of conflicts. The mass media will be invited to participate in this programme;

Community-school interaction and community participation

(g) In order to encourage the enrolment of children in the educational system and to lower the school drop-out rate, the Government undertakes to encourage effective community and parental participation in the various aspects of the education and training services (curricula, appointment of teachers, school calendar, etc.);

Financial support

(h) Develop scholarship and student grant programmes, economic support and other incentives, to enable needy students to continue their education;

Training of school administrators

(i) Develop continuing education programmes for teachers and school administrators;

Advisory commission

(j) For the purpose of designing and implementing the educational reform to be carried out by the Ministry of Education, an advisory commission attached to the Ministry will be set up, consisting of participants in the educational process, including representatives of the Education Reform Commission set up pursuant to the Agreement on Identity and Rights of Indigenous Peoples;

Higher education and research

(k) State-run higher education, the management, organization and development of which is the sole responsibility of the Guatemalan University of San Carlos, is a key factor in achieving economic growth, social equity, the dissemination of culture and a greater pool of technological know-how. The Government of the Republic undertakes to provide to the University of San Carlos, in a timely manner, the funding which is its prerogative under a constitutional mandate. With all due respect to the autonomy of the University, the parties urge the authorities of that distinguished institution to give favourable consideration to all initiatives which increase its contribution to the country's development and help to consolidate peace. The Government undertakes to heed such contributions and initiatives and to respond appropriately. Particular importance is attached to the development of the University's regional centres and of its internship programmes, especially in the poorest sectors. The Parties also urge the business sector to devote increased efforts to applied technological research and to human resources development, forging closer exchange links with the University of San Carlos;

Educational outreach workers

(l) Pursuant to the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous Peoples, community educational outreach workers shall be incorporated into the national education system, and due regard shall be given to suitable curricula for indigenous communities and uprooted population groups.

B. Health

23. The Parties agree on the need to promote a reform of the national health sector. This reform should be aimed at ensuring effective exercise of the fundamental right to health, without any discrimination whatsoever, and the effective performance by the State, which would be provided with the necessary resources, of its obligation with regard to health and social welfare. Some of the main points of this reform are as follows:

Concept

(a) It would be based on an integrated concept of health (including prevention, promotion, recovery and rehabilitation) and on humanitarian and community-based practice emphasizing the spirit of service, and it would be applied at all levels of the country's public health sector;

National coordinated health system

(b) One of the responsibilities of the Ministry of Health is to formulate policies to provide the entire Guatemalan population with integrated health services. Under the coordination of the Ministry of Health, the health system would combine the work of public agencies (including the Guatemalan Social Security Institute) and private and non-governmental organizations involved in this sector to implement actions designed to enable the whole Guatemalan population to have access to integrated health services;

Low-income population

(c) The system would create the conditions for ensuring that the low-income population has effective access to quality health services. The Government undertakes to increase the resources it allocates to health. By the year 2000, the Government proposes to step up public spending on health as a proportion of gross domestic product by at least 50 per cent over its 1995 level. This target will be revised upwards in the light of future developments in State finances;

Priority care

(d) The system would give priority to efforts to fight malnutrition and to promote environmental sanitation, preventive health care and primary health care, especially maternal and child care. The Government undertakes to allocate at least 50 per cent of public health expenditure to preventive care and undertakes to cut the 1995 infant and maternal mortality rate in half by the year 2000. In addition, the Government undertakes to maintain the certification of eradication of poliomyelitis, and to eradicate measles by the year 2000;

Medicine, equipment and inputs

(e) The Ministry of Public Health and Social Welfare will revise current rules and practices with regard to the manufacture and marketing of drugs, equipment and inputs and will promote measures to ensure that these are in sufficient supply and that they are affordable and of high quality. In the case

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of popular basic or generic drugs, ways of purchasing them will be studied and applied in order to ensure transparency in their marketing, quality and pricing to ensure that services are provided efficiently;

Indigenous and traditional medicine

(f) The system would enhance the importance of indigenous and traditional medicine, promoting its study and renewing its concepts, methods and practices;

Social participation

(g) The system would encourage active participation of municipalities, communities and social organizations (including groups of women, indigenous people, trade unions and civic and humanitarian associations) in the planning, execution and monitoring of the administration of health services and programmes, through local health systems and urban and rural development councils;

Administrative decentralization and enhancement of local autonomy

(h) The decentralized organization of the various levels of health care should ensure that health programmes and services are offered at the community, regional and national levels, which are the basis of the national coordinated health system.

C. Social security

24. Social security is a mechanism for expressing human solidarity and promoting the common good, laying the foundations for stability, economic development, national unity and peace. Under the Political Constitution of the Republic, the Guatemalan Social Security Institute, an autonomous body, administers the social security system. The Parties consider that appropriate measures should be taken to expand its coverage and increase its benefits and the quality and efficiency of its services. To that end, the following should be taken into account:

(a) The administration of the Guatemalan Social Security Institute should be completely autonomous, in accordance with the constitutional principle of coordination with health agencies under the national coordinated health system;

(b) Under the International Labour Organization convention ratified by Guatemala, social security should include programmes for medical care and benefits in the areas of sickness, maternity, disability, old age, survival, job-related accidents and illnesses, employment and family welfare;

(c) The application of the principles of efficiency, universality, unity and compulsoriness to the operation of the Guatemalan Social Security Institute should be reinforced and guaranteed;

(d) The financial soundness of the Institute should be strengthened through a system of tripartite control of contributions;

(e) New ways of managing the Institute with the participation of its constituent sectors should be promoted;

(f) The Institute should be effectively incorporated into the coordinated health system;

(g) Conditions should be created that will facilitate the universal coverage of all workers by the social security system.

D. Housing

25. It has been recognized that there is a need to institute a policy, in accordance with the constitutional mandate, to give priority to the building of low-cost housing, through appropriate financial arrangements, in order to enable as many Guatemalan families as possible to own their own homes. To this end, the Government undertakes to:

Planning

(a) Closely monitor land management policies, especially urban planning and environmental protection policies, to enable the poor to have access to housing and related services in hygienic and environmentally sustainable conditions;

Standards

(b) Update health and safety regulations applicable to the construction industry and monitor compliance with them; coordinate with municipalities to ensure that construction and supervision standards are homogeneous, clear and simple, in an effort to provide high-quality, safe housing;

Housing stock

(c) Promote a policy to increase the stock of housing in Guatemala, in an effort to enable more people from low-income sectors to rent or own their own homes;

(d) Increase the supply of housing-related services, housing options and high-quality, low-cost building materials; in this context, apply anti-trust regulations to the production and marketing of building materials and housing-related services in accordance with article 130 of the Constitution;

Finance and credit

(e) Implement monetary policies designed to reduce the cost of credit significantly;

(f) Strengthen the securities market and make it more available as a source of funds to purchase housing, by offering first and second mortgages and facilitating the selling of securities issued for housing operations, such as common and preferred stocks in construction companies, mortgage bonds and

debentures, real estate participation certificates, supplemental letters, promissory notes and other documents related to rental with an option to buy;

(g) Design a direct subsidy mechanism and apply it to the demand for low-cost housing, to benefit the most needy sectors. To this end, strengthen the Guatemalan Housing Fund to improve its capacity to grant funds to assist those living in poverty and extreme poverty;

Participation

(h) Stimulate the establishment and strengthening of participatory arrangements, such as cooperatives and self-managed and family businesses, to ensure that the beneficiaries are able to participate in the planning and construction of housing and related services;

Regularization of the land situation

(i) Promote the legalization, access to and registry of land, not only in the vicinity of Guatemala City but also for urban development in the province capitals and municipalities, together with the implementation of building projects in villages and on farms, especially rural housing;

National commitment

(j) In view of the size and urgency of the housing problem, national efforts should be mobilized to solve it. The Government undertakes to allocate to the housing promotion policy no less than 1.5 per cent of the tax revenue budget, beginning in 1997, giving priority to the subsidy for low-cost housing options.

E. Work

26. Work is essential for the integral development of the individual, the well-being of the family and the social and economic development of Guatemala. Labour relations are an essential element of social participation in socio-economic development and of economic efficiency. In this respect, the State's policy with regard to work is critical for a strategy of growth with social justice. In order to carry out this policy, the Government undertakes to:

Economic policy

(a) Through an economic policy designed to increase the use of the labour force, create conditions for the attainment of rising and sustained levels of employment, while sharply reducing structural underemployment and making possible a progressive increase in real wages;

(b) Encourage measures in coordination with the various social sectors to increase investment and productivity within the framework of an overall strategy of growth with social stability and equity;

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Protective labour legislation

(c) Promote, in the course of 1996, legal and regulatory changes to enforce the labour laws and severely penalize violations, including violations in respect of the minimum wage, non-payment, withholding and delays in wages, occupational hygiene and safety and the work environment;

(d) Decentralize and expand labour inspection services, strengthening the capacity to monitor compliance with the labour norms of domestic law and those derived from the international labour agreements ratified by Guatemala, paying particular attention to monitoring compliance with the labour rights of women, migrant and temporary agricultural workers, household workers, minors, the elderly, the disabled and other workers who are in a more vulnerable and unprotected situation;

Occupational training

(e) Establish a permanent, modern vocational instruction and training programme to ensure training at all levels and a corresponding increase in productivity through a draft law regulating vocational training at the national level;

(f) Promote coverage by the national vocational instruction and training programmes of at least 200,000 workers by the year 2000, with an emphasis on those who are joining the workforce and those who need special training to adapt to new conditions in the labour market;

Ministry of Labour

(g) Strengthen and modernize the Ministry of Labour and Social Welfare, ensuring its leading role in Government policies related to the labour sector and its effective deployment in the promotion of employment and in labour cooperation. To that end, it undertakes to:

Participation, coordination and negotiations

- (i) Promote the restructuring of labour relations in enterprises by encouraging labour management cooperation and coordination with a view to the development of the enterprise for the common good, including possible profit-sharing arrangements;
- (ii) Facilitate the procedures for the recognition of the legal personality of labour organizations;
- (iii) In the case of agricultural workers who are still hired through contractors, propose reforms for the speedy and flexible legal recognition of forms of association for the negotiation of such hiring; and
- (iv) Promote a culture of negotiation and, in particular, train persons to settle disputes and coordinate action for the benefit of the parties involved.

III. AGRARIAN SITUATION AND RURAL DEVELOPMENT

27. It is essential and unavoidable to solve the problems of agrarian reform and rural development in order to address the situation of the majority population, which live in rural areas and is most affected by poverty, extreme poverty, injustice and the weakness of State institutions. The transformation of the structure of land use and ownership must have as its objective the incorporation of the rural population into economic, social and political development so that the land constitutes, for those who work it, the basis of their economic stability, the foundation of their progressive social well-being and the guarantee of their freedom and dignity.

28. Land is central to the problems of rural development. From the conquest to the present, historic events, often tragic, have left deep traces in ethnic, social and economic relations concerning property and land use. These have led to a situation of concentration of resources which contrasts with the poverty of the majority and hinders the development of Guatemala as a whole. It is essential to redress and overcome this legacy and promote more efficient and more equitable farming, strengthening the potential of all those involved, not only in terms of productive capacity but also in enhancing the cultures and value systems which coexist and intermingle in the rural areas of Guatemala.

29. These changes will enable Guatemala to take full advantage of the capacities of its inhabitants and, in particular, the richness of the traditions and cultures of its indigenous peoples. It should also take advantage of the high potential for agricultural, industrial, commercial and tourist development of those resources deriving from its wealth of natural resources.

30. Solving the agrarian problem is a complex process covering many aspects of rural life, from modernization of production and cultivation methods to environmental protection, as well as security of property, adequate use of the land and of the labour force, labour protection and a more equitable distribution of resources and the benefits of development. This is also a social process whose success depends not only on the State, but also on a combination of efforts on the part of the organized sectors of society, in the awareness that the common good requires breaking with the patterns and prejudices of the past and seeking new and democratic forms of coexistence.

31. The State has a fundamental and vital role in this process. As the guide for national development, as a legislator, as a source of public investment and provider of services and as a promoter of social cooperation and conflict resolution, it is essential for the State to increase and refocus its efforts and its resources towards the rural areas, and to promote agrarian modernization, in a sustained manner, in the direction of greater justice and greater efficiency.

32. The agreements already signed on human rights, on the resettlement of populations uprooted by armed confrontation and on the identity and rights of indigenous peoples contain commitments which constitute essential elements of a global strategy for rural development. It is in line with these provisions that the Government undertakes, through this Agreement, to promote an integral strategy covering the multiple elements which make up agrarian structure,

including land ownership and the use of natural resources; credit systems and mechanisms; manufacturing and marketing; agrarian legislation and legal security; labour relations; technical assistance and training; the sustainability of natural resources and the organization of the rural population. This strategy includes the aspects described below.

A. Participation

33. The capacity of all actors involved in the agricultural sector must be mobilized to make proposals and to take action, including indigenous peoples' organizations, producers' associations, business associations, rural workers' trade unions, rural and women's organizations or universities and research centres in Guatemala. To that end, in addition to the provisions of other chapters of this Agreement, the Government undertakes to:

(a) Strengthen the capacity of rural organizations such as associative rural enterprises, cooperatives, small farmers' associations, mixed enterprises and self-managed and family businesses to participate fully in decisions on all matters concerning them and to establish or strengthen State institutions, especially those of the State agricultural sector, involved in rural development so that they can promote such participation, particularly the full participation of women in the decision-making process. That will strengthen the effectiveness of State action and ensure that it responds to the needs of rural areas. In particular, participation in development councils will be promoted as a framework for the joint formulation of development and land use plans;

(b) Strengthen and expand the participation of tenant farmers' organizations, rural women, indigenous organizations, cooperatives, producers' trade unions and non-governmental organizations in the National Agricultural Development Council as the main mechanism for consultation, coordination and social participation in the decision-making process for rural development, and in particular for the implementation of this chapter.

B. Access to land and productive resources

34. Promote the access of tenant farmers to land ownership and the sustainable use of land resources. To that end, the Government will take the following actions:

Access to land ownership: land trust fund

(a) Establish a land trust fund within a broad-based banking institution to provide credit and to promote savings, preferably among micro-, small and medium-sized enterprises. The land trust fund will have prime responsibility for the acquisition of land through Government funding, will promote the establishment of a transparent land market and will facilitate the updating of land development plans. The fund will give priority to the allocation of land to rural men and women who are organized for that purpose, taking into account economic and environmental sustainability requirements;

(b) In order to ensure that the neediest sectors benefit from its services, the fund will set up a special advisory and management unit to serve rural communities and organizations;

(c) Initially, the fund will limit its activities to the following types of land:

- (i) Uncultivated State land and State-owned farms;
- (ii) Illegally settled public land, especially in Petén and the Franja Transversal del Norte, which the Government has pledged to recover through legal action;
- (iii) Land acquired with the resources allocated by the Government to the National Land Fund and the National Peace Fund for that purpose;
- (iv) Land purchased with grants from friendly Governments and international non-governmental organizations;
- (v) Land purchased with loans secured from international financing agencies;
- (vi) Undeveloped land expropriated under article 40 of the Constitution;
- (vii) Land acquired from the proceeds of the sale of excess land, as determined by comparing the actual dimensions of private property with the dimensions recorded at the land register department, which has become the property of the State;
- (viii) Land which the State may purchase pursuant to Decree No. 1551, article 40, on agricultural development areas;
- (ix) Land which the State may purchase for any purpose; and
- (x) Miscellaneous grants;

(d) The Government will promote and enact legislation to regulate all the activities of the land trust fund. Such legislation will establish, inter alia, the fund's aims, functions and financing and acquisition mechanisms, and the allocation, origin and destination of land. In 1999, the extent to which the allocation targets have been met will be assessed and, if need be, the functioning of the land allocation programme will be adjusted;

Access to land ownership: funding mechanisms

(e) Promote, through all means possible, the development of a dynamic land market that would enable tenant farmers who either do not have land or have insufficient land to acquire land through long-term transactions at commercial or favourable interest rates with little or no down payment. In particular, promote the issuance of mortgage-backed securities guaranteed by the State whose yield is attractive to private investors, especially financial institutions;

Access to the use of natural resources

(f) By 1999, allocate to small and medium-sized farmers' groups legally incorporated as natural resources management ventures, 100,000 hectares within multi-use areas for sustainable forest management, the management of protected areas, eco-tourism, conservation of water sources and other activities compatible with the sustainable potential use of the natural resources of such areas;

(g) Promote and support the participation of the private sector and grass-roots community organizations in projects for the management and conservation of renewable natural resources through incentives, targeted direct subsidies or funding mechanisms on soft terms, in view of the non-monetary benefits that the national community derives from such projects. Given the benefit that the international community receives from the sustainable management and conservation of the country's forest and biogenetic resources, the Government will actively promote international cooperation in this venture;

Access to other productive projects

(h) Develop sustainable productive projects especially geared towards boosting productivity and the processing of agricultural, forestry and fishery products in the poorest areas of the country. In particular, for the period 1997-2000, guarantee the implementation, in the poorest areas, of a Government agricultural sector investment programme in the amount of 200 million quetzales in the agriculture, forestry and fisheries sectors;

(i) Promote a renewable natural resources management programme which fosters sustainable forestry and agro-forestry production, as well as handicrafts and small- and medium-scale industry projects that give added value to forest products;

(j) Promote productive ventures related, inter alia, to agro-processing industries, marketing, services, handicrafts and tourism with a view to creating jobs and securing fair incomes for all;

(k) Promote an eco-tourism programme with the broad participation of communities which have received appropriate training.

C. Support structure

35. Prerequisites for a more efficient and just agricultural structure include not only more equitable access to productive resources but also a support structure that will enhance farmers' access to information, technology, training, credit and marketing facilities. Over and above its commitment to social investment as set forth in the chapter on social development, including in particular investment in health, education, housing and employment, the Government also undertakes to:

Basic infrastructure

(a) Engage in judicious public investment and foster a climate conducive to private investment with a view to upgrading the infrastructure available for sustainable production and marketing, especially in areas of poverty and extreme poverty;

(b) Develop a rural development investment programme with emphasis on basic infrastructure (highways, rural roads, electricity, telecommunications, water and environmental sanitation) and productive projects, for a total amount of 300 million quetzales annually during the period 1997-1999;

Credit and financial services

(c) Activate the land fund not later than 1997, while simultaneously promoting conditions that will enable small and medium-scale farmers to have access to credit, individually or in groups, on a financially sustainable basis. In particular, with the support of the private sector and non-governmental development organizations, the Government proposes to strengthen local savings and credit agencies, including associations, cooperatives and the like, with a view to enhancing their function as sources of credit providing small and medium-scale farmers with financial services efficiently and in accordance with local needs and conditions;

Training and technical assistance

(d) Strengthen, decentralize and broaden the coverage of training programmes, especially programmes designed to enhance rural people's managerial skills at various levels. The private sector and non-governmental organizations will be enlisted in the implementation of this action;

(e) Develop technical assistance and job training programmes that will upgrade the skills, versatility and productivity of the labour force in rural areas;

Information

(f) Develop an information collection, compilation and distribution system for the agriculture, forestry, food processing and fisheries sectors, one that will provide small producers with reliable information on which to base their decisions relating to seeds, inputs, crops, costs and marketing;

Marketing

(g) Develop a system of storage centres and duty-free zones with a view to facilitating the processing and marketing of agricultural products and fostering rural employment.

D. Organization of the rural population for production

36. Organizing the rural population is a decisive factor in transforming the inhabitants of the countryside into genuine protagonists of their own development. In view of the vital role of small and medium-scale enterprises in combating poverty, creating rural jobs and promoting more efficient land use, there is a need to promote a more efficient form of organization of small producers so that they can, in particular, take advantage of the support structure described in paragraph 35. To this end, the Government undertakes to:

(a) Support micro-, small and medium-scale agricultural and rural enterprises by strengthening the various ways of organizing them, such as associative rural enterprises, cooperatives, small farmers' associations, mixed enterprises and self-managed and family businesses;

(b) Tackle the problem of smallholdings through:

(i) A firm and sustained policy of support for smallholders so that they can become small-scale agricultural businessmen through access to training, technology, credit and other inputs;

(ii) Promoting, if the smallholders so desire, amalgamation of holdings in those cases where conversion into small businesses is not possible owing to the dispersal and size of the properties.

E. Legal framework and juridical security

37. Guatemala is in need of reform of the juridical framework of agriculture and institutional development in the rural sector so that an end can be put to the lack of protection and dispossession from which small farmers, and in particular indigenous peoples, have suffered, so as to permit full integration of the rural population into the national economy and regulate land use in an efficient and environmentally sustainable manner in accordance with development needs. To this end, and taking into account in all cases the provisions of the Agreement on Identity and Rights of Indigenous Peoples, the Government undertakes to:

Legal reform

(a) Promote a legal reform which will establish a juridical framework governing land ownership that is secure, simple and accessible to the entire population. This reform will need to simplify the procedures for awarding title and registering ownership and other real estate rights, as well as to simplify administrative and judicial formalities and procedures;

(b) Promote the establishment of an agrarian and environmental jurisdiction within the judiciary through the enactment of the relevant legislation by the Congress;

(c) Promote the revision and adjustment of the legislation on undeveloped land so that it conforms to the provisions of the Constitution, and regulate,

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inter alia through incentives and penalties, the underutilization of land and its use in ways incompatible with sustainable natural resource utilization and preservation of the environment;

(d) Protect common and municipal land, in particular by limiting to the strict minimum the cases in which it can be transferred or handed over in whatever form to private individuals;

(e) With respect to community-owned land, to regulate participation by communities in order to ensure that it is they who take the decisions relating to their land;

Prompt settlement of land conflicts

(f) To establish and apply flexible judicial or non-judicial procedures for the settlement of disputes relating to land and other natural resources (in particular, direct settlement and conciliation), taking into account the provisions of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous People. In addition, to establish procedures that will make it possible:

(i) To define formulas for compensation in the case of land disputes and claims in which farmers, small farmers and communities in a situation of extreme poverty have been or may be dispossessed for reasons not attributable to them;

(ii) To reinstate or compensate, as appropriate, the State, municipalities, communities or individuals when their land has been usurped or has been allocated in an irregular or unjustified manner involving abuse of authority;

(g) Regulate the award of title to the lands of indigenous communities and beneficiaries of the Guatemalan Institute for Agrarian Reform who are in lawful possession of the land assigned to them;

Institutional mechanisms

(h) By 1997, to have started the operations of a Presidential office for legal assistance and conflict resolution in relation to land, with nationwide coverage and the task of providing advice and legal assistance to small farmers and agricultural workers with a view to the full exercise of their rights, and in particular of:

(i) Advising and providing legal assistance to small farmers and agricultural workers and/or their organizations upon request;

(ii) Intervening in land disputes at the request of a party with a view to arriving at a just and expeditious solution;

(iii) In the case of judicial disputes, providing advice and legal assistance free of charge to small farmers and/or their organizations when they so request;

- (iv) Receiving complaints of abuses committed against communities, rural organizations and individual small farmers and bringing them to the attention of the Office of the Counsel for Human Rights and/or of any other national or international verification mechanism.

G. Land register

38. On the basis of the provisions of paragraph 37, the Government undertakes to promote legislative changes that would make it possible to establish an efficient decentralized multi-user land registry system that is financially sustainable, subject to compulsory updating and easy to update. Likewise, the Government undertakes to initiate, by January 1997 at the latest, the process of land surveying and systematizing the land register information, starting with priority zones, in particular with a view to the implementation of paragraph 34 on access to land and other production resources.

H. Labour protection

39. The Government undertakes to promote better participation of rural workers in the benefits of agriculture and a reorientation of labour relations in rural areas. It will place particular emphasis on applying to rural workers the labour policy outlined in the relevant section of the present agreement. An energetic labour protection policy, combined with a vocational training policy, is in line with the requirements of social justice. It is also needed in order to attack rural poverty and promote an agrarian reform aimed at more efficient use of natural and human resources. Accordingly, the Government undertakes to:

(a) Ensure that the labour legislation is effectively applied in rural areas;

(b) Pay urgent attention to the abuses to which rural migrant workers, young tenant farmers and day labourers are subjected in the context of hiring through middlemen, sharecropping, payment in kind and the use of weights and measures. The Government undertakes to adopt administrative and/or penal sanctions against offenders;

(c) Promote reform of the procedures for recognition of the legal personality of small farmers' organizations with a view to simplifying such recognition and making it more flexible through the application of the 1975 International Labour Organization Convention 141 on organization of rural workers.

I. Environmental protection

40. Guatemala's natural wealth is a valuable asset of the country and mankind, in addition to being an essential part of the cultural and spiritual heritage of the indigenous peoples. The irrational exploitation of Guatemala's biogenetic and forest resource diversity endangers a human environment that facilitates sustainable development. Sustainable development is understood as being a

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process of change in the life of the human being through economic growth with social equity, involving production methods and consumption patterns that maintain the ecological balance. This process implies respecting ethnic and cultural diversity and guaranteeing the quality of life of future generations.

41. In this sense, and in line with the principles of the Central American Alliance for Sustainable Development, the Government reiterates the following commitments:

(a) To adjust educational curricula and training and technical assistance programmes to the requirements of environmental sustainability;

(b) To give priority to environmental sanitation in its health policy;

(c) To link physical planning policies, particularly urban planning, with environmental protection;

(d) To promote sustainable natural resource management programmes that will create jobs.

J. Resources

42. In order to finance the measures mentioned above, and in view of the priority assigned to modernizing the agriculture sector and rural development, the Government undertakes to increase the State resources allocated to this area by, inter alia:

Land tax

(a) Promoting, by 1997, the legislation and mechanisms for the application, in consultation with municipalities, of a land tax in the rural areas from which it is easy for the municipalities to collect revenues. The tax, from which small properties will be exempt, will help to discourage ownership of undeveloped land and underutilization of land. Taken as a whole, these mechanisms ought not to encourage deforestation of land use for forestry;

Tax on undeveloped land

(b) Establishing a new tax schedule for the annual tax on undeveloped land which imposes significantly higher taxes on privately owned unutilized and/or underutilized land.

IV. MODERNIZATION OF GOVERNMENT SERVICES AND FISCAL POLICY

A. Modernization of government services

43. Government services should become an efficient tool of development policies. To this end, the Government undertakes to:

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Decentralization and redistribution

(a) Deepen the decentralization and redistribution of the powers, responsibilities and resources concentrated in the central Government in order to modernize, render effective and streamline government services. Decentralization should ensure the transfer of decision-making power and sufficient resources to the appropriate levels (local, municipal, departmental and regional) so as to meet the needs of socio-economic development in an efficient way and promote close cooperation between government bodies and the population. This implies:

- (i) Promoting an amendment to the Executive Authority Act and the Departmental Control and Administration Act and, in particular, to Decree No. 586 of 1956, which will make it possible to simplify, decentralize and redistribute government services;
- (ii) Promoting the decentralization of support systems, including the purchasing and procurement system, the human resources system, the information-gathering and statistical system and the financial management system.

National auditing

- (b) Reform, strengthen and modernize the Comptroller's Office.

Professionalization and advancement of public servants

44. The State should have a skilled labour force which can ensure the honest and efficient management of public funds. To this end, it is necessary to:

- (a) Establish a career civil service;
- (b) Adopt legal and administrative measures to ensure real compliance with the Integrity and Accountability Act;
- (c) Promote criminal sanctions for acts of corruption and misappropriation of public funds.

B. Fiscal policy

45. Fiscal policy (revenue and expenditure) is the key tool enabling the State to comply with its constitutional commitments, particularly those relating to social development, which is essential to the quest for the common good. Fiscal policy is also essential to Guatemalan sustainable development, which has been impaired by low levels of education, health care and public security, a lack of infrastructure and other factors which militate against increasing the productivity of labour and the competitiveness of the Guatemalan economy.

Budgetary policy

46. Budgetary policy should respond to the need for socio-economic development in a stable context, which requires a public spending policy consistent with the following basic principles:

(a) Giving priority to social spending, the provision of public services and the basic infrastructure needed to support production and marketing;

(b) Giving priority to social investment in health care, education and housing; rural development; job creation; and compliance with the commitments entered into under the peace agreements. The budget should include sufficient resources for strengthening the organizations and institutions responsible for ensuring the rule of law and respect for human rights;

(c) Efficient budget performance, with an emphasis on decentralization, redistribution and auditing of budgetary resources.

Tax policy

47. Tax policy should be designed to enable the collection of the resources needed for the performance of the State's functions, including the funds required for the consolidation of peace, within the framework of a tax system consistent with the following basic principles:

(a) The system is fair, equitable and, on the whole, progressive, in keeping with the constitutional principle of ability to pay;

(b) The system is universal and compulsory;

(c) The system stimulates saving and investment.

48. The State should also ensure efficiency and transparency in tax collection and fiscal management so as to promote taxpayer confidence in government policy and eliminate tax evasion and fraud.

Tax collection target

49. Bearing in mind the need to increase State revenues in order to cope with the urgent tasks of economic growth, social development and building peace, the Government undertakes to ensure that by the year 2000, the tax burden, measured as a ratio of gross domestic product, increases by at least 50 per cent as compared with the 1995 tax burden.

Fiscal commitment

50. As a step towards a fair and equitable tax system, the Government undertakes to address the most serious issue relating to tax injustice and inequity, namely, evasion and fraud, especially on the part of those who should be the largest contributors. In order to eradicate privileges and abuses, eliminate tax evasion and fraud and implement a tax system which is, on the whole, progressive, the Government undertakes to:

Legislation

(a) Promote an amendment to the Tax Code establishing harsher penalties for tax evasion, avoidance and fraud, both for taxpayers and for tax administration officials;

(b) Promote an amendment to the tax laws designed to eliminate loopholes;

(c) Evaluate and regulate tax exemptions strictly so as to eliminate abuses;

Strengthening of tax administration

(d) Strengthen the existing auditing and collection mechanisms, such as cross-checking, tax identification numbers and tax credits for withholding of income tax and value-added tax;

(e) Simplify and automate tax administration procedures;

(f) Ensure the correct and prompt application or reimbursement of tax credit and punish severely those who do not return withheld value-added tax to the tax authorities;

(g) Create a special programme for large contributors in order to ensure that they comply fully with their tax obligations;

(h) Implement administrative structures specifically geared to the revenue collection and auditing programmes and to the application of the relevant tax laws;

(i) Strengthen the capacity of municipalities to exercise their authority to collect taxes;

Participation

(j) Ensure that the urban and rural development councils contribute to the definition and monitoring of tax policy within the framework of their mandate to formulate development policies;

Civic education

(k) Within academic curricula, continue to promote knowledge of, respect for and compliance with tax obligations as part of coexistence in a democratic society.

Enforcement of tax policy

51. The failure to fulfil tax obligations deprives the country of the resources needed in order to address the backlog of social needs affecting Guatemalan society. The Government undertakes to impose exemplary penalties on those who engage in various types of tax fraud, to modernize and strengthen tax administration and to give priority to spending on social needs.

V. FINAL PROVISIONS

1. This Agreement shall form part of the agreement on a firm and lasting peace and shall enter into force at the time of the signing of the latter agreement.
2. In order to ensure that this Agreement serves the interests of Guatemalans, the Government shall initiate immediately the programming and planning activities which will enable it to comply with the investment commitments contained herein.
3. In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to verify compliance with this Agreement.
4. This Agreement shall be disseminated as widely as possible; to this end, the cooperation of the mass media and of teaching and educational institutions is requested.

Mexico City, 6 May 1996

For the Government of the Republic of Guatemala

[Signed]
Gustavo PORRAS CASTEJÓN

[Signed]
Raquel ZELAYA ROSALES

[Signed]
Brigadier General Otto PÉREZ MOLINA

[Signed]
Richard AITKENHEAD CASTILLO

For the Unidad Revolucionaria Nacional Guatemalteca

General Command

[Signed]
Commander Pablo MONSANTO

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Commander Rolando MORÁN

[Signed]
Commander Gaspar ILOM

[Signed]
Carlos GONZALES

For the United Nations

[Signed]
Marrack GOULDING
Under-Secretary-General

[Signed]
Jean ARNAULT
Moderator

ANNEX

[Original: Spanish]

Agreement on the Strengthening of Civilian Power and on
the Role of the Armed Forces in a Democratic Society

Whereas:

Peace rests upon democratization and the creation of structures and practices which will, in the future, prevent political exclusion, ideological intolerance and the polarization of Guatemalan society,

It is essential to overcome deficiencies and weaknesses in civil institutions, which are frequently inaccessible to most of the population, and the prevalence of patterns of thought and behaviour that have been detrimental to the rights and freedoms of citizens,

The signing of an agreement on a firm and lasting peace provides a historic opportunity to overcome the after-effects of past armed confrontation and ideological clashes and to rebuild and strengthen institutions in accordance with the needs of national development and the reconciliation of the Guatemalan people,

With the active and permanent participation of the people through Guatemalan organizations, political forces and social sectors, this renewal of institutions must embrace all levels, from local authorities to the functioning of State bodies, so that all those who are entrusted with public authority fulfil their commitment to serve social justice, political participation, and the security and full development of the individual,

It is vitally important to strengthen civilian power as the expression of the will of the people through the exercise of political rights, reinforce the legislative branch, reform the administration of justice and guarantee public security, all of which are crucial for the enjoyment of civil liberties and rights; and, within a democratic institutional framework, it is incumbent upon the Guatemalan armed forces to discharge the essential task of protecting national sovereignty and territorial integrity,

Together with the agreements already signed, this Agreement seeks to create the conditions for genuine reconciliation among the people of Guatemala, based upon respect for human rights and the diversity of its peoples and on their shared determination to overcome the lack of social, economic and political opportunities, which undermines democratic coexistence and restricts the development of the nation,

The implementation of this Agreement will benefit the whole population, consolidate the governance of the country and enhance the legitimacy of its democratic institutions in the interest of the people of Guatemala,

/...

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as "the Parties") have agreed as follows:

I. THE STATE AND ITS SYSTEM OF GOVERNMENT

1. In order to deepen the democratic and participatory process in such a way as to strengthen civilian power, it is of crucial importance to enhance, modernize and reinforce the State and its republican, democratic and representative system of government.

2. Pursuant to article 141 of the Political Constitution of the Republic, sovereignty is rooted in the people, who delegate its exercise to the legislative, executive and judicial branches. The Parties agree that the enhancement, modernization and reinforcement of the branches of the State require full and complete respect for the principle of their independence, separation and non-subordination to each other.

3. At the same time, the three branches must coordinate their efforts to fulfil their responsibilities arising out of the duty of the State to ensure, for all the inhabitants of Guatemala, life, freedom, justice, security, peace and the full development of the individual. Public authority, in the service of the common good, must be exercised by all the institutions of the State in such a way that no person, social sector, military force or political movement can usurp its exercise.

II. THE LEGISLATIVE BRANCH

4. Legislative authority belongs to the Guatemalan Congress, which is composed of deputies elected directly by universal and secret vote. It has a fundamental role to play in the representation of Guatemalan society, since democracy requires a body in which the overall situation of the country is embodied in an institutional form, harmoniously integrating a variety of interests.

5. For the legitimacy of the legislative body to be strengthened, it must fully discharge the following duties:

- (a) The legislative function, in the interest of the people of Guatemala;
- (b) Public discussion of essential national issues;
- (c) Representation of the people;
- (d) Its responsibilities towards the other branches of the State.

6. The Parties agree that the legislative branch must be enhanced, modernized and reinforced, and that the Presidency of the Congress will be requested to set up a multi-party agency for that purpose. This agency will work in conjunction with those legislative commissions which have been entrusted with responsibilities in connection with the follow-up to the agreements on a firm and lasting peace and the process of modernization and strengthening of the

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Congress of the Republic. Its agenda, minimal and open-ended, will give priority to the following aspects:

(a) Revision of the Act on the Rules of Procedure of the Congress, in order to streamline parliamentary work and enable the Guatemalan Congress as a branch of the State to carry out what is required of it by the Political Constitution and by public opinion, and to enhance efficiency in the initiation, discussion and adoption stages of the legislative process;

(b) Proper utilization of constitutional mechanisms for the supervision of the executive branch, to ensure clarity in government policy, consistency in its programmes, transparency in the planning and implementation of the State budget, examination and evaluation of the responsibility of ministers and other high-ranking officials for their administrative acts or omissions, and monitoring of government administration to protect the general interests of the population while preserving institutional legitimacy;

(c) Appropriate legislative measures to strengthen the administration of justice;

(d) Legal or constitutional reforms to maintain the number of deputies in the Congress at a constant level;

(e) Reform of article 157 of the Constitution so that deputies cannot serve more than two consecutive terms, so as to avoid disrupting political careers while at the same time ensuring the renewal of political leadership in the Congress;

(f) Support for the work of the commissions, particularly the Office of the Technical Advisory Unit;

(g) Redefinition of the functions of the Congressional Human Rights Commission to allow for a more effective follow-up of the resolutions and recommendations contained in reports produced by the Counsel for Human Rights and other recognized public entities on the situation of human rights in Guatemala.

7. The Parties agree to request the Presidency of the Guatemalan Congress that the aforementioned congressional agency should be set up within a period not to exceed three months after the signing of the agreement on a firm and lasting peace, and that its work should be completed and submitted for consideration in plenary no more than one year after its establishment.

III. SYSTEM OF JUSTICE

8. One of the major structural weaknesses of the Guatemalan State stems from the system of administration of justice, which is one of the key public services. This system and the functioning of judicial proceedings within it suffer from faults and deficiencies. The antiquated legal practices, slow proceedings, absence of modern office management systems and lack of supervision

of officials and employees of the judicial branch breed corruption and inefficiency.

9. The reform and modernization of the administration of justice should be geared to preventing the judiciary from producing or covering up a system of impunity and corruption. The judicial process is not a simple procedure regulated by codes and ordinary laws but rather an instrument for ensuring the basic right to justice, which is manifested in a guarantee of impartiality, objectivity, universality and equality before the law.

10. A priority in this respect is to reform the administration of justice in order to put an end to inefficiency, eradicate corruption and guarantee free access to the justice system, impartiality in the application of the law, judicial independence, ethical authority and the integrity and modernization of the system as a whole.

11. In order to address all the foregoing, the Government undertakes to adopt, where it is within its power, and to promote in the Guatemalan Congress, where it is within the latter's competence, the following measures:

Constitutional reforms

12. Promote the reform of the following articles of the Constitution in the Guatemalan Congress:

CHAPTER IV - The judiciary

Section I: General provisions

(a) Article 203: the article should contain an initial reference to guarantees of the administration of justice and, as such, include: free access to the system of justice in the person's own language; respect for the multi-ethnic, multicultural and multilingual nature of Guatemala; legal assistance to those who cannot afford their own counsel; the impartiality and independence of judges; reasonable and prompt resolution of social conflicts and provision of alternative conflict-resolution mechanisms;

(b) The summarized contents of article 203 should be included in a separate paragraph;

(c) Articles 207, 208 and 209 should refer to the Act on Careers in the Judiciary and include the following provisions:

- Rights and duties of judges, the dignity of the profession and adequate remuneration;
- System of appointment and promotion of judges based on competitive examinations to promote professional excellence;
- Right and duty to pursue professional legal training and career development;

- Disciplinary system, with pre-established guarantees, procedures, levels of jurisdiction and penalties, and the principle that a judge or magistrate can be investigated and punished only by his peers;

(d) Article 210: the guarantee in the second paragraph should be deleted, since its contents would be covered by the three previous articles. This article should refer only to personnel of the judiciary who are not judges or magistrates.

Legal reforms

13. Promote the following legal reforms in the Guatemalan Congress:

Careers in the judiciary

(a) Establish careers in the judiciary as provided for by article 209 of the Constitution in accordance with the contents of this Agreement;

Public Defender's Office in criminal matters

(b) Establish a Public Defender's Office in criminal matters to provide legal assistance to those who cannot afford to retain their own counsel. It would be functionally autonomous and independent from the three branches of Government, have the same standing as the Public Prosecutor's Office and have effective country-wide coverage;

Penal Code

(c) Institute a reform of the Penal Code that gives priority to the criminal prosecution of those offences that are most detrimental to society, takes into account the country's cultural differences and customs, fully protects human rights and characterizes threats and coercion of judicial personnel, bribery, graft and corruption as particularly serious offences which are severely punished.

Administrative initiatives and measures

14. Take such administrative initiatives and measures as are necessary to:

(a) Provide the judiciary and Public Prosecutor's Office with more financial resources to enable them to carry out their technological modernization and to expand their coverage throughout the country, institute multilingualism in the system of justice in accordance with the Agreement on Identity and Rights of Indigenous Peoples, and implement an effective protection plan for witnesses, prosecutors and individuals who cooperate with the justice system. In this regard, by the year 2000, the Government intends to increase net public expenditure allocated to the judiciary and the Public Prosecutor's Office as a proportion of gross domestic product by 50 per cent over its 1995 level;

(b) Provide the necessary resources to the Public Defender's Office so that it can be established and begin its activities in 1998.

Commission on the strengthening of the justice system

15. The Parties also agree that, within 30 days after the signing of the agreement on a firm and lasting peace, the President of Guatemala will propose that a commission be established with the mandate to prepare within six months, following an extensive debate on the justice system, a report and a set of recommendations for implementation as soon as possible. That commission, which will receive advisory assistance from the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), shall include the qualified representatives of the various public institutions and social and private bodies that are involved in and/or are knowledgeable about the justice system.

16. The work of the Commission shall include and not be limited to the following:

Modernization

(a) How to effectively separate administrative functions from jurisdictional functions in the judiciary and the Public Prosecutor's Office, so as to relieve judges and prosecutors from burdensome tasks that prevent them from dedicating themselves fully to their proper mandates, instituting a modern and effective management system in both institutions;

(b) The adequate distribution of available financial resources in order to strengthen the system, bearing in mind the need for more rational use of resources;

(c) Outlining the basic elements of a bill for the civil service of the judiciary;

Access to the justice system

(d) With the participation of indigenous peoples' organizations, follow up on the commitments undertaken under the Agreement on Identity and Rights of Indigenous Peoples concerning how justice is administered among those peoples, with a view to facilitating a simple and direct access to the justice system by major sectors of the country that are currently outside the system or that are at a disadvantage when they appear in court;

Streamlining

(e) Phase in oral legal proceedings in order to extend the benefits of such a system to those areas where it does not exist, and the guarantee of direct access to a judge in all proceedings;

(f) Implement the expansion and recognition of alternative conflict-resolution mechanisms;

Professional excellence

(g) Devise a system for the selection and appointment of appeals court magistrates through competitive examinations;

(h) Strengthen the Judicial Training School and the training unit of the Public Prosecutor's Office as the main bodies for the selection and further training of judges, magistrates and prosecutors;

Non-State partners

(i) Promote the active involvement in the legal reform process of those bodies outside the State system of justice which play a decisive role in such reform.

IV. EXECUTIVE BRANCH

17. With a view to the strengthening of civilian power and the modernization of the executive branch, the Government undertakes to adopt, when it falls within its purview to do so, and to promote to the Congress, when it falls within the purview of that body to do so, the following measures:

A. Security agenda

18. Security is a broad concept. It is not limited to protection against external armed threats, which is the responsibility of the army, or protection against threats to the public order and internal security, which is the responsibility of the National Civil Police. All the Guatemala peace agreements posit that a firm and lasting peace must be based on respect for human rights and for the multi-ethnic, multicultural and multilingual character of the Guatemalan nation; national economic development with social justice; social participation; the conciliation of interests; and democratic institution-building.

19. Within this context, the security of the citizens and the State cannot be dissociated from the citizens' full exercise of their political, economic, social and cultural rights and duties. Social and economic imbalances, poverty and extreme poverty, social and political discrimination and corruption, among others, are risk factors and a direct threat to democratic coexistence, social peace and, hence, to democratic constitutional order.

20. The Parties believe that an Advisory Council on Security would help the executive branch to implement this concept of integral security. The Council shall be composed of eminent personalities representing the economic, social, professional, academic, ethnic, political and cultural diversity of Guatemala. These personalities shall be selected by the President of the Republic so that the Council can fully carry out its function of studying and presenting broadly consensual strategies in response to the major risks confronting the country and making the necessary recommendations to the President of the Republic.

B. Public security

National Civil Police

21. The protection of life and the security of the citizens, the maintenance of public order, the prevention and investigation of crime and the swift and transparent administration of justice cannot be guaranteed without the appropriate structuring of the public security forces. The design of a new model and its implementation are fundamental aspects of the strengthening of civilian power.

22. Accordingly, the restructuring of the country's existing police forces into a single National Civil Police, which would be responsible for public order and internal security, is necessary and cannot be delayed. This new police force should be professional and under the authority of the Ministry of the Interior. To that end, the Government undertakes to adopt, when it falls within its purview to do so, and to promote to the Congress of the Republic, when it falls within the purview of that body to do so, the following measures:

Constitutional reforms

23. The reform of the Constitution shall establish the functions and main characteristics of the police force as follows:

"The National Civil Police shall be a professional and hierarchical institution. It shall be the only armed police force competent at the national level whose function is to protect and guarantee the exercise of the rights and freedoms of the individual; prevent, investigate and combat crime; and maintain public order and internal security. It shall be under the direction of the civil authorities and shall maintain absolute respect for human rights in carrying out its functions.

"The law shall govern the requirements and procedures for admission to the police profession, as well as promotions, advancement, transfers, disciplinary action against officers and employees in the profession and other questions related to the functioning of the National Civil Police."

Legal reforms

24. This includes submission of a bill on security and the police, which would govern the functioning of the police system in Guatemala in accordance with constitutional reforms and the provisions contained in this Agreement.

25. The issue of a new Act on Public Order shall be promoted, consistent with democratic principles and the strengthening of civilian power. Any excess in the application of the new Act shall be duly punished. The limitations established by law in the interest of maintaining public order shall in no case permit excesses that would violate the general enjoyment of rights nor shall they empower the authorities to restrict rights other than those described in article 138 of the Constitution.

Organization

26. The police shall be organized as follows:

(a) A single police force shall be established under the authority of the Ministry of the Interior;

(b) It shall be hierarchically structured with a chain of command and duly established responsibilities;

(c) The multi-ethnic and multicultural character of Guatemala shall be taken into account in the recruitment, selection, training and deployment of police personnel;

(d) The necessary specialized departments shall be established to carry out its work, including the control of drug trafficking and smuggling, tax and customs control, arms registry and control, information and criminal investigation, conservation of the cultural heritage and the environment, border security, transit and road safety.

Police profession

27. The police profession shall be established in accordance with the following criteria:

(a) All members of the new police force shall receive training at the Police Academy, where they will be given extensive professional preparation and imbued with a culture of peace, respect for human rights and democracy, and compliance with the law;

(b) Appropriate regulations shall be established to govern recruitment and personnel administration policies. Professional police officers shall be required to provide their services within the institution for a minimum of two years;

(c) Members of the police force shall receive decent wages commensurate with their functions and an adequate benefits package.

The Police Academy

28. The Police Academy shall oversee admission to the police profession, and advancement and specialization within it. It must guarantee objectivity and equality of opportunity in its selection of candidates and the suitability of the recruits for the performance of their duties as professional police officers.

29. The Police Academy shall train the new police personnel as officers, inspectors, commanders and chiefs and retrain the current personnel, providing them with sufficient resources to carry out their assignments. Basic police training shall last a minimum of six months.

Functioning

30. The Government undertakes to promote a police and public security restructuring plan based on this Agreement, to which end the support of the international community and MINUGUA will be requested, taking into consideration international standards in this area. This restructuring plan shall be given the necessary resources for the national deployment of professional personnel, taking into account all the specialities of a modern national civil police force, and shall provide, inter alia, for the following steps to be taken:

(a) By late 1999, a new National Civil Police force, comprised of at least 20,000 members, shall be functioning throughout the national territory, under the authority of the Ministry of the Interior, in order to fulfil the commitments outlined herein and the specific tasks assigned to them;

(b) In particular, the capacities of the police in the area of information and criminal investigation shall be strengthened, in order to enable them to collaborate effectively in crime control and the swift and effective administration of justice with emphasis on coordination between the National Civil Police, the Public Prosecutor's Office and the judiciary;

(c) Cooperation between the National Civil Police and the municipal police forces shall be strengthened within the context of their respective powers;

(d) A transition procedure shall be established for the implementation of the provisions of paragraph (a) above in order to ensure that the graduates of the Academy are a positive element in the National Civil Police as a whole;

(e) The communities shall participate, through their representatives, in promoting the police profession, proposing candidates who meet the requirements and supporting the officers who will be responsible for public security at the local level;

(f) By the year 2000, the Government undertakes to increase its expenditure on public security as a percentage of the gross domestic product by 50 per cent over the amount expended in 1995.

International cooperation

31. The Parties urge the international community to grant such technical and financial cooperation as is required for the immediate implementation of all measures that will lead to the modernization and professionalization of the public security system in Guatemala.

Private security companies

32. The Government undertakes to sponsor, in the Guatemalan Congress, a bill to regulate the functioning and scope of such companies in order to monitor their operations and the professionalism of their personnel and ensure, in particular, that the companies and their employees remain within the appropriate sphere of operation, under the strict control of the National Civil Police.

Ownership and bearing of arms

33. In accordance with the Comprehensive Agreement on Human Rights, and in order to combat the proliferation of firearms in the hands of individuals and the lack of control of their acquisition and use, the Government of Guatemala undertakes to sponsor amendments to the Arms and Munitions Act so as to:

(a) Restrict the owning and bearing of weapons by individuals, in accordance with the provisions of article 38 of the Constitution;

(b) Confer responsibility in the matter to the Ministry of the Interior. The question of the owning and bearing of offensive weapons will be taken up in very exceptional, justified cases, and for that the opinion of the Ministry of Defence will be required.

34. In accordance with this Act, the Government undertakes to:

(a) Enforce the system of registration of weapons in circulation and identification of their owners;

(b) Transfer the registers which are currently deposited in the Arms and Munitions Control Department of the Ministry of Defence to the Ministry of the Interior, with verification by MINUGUA, in a process which will be completed by the end of 1997.

C. Armed forces

35. The signing of an agreement on a firm and lasting peace constitutes a fundamental change in relation to the conditions which have prevailed in Guatemala for more than three decades. This change has positive implications for State institutions, and in particular the Guatemalan armed forces. The role of the Guatemalan armed forces is defined as that of defending Guatemala's sovereignty and territorial integrity; they shall have no other functions assigned to them, and their participation in other fields shall be limited to cooperative activities. The measures laid down in this Agreement ensure that the doctrine, means, resources and deployment of the armed forces are in line with their functions and Guatemala's development priorities.

Constitutional reforms

36. The Government undertakes to sponsor the following amendments to the Guatemalan Constitution:

(a) Article 244. Constitution, organization and functions of the armed forces. The Guatemalan armed forces are a permanent institution in the service of the nation. They are unique and indivisible, essentially professional, apolitical, loyal and non-deliberative. Their function is to protect the sovereignty of the State and its territorial integrity. They consist of ground, air and naval forces. Their organization is hierarchical and based on the principles of discipline and obedience;

(b) Article 219. Military courts. The military courts shall take cognizance of the crimes and misdemeanours specified in the military code and in the corresponding regulations. Ordinary crimes and misdemeanours committed by military personnel shall be tried and judged by the ordinary courts. No civilian may be judged by military courts;

(c) Article 246. Duties and powers of the President over the armed forces. Replace the first paragraph by the following: "The President of the Republic is the Commander-in-Chief of the armed forces and shall issue his orders through the Minister of Defence, whether he is a civilian or a member of the military".

Legal framework

37. Amendments to the Constituent Act of the armed forces deriving from the amendments to the Guatemalan Constitution, and amendments deriving from the peace agreements, shall be sponsored.

Military doctrine

38. A new military doctrine shall be formulated in accordance with the reforms envisaged in this Agreement. The doctrine shall encompass respect for the Guatemalan Constitution, human rights, the international instruments ratified by Guatemala in the military field, protection of national sovereignty and independence, the territorial integrity of Guatemala and the spirit of the agreements on a firm and lasting peace.

Size and resources

39. The size and resources of the Guatemalan armed forces shall be sufficient to enable them to discharge their function of defending Guatemala's sovereignty and territorial integrity, and shall be commensurate with the country's economic capabilities.

Educational system

40. The necessary amendments shall continue to be made to the corresponding regulations so that the military education system is consistent, in its philosophical framework, with respect for the Guatemalan Constitution and other laws, with a culture of peace and democratic coexistence, with the doctrine defined in this Agreement, and with national values, the integral development of the individual, knowledge of our national history, respect for human rights and the identity and rights of the indigenous peoples, and the primacy of the individual.

Arms and munitions

41. The Government shall adopt the most appropriate policies for the acquisition of combat weapons and equipment in accordance with the new functions of the armed forces. The operation of the munitions factory shall be taken into account so that it can meet the needs of the civilian public security forces.

Restructuring

42. The public educational, financial, health, commercial, assistance and insurance institutions, installations and offices corresponding to the needs and functions of the Guatemalan armed forces shall operate under the same conditions as other similar not-for-profit institutions. All the graduates of the Adolfo V. Hall institutes shall join Guatemala's military reserves. The Guatemalan armed forces shall allocate programmes to them for that purpose. The Government shall decide on an appropriate use for the television frequency allocated to the Guatemalan armed forces.

Military and community service

43. The practice of voluntary military recruitment shall be continued, until the Government of Guatemala, on the basis of the Comprehensive Agreement on Human Rights, adopts the necessary administrative decisions, and the Guatemalan Congress approves a civil service law, which shall include military service and community service; this law shall entail fulfilment of a duty and a constitutional right, which is neither compulsory nor a violation of human rights, is universal and non-discriminatory, and would reduce the length of service and offer options to citizens.

44. On the basis of these general principles, the Government undertakes to sponsor the above-mentioned law, which shall be drafted on the basis of what has been agreed on and achieved by the joint working group which is currently considering the matter.

D. Presidency of the Republic

Constitutional amendments

45. The Government shall sponsor in the Guatemalan Congress the following amendments to the Guatemalan Political Constitution:

(a) With regard to the functions of the President of the Republic, include the following:

"When the ordinary means for the maintenance of public order and domestic peace are exhausted, the President of the Republic may exceptionally use the armed forces for this purpose. The deployment of the armed forces shall always be temporary, shall be conducted under civilian authority and shall not involve any limitation on the exercise of the constitutional rights of citizens.

"In order to take these exceptional measures, the President of the Republic shall issue an agreement to that end. The operations of the armed forces shall be limited to the time and modalities which are strictly necessary, and shall end as soon as the purpose has been achieved. The President of the Republic shall keep Congress informed about the operations of the armed forces, and Congress may at any time decide that such operations should cease. At all events, within 15 days of the end of such

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operations, the President of the Republic shall submit to Congress a detailed report on the operations of the armed forces;"

(b) Amend article 246, entitled "Duties and powers of the President over the armed forces", by deleting the sentence in paragraph (b) of that article which reads: "He may, likewise, approve special pensions";

(c) Amend article 183, entitled "Functions of the President of the Republic", by deleting paragraph (r) and amending the text of paragraph (t) as follows: "To grant special pensions".

Security of the President and Vice-President

46. In order to guarantee the security of the President, Vice-President and their families and provide logistical support for the activities carried out by the Presidency of the Republic, the President of the Republic, in exercise of the powers conferred on him by law and in order to replace the Presidential Chief of Staff, shall organize an appropriate entity as he sees fit.

E. Information and intelligence

State intelligence-gathering bodies

47. The scope of the activities of the Intelligence Department of the Office of the Chief of Staff for National Defence shall be restricted to the role of the armed forces as defined in the Constitution and in the reforms envisaged in this Agreement. Its structure and resources shall be limited to this scope.

48. A Civilian Intelligence and Information Analysis Department to be established under the Ministry of the Interior shall be responsible for obtaining information to combat organized crime and ordinary crime, utilizing the means available and acting within the limits allowable under the legal system, and shall ensure full respect for human rights. Citizens who are subject to restrictions on their civil or political rights may not be employed by the Civilian Intelligence and Information Analysis Department.

49. A Strategic Analysis Secretariat reporting directly to the Office of the President of the Republic shall be established to inform and advise the Guatemalan President, with a view to anticipating, preventing and resolving situations posing any type of danger or threat to the democratic State. This body shall be purely civilian in character and may secure access to information available from public sources as well as information collected by the Civilian Intelligence and Information Analysis Department of the Ministry of the Interior and the Intelligence Department of the Office of the Chief of Staff for National Defence. It shall not be empowered to undertake its own covert investigations.

50. The Strategic Analysis Secretariat, the Intelligence Department of the Office of the Chief of Staff for National Defence and the Civilian Intelligence and Information Analysis Department of the Ministry of the Interior shall scrupulously respect the separation between intelligence and information-gathering functions and the operations to which they give rise. The

responsibility for dealing with any threats shall fall to the appropriate executing organs of the Government.

51. The Government undertakes to prevent the formation of networks or groups which are incompatible with the duties assigned to the intelligence and analysis offices referred to in paragraphs 47, 48 and 49.

52. With a view to preventing any abuse of power and guaranteeing respect for the freedoms and rights of citizens, the Government undertakes to encourage the Guatemalan Congress to adopt the following:

(a) A law establishing modalities for the supervision of State intelligence bodies by a designated commission of the legislative branch;

(b) A law regulating access to military or diplomatic information relating to national security, as provided for in article 30 of the Constitution, and containing provisions on classification and declassification procedures and levels.

Archives

53. All data contained in State archives shall be handled in strict compliance with article 31 of the Political Constitution. Once the constitutional reforms envisaged in this Agreement have been approved, the archives, records and any other type of State files relating to domestic security shall be transferred to the Ministry of the Interior. Archives, records and any other State files relating to the protection of the sovereignty and integrity of the territory shall be transferred to the Ministry of Defence. These Ministries shall be responsible for managing the information.

54. In keeping with article 31 of the Political Constitution, the Government shall promote criminal sanctions for attempts to maintain illegal files and records containing political information.

F. Professionalization of civil servants

55. Article 136 of the Constitution stipulates that the right of Guatemalan citizens to seek public office must be guaranteed. However, only individuals with ability, honesty and integrity are eligible to do so. Accordingly, pursuant to the Agreement on Social and Economic Aspects and Agrarian Situation, the Government shall accord priority to the following activities:

(a) Modernization of government services, including publication of personnel selection and classification procedures for all departments of the executive branch, and review of the staffing table to ensure that employees and officials meet the criteria of honesty and ability;

(b) Establishment of a career civil service;

(c) Promotion of the effective implementation of legislation on integrity and accountability;

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(d) Strengthening and modernization of the Comptroller's Office;

(e) Promotion of criminal sanctions for acts of corruption and misappropriation of public funds.

V. SOCIAL PARTICIPATION

56. The strengthening of civilian power requires that the ability of citizens to participate in society also must be enhanced, by providing increased opportunities for citizen participation and building their capacity to participate.

57. In particular, social participation at the community level promotes respect for ideological pluralism and non-discrimination on social grounds, facilitates the broad, organized and harmonious participation of citizens in decision-making and enables them to shoulder their responsibilities and commitments in the quest for social justice and democracy.

58. With a view to facilitating community participation, and pursuant to the agreements already signed, the Government reiterates its commitment to decentralize the civil service in order to mobilize the full power of the State for the benefit of the population and thereby enhance the relationship between the State and the citizenry. To that end, it is necessary, inter alia, to:

(a) Strengthen municipal governments and ensure that the development council system is functioning properly. Accordingly, the relationship between these groups and the community shall be improved, to which end the authorities shall strengthen democratic practices; in addition, the relationship between these groups and the central Government shall be enhanced;

(b) In particular, establish local development councils. To accomplish that goal, the various social mechanisms created to improve people's lives shall be treated on a par with the councils; these include institutions serving indigenous communities, improvement committees and other groups which encourage all neighbours to participate in the development of their communities and municipalities and which are recognized and registered by their respective municipal authorities;

(c) Pursuant to the Agreement on Identity and Rights of Indigenous Peoples and the Agreement on Social and Economic Aspects and Agrarian Situation, create a set of circumstances conducive to the growth of local organizations that are representative of the population. In particular, the Government reiterates the commitment it made in the Agreement on Social and Economic Aspects and Agrarian Situation to enhance social participation with a variety of information and education tools focusing on the protection of human rights, the renewal of the political culture and the peaceful settlement of disputes. It also reaffirms its intention to empower social organizations to participate in social and economic development.

VI. THE ROLE OF WOMEN IN STRENGTHENING CIVILIAN POWER

59. In order to increase opportunities for women to participate in the exercise of civilian power, the Government undertakes to:

(a) Set up nationwide public awareness campaigns and educational programmes with a view to increasing public awareness of women's right to participate actively and decisively, both in rural areas and in the cities, in the process of strengthening civilian power, fully and equally and without any discrimination;

(b) Ensure that social and political organizations adopt specific policies to enhance and promote the role of women in the process of strengthening civilian power;

(c) Respect, promote, support and institutionalize women's organizations in rural areas and in the cities;

(d) Ensure that at all times in the exercise of power, women, whether organized or not, are provided with and guaranteed opportunities to participate.

60. The Parties appreciate the work undertaken at the national level by the various women's organizations and encourage them to work together to make their contribution to the process of implementing the agreements on a firm and lasting peace, especially those undertakings most directly related to women.

VII. OPERATIONAL CONSIDERATIONS RESULTING FROM THE END OF THE ARMED CONFLICT

Voluntary Civil Defence Committees (CVDC)

61. The Government shall ask the Congress of the Republic to repeal the decree creating CVDCs, effective on the day of the signing of the agreement on a firm and lasting peace. Demobilization and disarming of CVDCs shall take place within 30 days from the repeal of the decree. The CVDCs including those already demobilized, shall no longer have any institutional relationship with the armed forces of Guatemala and shall not be restructured in such a way as to restore that relationship.

Mobile military police

62. The Parties agree that the mobile military police shall be disbanded within one year from the signing of the agreement on a firm and lasting peace, at the end of which time its members will have been demobilized.

Reducing the size and budget of the armed forces

63. As from the signing of the agreement on a firm and lasting peace, in keeping with the new situation and the definition of the functions of the armed services of Guatemala contained in this Agreement, the Government of Guatemala shall begin a progressive process aimed at achieving the following:

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(a) Reorganizing the deployment of military forces in the country, in 1997, assigning them for the purposes of national defence, border patrol and protection of sea, land and air jurisdiction;

(b) Reducing the size of the armed forces of Guatemala by 33 per cent in 1997, relative to its current size and organization;

(c) Redirecting and reallocating its budget to the constitutional functions and military doctrine referred to in this Agreement, making maximum use of available resources to achieve, by 1999, a 33 per cent reduction in military spending as a proportion of GDP, as compared to 1995. This will free resources from the Government's general budget to be applied to programmes in education, health and public safety.

Military training

64. The Government shall adapt and modify the content of those courses created in the context of the armed conflict with a view to counter-insurgency, to make them compatible with the new military education system and to guarantee the dignity of those involved, their observance of human rights, and the public-spiritedness of their role.

Reintegration programmes

65. The Government undertakes to design and implement, after the signing of the agreement on a firm and lasting peace, programmes to promote the productive reintegration of those members of the armed forces who may be demobilized as a result of this Agreement, with the exception of those found guilty of committing a criminal act. These programmes shall end within one year. The Government shall ensure that these plans receive the necessary funding.

VIII. FINAL PROVISIONS

First. - In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to ensure that this Agreement is carried out.

Second. - This Agreement is part of the agreement on a firm and lasting peace and shall take effect when the latter is signed.

Third. - This Agreement shall be widely publicized.

Mexico City, 19 September 1996.

FOR THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA:

Gustavo PORRAS CASTEJÓN

Otto PÉREZ MOLINA
Brigadier-General

Raquel ZELAYA ROSALES

Morris Eugenio de LEÓN GIL
Colonel (Infantry)

Richard AITKENHEAD CASTILLO

FOR THE UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA:

Commander Rolando MORÁN

Commander Pablo MONSANTO

Commander Gaspar ILÓM

Carlos GONZALES

FOR THE UNITED NATIONS:

Jean ARNAULT
Moderator

Annex

[Original: Spanish]

Agreement on the definitive ceasefire

Whereas:

The definitive ceasefire is the outcome of the concluding of the substantive agreements emanating from the peace process and is also related to the operational agreements on "Basis for the integration of the Unidad Revolucionaria Nacional Guatemalteca (URNG) in the political life of the country" and the "Timetable for the implementation and verification of the peace agreements", according to which the staggered demobilization of URNG forces called for under this Agreement must be started at the same time as the implementation of the undertakings set out in the peace agreements,

The Government of Guatemala reiterates that the incorporation of URNG in the political and legal life of the country, under conditions of security and dignity, is in the national interest, given that it is directly related to the objective of reconciliation and the consolidation of a democratic system open to all, and to the contribution of all Guatemalans in building a prosperous country, a just and equitable socio-economic system and a multicultural, multiethnic and multilingual nation,

The contents of the peace agreements reflect a national consensus, having been endorsed by the various groups represented in the Assembly of Civil Society and outside it, and thus making the progressive implementation of the peace agreements a national agenda that must address the legitimate aspirations of Guatemalans while uniting the efforts of all behind these common objectives,

The agreement on a definitive ceasefire testifies to the decision by the political-military structure of URNG to constitute itself as a lawful political body and to be a participant, together with the Government and civil society, in working for peace, development and the common good,

During the current phase of negotiations the Government of Guatemala and the forces most representative of Guatemalan society have played a major role in creating the climate of trust which exists between the parties, who recognize that the support of the international community is an important element in the negotiation process,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter "the parties") have agreed as follows:

A. Ceasefire

Concept

1. Ceasefire means the cessation of all insurgent action by URNG units and the cessation of all counter-insurgent action by the Guatemalan armed forces.

Entry into force

2. The ceasefire shall enter into force as of 0000 hours on D-day, the date on which the United Nations verification mechanism shall be in place with full operational capacity. This phase must be completed no later than D+60, with the demobilization of URNG.

3. The parties agree to maintain the current cessation of offensive military activity by URNG and of counter-insurgent military activities by the Guatemalan armed forces until D-day.

4. The United Nations shall notify the parties of the establishment of the verification mechanism as soon as possible so that D-day may be set.

Deployment of the verification mechanism

5. From D-10 to D-day the United Nations shall deploy its personnel and equipment in order to verify the ceasefire at the sites determined by the parties in the annexes to this Agreement.

Verification sites

6. For purposes of verification, during the period of the ceasefire, representatives of the United Nations shall be present in the military units of the Guatemalan armed forces designated in annex C and at the URNG assembly points specified in annex A to this Agreement.

Ban on political propaganda

7. During troop movements and once at the assembly points, the assembled forces may not engage in any propaganda or political activities beyond the assembly points.

B. Separation of forces

Concepts

8. Redeployment of Guatemalan armed forces units: withdrawal means the establishment of spaces in which there is no Guatemalan armed forces presence of any kind. These spaces are to ensure safety and logistical support for URNG in order to facilitate verification by the United Nations.

9. Assembly and disarming of URNG members: assembly of URNG members shall take place at the points specified by the parties. Their size shall be determined by the number of URNG members to be assembled and shall be sufficient to allow for temporary residence in adequate conditions.

Separation distance

10. Once the assembly points for members of URNG have been agreed upon and the military units of the Guatemalan armed forces referred to in annex C have been

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redeployed, the minimum distance between the units and the assembly points shall be 6 kilometres, in order to ensure that the operation proceeds without incident. The URNG assembly points shall be located preferably no less than 20 kilometres from the border.

Security zone

11. A security zone having a radius of 6 kilometres shall be established around each assembly point in which no units of the Guatemalan armed forces, Volunteer Civil Defence Committees (CVDC) or members of URNG may be present.

12. Only United Nations verification units may have access to these zones. Police activities may be carried out subject to coordination with the United Nations verification authority.

Coordination zone

13. A coordination zone extending a further 6 kilometres shall be established around each security zone. Movement by military units of the Guatemalan armed forces and CVDCs must be coordinated in advance with the United Nations verification authority.

Establishment of assembly points and transit routes

14. Assembly points and transit routes are listed in the following annexes to this Agreement:

- (a) Annex A: Assembly points for URNG units;
- (b) Annex B: Transit routes by which URNG units are to travel to the assembly points;
- (c) Annex C: Redeployment and location of Guatemalan armed forces military units subject to verification.

Information concerning troops and weapons

15. URNG shall provide the United Nations with detailed information on the number of troops, lists of names, inventories of weapons, explosives and mines, and all other necessary information concerning the existence of minefields, munitions and other military equipment, both in their possession and in storage. The Guatemalan armed forces shall likewise provide updated information on the number of troops in the units to be redeployed which are identified in annex C. Both parties shall transmit this information to the verification authority no later than D+15.

16. The parties agree to transmit to the verification authority within the time agreed with both of them any additional information required by the authority.

Start of redeployment

17. Redeployment of the units of the Guatemalan armed forces designated in annex C shall begin on D+2 and shall continue until D+10, or earlier, if possible.

18. URNG troops shall begin to move towards the assembly points designated in annex A from D+11 to D+21 or earlier, if possible. They shall be accompanied in this move by the verification mission.

19. The Parties shall communicate to the United Nations verification authority no later than D-10 the full programme for the moves of their respective forces (composition, route to be taken, when the move is to begin and any other information needed to complete the verification).

Troops to be assembled

20. The troops to be assembled by URNG are as follows:

(a) Members of the various guerrilla fronts or their equivalent in each URNG organization, having command, policy, security, intelligence, logistic, medical service, permanent force and minor unit structures;

(b) Armed elements organized into groups known as local, resistance guerrilla forces and similar groups in each URNG organization, which have been established to provide combat support;

(c) Armed elements organized into groups operating in the urban and suburban fronts of the various URNG organizations.

Restrictions on assembled URNG troops

21. Assembled URNG elements undertake not to leave the assembly points without the consent and verification of the United Nations. They may do so if they are unarmed and accompanied by verification representatives in coordination with the Government of Guatemala, in the cases provided for in the following subparagraphs:

(a) Medical treatment;

(b) To hand over clandestine stores of arms, munitions and equipment located anywhere;

(c) To point out areas where there are minefields;

(d) For any other humanitarian purpose, whether individual or collective;

(e) To conduct consultations with other assembly points or working groups.

Verification of military units of the Guatemalan armed forces designated in annex C

22. The military units of the Guatemalan armed forces designated in annex C of this document shall be subject to verification programmes by the United Nations during the ceasefire process and shall give prior notice of their movements to the verification authority when such movements are scheduled to be conducted within the coordination zones.

Restriction of airspace

23. This shall enter into force on D-Day; utilization of airspace shall remain restricted as follows:

(a) Military flights over security zones shall be prohibited save in case of disaster or public emergency in which case advance notice of such flights shall be given to the United Nations verification authority;

(b) Military flights over coordination zones shall be permitted with advance notification to the United Nations verification mission.

Disarming of URNG

24. Disarming shall consist of the depositing, registration and handing over to the United Nations of all types of offensive and defensive weapons, munitions, explosives, mines and other supplementary military equipment in the possession of URNG forces, whether in their possession or in minefields or clandestine storage anywhere.

Control of armaments

25. From D+11 to D+42 in URNG assembly points, weapons, munitions and other military equipment shall be deposited in special warehouses designated by the United Nations; combatants, however, shall keep their personal equipment and weapons as long as they remain in those locations.

26. Each warehouse shall have two locks; one key shall be held by the United Nations and the other by the URNG official in charge of each encampment. The United Nations shall periodically check the inventory of each warehouse.

C. Demobilization

Concept

27. Demobilization means the ending of URNG military structures in the agreed assembly points. The integration of URNG in the country's political life shall proceed in accordance with the agreement on basis for the integration of URNG into the political life of the country, which is subject to United Nations verification.

Operational aspects

28. The phased demobilization of URNG combatants and their integration, within a framework of legality, into the civil, political, socio-economic and institutional life of the country shall be based on the provisions of the agreement on basis for the integration of URNG into the political life of the country and in accordance with the implementation of the agreement on the timetable for implementation and verification of the peace agreements. The demobilization shall be carried out as follows:

- (a) From D+43 to D+48: 33 per cent;
- (b) From D+49 to D+54: 66 per cent;
- (c) From D+55 to D+60: 100 per cent.

Logistical support

29. A commission made up of representatives of URNG and of the Government of Guatemala shall be established under the coordination of the United Nations, in order to provide logistical support to the ceasefire and demobilization process. The number of members of the Commission shall be determined in accordance with needs.

Handing over of weapons and munitions

30. Prior to the demobilization of the last group of combatants, and by D+60 at the latest, URNG shall hand over to the United Nations all weapons and military equipment of its forces whether in its possession or in storage.

D. Verification

Term

31. International verification by the United Nations means on-site monitoring of the fulfilment by both parties of the commitments entered into in this Agreement.

Start of verification

32. Verification shall start on D-day when the ceasefire comes into effect, in accordance with the provisions of this Agreement, without thereby restricting fulfilment by the Guatemalan armed forces of their constitutional function in the rest of the national territory.

Coordination and follow-up

33. For the purposes of coordination and follow-up the Parties undertake to designate officials, at different levels, to liaise with the verification authority.

E. Final provision

This Agreement shall be part of the Agreement on a firm and lasting peace and shall enter into force when the latter is signed.

Oslo, 4 December 1996

FOR THE GOVERNMENT OF GUATEMALA

(Signed) Gustavo PORRAS CASTEJÓN

(Signed) Otto PÉREZ MOLINA
Brigadier General

(Signed) Raquel ZELAYA ROSALES

(Signed) Richard AITKENHEAD CASTILLO

FOR THE UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA

(Signed) Commander Rolando MORAN

(Signed) Commander Pablo MONSANTO

(Signed) Carlos GONZALES

(Signed) Jorge ROSAL

FOR THE UNITED NATIONS

(Signed) Jean ARNAULT
Moderator

ANNEX I

[Original: Spanish]

Agreement on Constitutional Reforms
and the Electoral Regime

I. CONSTITUTIONAL REFORMS

Whereas the Constitution in force since 1986 sets forth the responsibility of the State, as the expression of the legal and political organization of society, for promoting the common good and the consolidation of the rule of legality, security, justice, equality, freedom and peace, and defines as a central concern the promotion of the full enjoyment of human rights within a stable, permanent and popular institutional order in which governed and government act with absolute adherence to the law,

Whereas in the Oslo Agreement of 30 March 1990, the delegation of the National Reconciliation Commission of Guatemala (CNR), acting with the full support of the Government of Guatemala, and the delegation of the Unidad Revolucionaria Nacional Guatemalteca (URNG), acting with the full support of its General Command, placed on record their express determination to find ways to solve the nation's problems peacefully by political means,

Whereas on 24 April 1991, the process of direct negotiation began between the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), the Parties having pledged that the political agreements reached would reflect the legitimate aspirations of all Guatemalans and would be drawn up in accordance with the constitutional framework in force and with the El Escorial agreements, in which URNG and the country's political parties had pledged to promote such reforms of the Political Constitution of the Republic as were necessary for the reconciliation of all Guatemalans, the ending of the internal armed conflict, the peaceful solution of the nation's problems by political means and full respect for and application of the law,

Whereas the constitutional reforms contained in this Agreement constitute a substantive, fundamental basis for the reconciliation of Guatemalan society within the framework of the rule of law, democratic coexistence, full observance of and strict respect for human rights, an end to impunity and, at the national level, the institutionalization of a culture of peace based upon mutual tolerance and respect, shared interests and the broadest possible public participation in all structures of power,

Whereas the above-mentioned reforms will contribute to political stability, the strengthening of civilian power and the agreed redefinition of the functions of the armed forces for the new era in the country's history which will begin with the signing of the Agreement on a Firm and Lasting Peace,

Whereas the above-mentioned reforms also systematize and develop the spirit and the letter of the commitments signed on institutional, political, economic,

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social and ethnic issues, on human rights and their strict observance and on efforts to combat impunity,

Whereas, at the national level, recognition of the identity of indigenous peoples is of fundamental importance for building national unity based on respect for and the exercise of the political, cultural, economic and spiritual rights of all Guatemalans, as well as on the fulfilment of their duties,

Whereas the agreed constitutional reforms are a historic step which, at the institutional level, guarantees and ensures the building of a just peace and democratic stability by political and institutional means, within the framework of the political Constitution of the Republic,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), hereinafter referred to as "the Parties", have agreed as follows:

1. The Government of the Republic shall place before the Congress of the Republic the draft constitutional amendments contained in sections A and B of this Agreement 60 days after its entry into force.
2. It is understood that, where the text of a proposed constitutional amendment is not expressly drafted and the number of the corresponding article is not indicated, its drafting and numbering will be left to the legislative branch.
3. The Parties request the Congress of the Republic to promulgate or amend ordinary legislation, as necessary, to adapt it to the provisions agreed to by the Parties in the Peace Agreements and to the constitutional amendments contained in this Agreement; and also, if necessary, to agree to any other constitutional or legal amendments that may be required to maintain consistency and compatibility with the reforms proposed by the Parties.

A. Constitutional reforms contained in the Agreement on
Identity and Rights of Indigenous Peoples

4. This Agreement provides for constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples and, from that standpoint, of the need to define and characterize the Guatemalan State as being one of national unity and multi-ethnic, multicultural and multilingual in nature. It is not just a matter of recognizing the existence and identity of various ethnic groups, as article 66 of the Constitution currently does, but of recognizing that the very make-up of society, without prejudice to the unity of the nation and the State, is characterized in that way; this also entails recognizing the specific nature of indigenous people's spirituality as an essential component of their world view and of the transmission of their values, and granting official constitutional recognition to indigenous languages as one of the mainstays of national culture and as a vehicle for acquiring and transmitting indigenous people's world view, knowledge and cultural values.

Identity of the Maya, Garifuna and Xinca peoples

5. Sponsor in the Congress of the Republic express constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples, within the unity of the Guatemalan nation.

List of the languages existing in the country

6. Sponsor in the Congress of the Republic an amendment to the Constitution incorporating in its article 143 a list of all languages existing in the Republic, which the Government is required to recognize, respect and promote.

Official recognition of indigenous languages

7. Sponsor in the Congress of the Republic, in accordance with the conclusions of the Official Recognition Commission established under the Agreement on Identity and Rights of Indigenous Peoples, the necessary constitutional amendments arising out of the Commission's work.

Spirituality of the Maya, Garifuna and Xinca peoples

8. Sponsor in the Congress of the Republic the amendment of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

Definition and characterization of the Guatemalan nation

9. Sponsor in the Congress of the Republic an amendment to article 140 of the Constitution to define and characterize the Guatemalan nation as being one of national unity and multi-ethnic, multicultural and multilingual in nature.

B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

10. Within the framework of the modernization of State institutions, the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society provides for constitutional reforms with respect to the Congress of the Republic, the Judiciary, the functions of the President of the Republic, and the Guatemalan armed forces. The aim is not to propose case-by-case measures, but to reformulate the whole conception of State organs and institutions with a view to strengthening democracy in line with present-day constitutional trends.

Congress of the Republic

11. With regard to the Congress of the Republic, present conditions have prompted various social sectors to raise the issue of the number of deputies, with a view to preventing their numbers from exceeding a predetermined reasonable level while preserving their representativeness as a characteristic expression of democracy. In addition, that representativeness raises the need

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for an equally reasonable turnover of deputies; accordingly, it is envisaged that deputies will not be able to be re-elected for more than two consecutive terms.

Fixed number of deputies

12. Sponsor in the Congress of the Republic an amendment to article 157 of the Constitution to maintain the number of deputies in the Congress at the current level.

13. An amendment to the same article, stating that deputies cannot be re-elected for more than two consecutive terms, should also be sponsored, so as not to prevent parliamentary careers but at the same time to permit a turnover of political leadership in the Congress.

Administration of justice

14. The integrity and efficiency of the judicial function fulfil the task of guaranteeing the rules of social relations, a guarantee which can become operative only if there is security, as manifested in the substantive rights prescribed by law, the fair settlement of disputes, universal respect for procedural norms, the punishment of offenders and reparation for injury.

15. That is why it is important to strengthen the judicial function so that, within the constitutional framework that provides general guarantees for the administration of justice, free access to the administration of justice, regardless of financial means, can become a reality, based, in particular, on the multi-ethnic, multicultural and multilingual nature of Guatemala; the impartiality and independence of judges; the reasonable and prompt resolution of social conflicts; the provision of alternative mechanisms for resolving such conflicts; and a career judicial service which strives to ensure the professional excellence of judges, as well as proper recognition of the dignity of their profession and of their rights and responsibilities with regard to training and advanced training, without prejudice to a disciplinary system which, while respecting the rights of defence and due process, guarantees the proper exercise of the judicial function, with the power to impose penalties being exercised solely by the judiciary.

Guarantees for the administration of justice

16. Sponsor in the Congress of the Republic an amendment to article 203 of the Constitution which would make an initial express reference to guarantees of the administration of justice and, as such, include: (a) free access to the administration of justice in the person's own language; (b) respect for the multi-ethnic, multicultural and multilingual nature of Guatemala; (c) defence counsel for those who cannot afford it; (d) impartiality and independence of judges; (e) reasonable and prompt resolution of social conflicts; and (f) provision of alternative conflict-resolution mechanisms. In addition, the present content of article 203 should be reproduced in summarized form in a separate paragraph.

Career judicial service

17. Sponsor in the Congress of the Republic the amendment of articles 207, 208 and 209 of the Constitution, which would include a reference to the Act on the Career Judicial Service and establish its content as follows:

(a) Rights and responsibilities of judges, dignity of the profession and adequate remuneration;

(b) System of appointments and promotions of judges based on public competitive examinations designed to ensure professional excellence;

(c) Right and duty to pursue judicial training and advanced training;

(d) Disciplinary system, with pre-established guarantees, procedures, levels of jurisdiction and penalties, and the principle that a judge or magistrate can be investigated and punished only by his peers.

Personnel of the judiciary

18. Sponsor in the Congress of the Republic an amendment to article 210 of the Constitution eliminating the guarantee set forth in the second paragraph, since its content would be subsumed under the three preceding articles. Article 210 should refer only to personnel of the judiciary who are not judges or magistrates.

National Civil Police

19. Sponsor in the Congress of the Republic the inclusion of an article in the Constitution defining the functions and main characteristics of the National Civil Police as follows:

"The National Civil Police is a professional and hierarchical institution. It is the only armed police force with national jurisdiction and its function is to protect and safeguard the exercise of the rights and freedoms of individuals; to prevent, investigate and combat crime; and to maintain public order and internal security. It shall be under the control of civilian authorities and shall show strict respect for human rights in carrying out its functions.

"The law shall regulate the requirements and procedures for admission to the police profession, as well as promotions, advancement, transfers, disciplinary action against police officials and employees and other questions related to the functioning of the National Civil Police."

Guatemalan armed forces

20. In a democratic society, the typical functions of the armed forces relate to the defence of sovereignty and territorial integrity; any other function is atypical and exceptional; like any other government institution, their exercise of other functions must take place in a context of subordination to lawfully constituted authority and be preceded by a decision of and be monitored by the

lawfully constituted authorities of the State within their specific sphere of competence. Any exceptional function of the armed forces must therefore be decided by the President of the Republic, as Head of State and Commander-in-Chief of the Armed Forces, and be subject to oversight by the Congress of the Republic.

21. Moreover, like other Ministers of State, the Minister of Defence is called upon to perform policy-making functions which do not necessarily require that he have a strictly technical background. As a result, the current requirement that he be a member of the armed forces is not justified. In keeping with present-day conceptions of the organization of the judiciary, exclusive military jurisdiction in criminal matters should be confined to strictly military crimes and misdemeanours.

Constitution, organization and functions of the armed forces

22. Sponsor in the Congress of the Republic an amendment to article 244 of the Constitution so that it reads as follows:

"Article 244. Constitution, organization and functions of the armed forces. The Guatemalan armed forces are a permanent institution in the service of the nation. They are unique and indivisible, essentially professional, apolitical, obedient and non-deliberative. Their function is to defend the sovereignty of the State and the integrity of its territory. They consist of land, sea and air forces. Their organization is hierarchical and is based on the principles of discipline and obedience."

Functions of the President of the Republic

23. Sponsor in the Congress of the Republic an amendment to article 183 of the Constitution which would include the following:

"Delete paragraph (r) of article 183 and amend the wording of paragraph (t) to read: 'To grant special pensions'".

24. With regard to the functions of the President of the Republic, it has been agreed to sponsor the inclusion of the following in article 183:

"Where the normal means for the maintenance of public order and internal peace have been exhausted, the President of the Republic may, on an exceptional basis, use the armed forces for this purpose. The action of the armed forces shall always be temporary, shall be conducted under civilian authority and shall involve no limitation whatsoever on the exercise of the constitutional rights of citizens.

"To order these exceptional measures, the President of the Republic shall issue the corresponding agreement. The action of the armed forces shall be limited to such time and modalities as are strictly necessary and shall cease as soon as its purpose has been achieved. The President of the Republic shall keep the Congress informed of the operations of the armed forces, and the Congress may at any time order that such operations shall cease. In any event, within 15 days following the end of such operations,

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the President of the Republic shall submit to the Congress a detailed report on the action of the armed forces."

Duties and powers of the President over the armed forces

25. Sponsor in the Congress of the Republic an amendment whereby the final sentence of paragraph (b) of article 246 of the Constitution, which reads: "He may, likewise, approve special pensions", would be deleted.

26. Also sponsor the redrafting of the first paragraph of article 246 so that it reads as follows:

"The President of the Republic is the Commander-in-Chief of the Armed Forces and shall issue his orders through the Minister of National Defence, whether the Minister is a civilian or a member of the armed forces."

Military courts

27. Sponsor in the Congress of the Republic the total redrafting of article 219 of the Constitution, so that it reads as follows:

"Article 219. Military courts. The military courts shall try the crimes and misdemeanours specified in the Military Code and in the corresponding regulations. Ordinary crimes and misdemeanours committed by military personnel shall be tried and judged by the ordinary courts. No civilian may be judged by military courts."

II. ELECTORAL REGIME

Whereas:

Elections are the essential instrument for the transition which Guatemala is currently making towards a functional, participatory democracy,

For that purpose, Guatemala has, in the form of the Supreme Electoral Tribunal, an independent institution of recognized impartiality and prestige which is a key element in safeguarding and strengthening the electoral regime,

It is necessary to increase citizens' participation in the electoral process and to overcome the phenomenon of abstentionism in order to strengthen the legitimacy of public authority and consolidate a pluralistic, representative democracy in Guatemala,

The level of electoral participation is the result of many different social and political factors, including the impact of civil institutions on the daily lives of Guatemalans, the capacity of political parties to fulfil people's expectations, the degree of organized participation by citizens in social and political life and their level of civic education, all of which are elements which the package of peace agreements already signed seeks to strengthen.

The electoral process is marred by specific shortcomings which impede the effective enjoyment of the right to vote. These shortcomings include citizens' lack of reliable documentation, the absence of technically prepared electoral rolls, difficulty of access to registration and voting, lack of information and the need for greater transparency in election campaigns.

This Agreement seeks to promote legal and institutional reforms which will remedy those shortcomings and constraints and, together with the other peace agreements, help to improve the electoral regime as an instrument of democratic transformation.

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as "the Parties") have agreed as follows:

Electoral Reform Commission

1. Recognizing the role of the Supreme Electoral Tribunal in safeguarding and strengthening the electoral regime, the Parties agree to request the Tribunal, through this Agreement, to establish and preside over an Electoral Reform Commission charged with publishing a report and making a series of recommendations on electoral reform and the corresponding legislative amendments.
2. In addition to its Chairman, who would be appointed by the Supreme Electoral Tribunal, the Commission would consist of one representative and one alternate for each of the political parties with representation in Parliament and two members and their respective alternates to be appointed, at its discretion, by the Supreme Electoral Tribunal. The Electoral Reform Commission would receive all such support and advisory services as it considered necessary.
3. It is recommended that the above Commission be constituted no later than three months after the signing of the Agreement on a Firm and Lasting Peace and that it complete its work no later than six months from the date of its establishment. In order to achieve its objectives, the Commission would have to encourage an extensive pluralistic debate on the subject of Guatemala's electoral regime.
4. As a minimum, non-restrictive agenda for modernizing the electoral regime, the Commission would consider the following items:
 - (a) Documentation;
 - (b) Electoral rolls;
 - (c) Voting;
 - (d) Transparency and publicity;
 - (e) Information campaign;
 - (f) Institution-building.

Basic proposals

5. In connection with these items, the Parties agree that, in keeping with the efforts being made to strengthen the electoral process, they would put forward for consideration by the Electoral Reform Commission the following basic proposals:

Documentation

6. Given that lack of reliable documentation is an obstacle to the implementation of the various phases of the electoral process, the Parties consider that it would be useful to introduce a single identity document, with a photograph of the holder, which would replace the present local identity card and which, as an identification document for all civil matters, would also serve for elections. Such a document would be issued by the Supreme Electoral Tribunal, through the National Registry. To this end, the appropriate reforms of the Elections and Political Parties Act and the Civil Code would be undertaken.

7. As a contribution to the next general elections, it would be extremely important and useful for all citizens to use the new single identity document.

Electoral rolls

8. Bearing in mind the need to steadily improve the electoral rolls which the Supreme Electoral Tribunal is responsible for compiling and updating, the Parties consider that it would be useful for the Electoral Reform Commission to study ways of ensuring that deaths and changes of address are recorded systematically.

9. In order to establish electoral districts within each municipality, with their own electoral roll, where necessary, to facilitate voting, it is proposed that the Commission should recommend the reform of the Elections and Political Parties Act to ensure that the electoral rolls are based on place of residence.

10. The Electoral Reform Commission should examine ways of facilitating citizens' access to voter registration centres and of ensuring that the Supreme Electoral Tribunal has the resources to expand its coverage in rural areas.

11. Taking into account the new functions of the Guatemalan armed forces, as set forth in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, and considering the Parties' shared objective of promoting the broadest possible participation of citizens in the electoral process, the Commission is invited to examine the desirability of granting, in the future, members of the Guatemalan armed forces on active duty the political right of voting in Guatemalan elections.

Voting

12. It is necessary to facilitate citizens' access to voting centres. To that end, the Parties propose that, based on the electoral rolls, the Supreme Electoral Tribunal, in consultation with political parties, should identify the

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places in which voting centres are to be set up within municipalities; such places would be those which have large numbers of residents living a long way from the municipal capital and which are also accessible to party poll-watchers and electoral observers. Voting centres should correspond to a municipal electoral district with its own electoral roll, thereby avoiding any problems which might otherwise arise from having a common municipal electoral roll for all voting centres.

13. The Electoral Reform Commission should study and propose the necessary legislative and/or administrative changes to facilitate the participation of internal migrant workers in elections, which currently coincide with the period of seasonal migration of labour.

Transparency and publicity

14. In order to promote greater transparency in the presentation of candidates by assemblies of political parties, action should be taken to ensure that all party members are informed of the convocation and holding of the general assemblies of political parties. The Electoral Reform Commission could examine whether compliance in convoking and holding the assemblies of political parties might be verified as a matter of routine by the National Registry or whether it would be useful to amend the law to enable the Supreme Electoral Tribunal to supervise effectively the convocation and holding of assemblies of political parties, as well as their results.

15. In order to ensure transparency in the financing of election campaigns and that voter preference is not supplanted by spending power, the Parties consider that the Supreme Electoral Tribunal should have the power to set a ceiling for campaign spending by each presidential candidate in the mass media. It is recommended that consideration be given to the possibility of providing and facilitating the use of media time and space free of charge for all parties on an equal footing.

16. Parties and candidates should be compelled to make available such accounting records and reports as may be required from them by the National Registry in order to verify that their sources of funding are lawful. The calculation of campaign spending should include, at market prices, any advertising donated to the parties during the election campaign.

17. It would also be useful to promote a reform of the Penal Code to characterize the acceptance of illicit campaign funding as a crime, establishing that anyone who receives or authorizes the receipt of such contributions for the funding of political organizations or election campaigns is guilty of such a crime. The reform would establish the corresponding criminal penalties.

Public information campaigns

18. The increasingly active participation of citizens in the electoral process is a guarantee of the legitimacy and representativeness of the elected authorities. This objective would be more easily achieved if ongoing campaigns to educate, motivate and inform citizens were carried out. The Electoral Reform Commission would examine the possibility of conducting information campaigns to:

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- (a) Explain the importance of the right of citizens to vote and to be elected;
- (b) Encourage and promote the timely preparation of electoral rolls;
- (c) Provide information on how to vote, the documents to be presented at voting tables and centres and the hours during which voting takes place;
- (d) Provide information on how to organize civic committees or join a political party.

19. In order to ensure that these campaigns are effective, account would have to be taken of the importance of using the various languages of indigenous peoples, as agreed in the Agreement on Identity and Rights of Indigenous Peoples.

Institution-building

20. In order to strengthen the electoral regime, the Parties agree to request the Electoral Reform Commission to design a programme for modernizing the National Registry. Such a programme, with the corresponding activities to train and professionalize the personnel involved, would permit the automation of data and their incorporation into coordinated networks so that electoral rolls could be effectively cross-checked, maintained and updated.

21. Bearing in mind the role of the Supreme Electoral Tribunal in the electoral reform proposed in this Agreement, the Parties consider that it would be helpful if the Electoral Reform Commission were to analyse what resources the Tribunal requires in order to function efficiently, particularly in order to perform its ongoing functions in the areas of voter registration, preparation of electoral rolls and public information campaigns. The executive branch, for its part, will review the Electoral Reform Commission's analysis of such resources and take whatever action it can to strengthen the operations of the Supreme Electoral Tribunal.

III. FINAL PROVISIONS

First. This Agreement forms part of the Agreement on a Firm and Lasting Peace and shall enter in force on the day when the latter is signed.

Second. In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to verify compliance with this Agreement.

Third. This Agreement shall be widely publicized.

Stockholm, 7 December 1996.

For the Government of Guatemala:

(Signed) Gustavo PORRAS CASTEJÓN

(Signed) Otto PÉREZ MOLINA
Brigadier-General

(Signed) Raquel ZELAYA ROSALES

(Signed) Richard AITKENHEAD CASTILLO

For the Unidad Revolucionaria Nacional Guatemalteca:

(Signed) Carlos GONZALES

(Signed) Commander Rolando MORÁN

(Signed) Commander Pablo MONSANTO

(Signed) Jorge ROSAL

For the United Nations:

(Signed) Jean ARNAULT

ANNEX II

[Original: Spanish]

Agreement on the Basis for the Legal Integration of the
Unidad Revolucionaria Nacional Guatemalteca

Whereas the internal armed conflict that Guatemala has experienced for over three decades resulted from the closing of political opportunities for democratic expression and participation and from the adoption of measures of political repression against individuals and organizations linked or identified with the Government overthrown in 1954,

Whereas, given a situation where there is social and economic injustice, including discriminatory practices against indigenous peoples, and the systematic denial of individual and collective rights and safeguards, the peoples concerned have the right to seek the necessary democratic change,

Whereas the package of peace agreements signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) constitute a new and promising framework for the democratic life of the country, based on new forms of political participation and a new institutional framework,

Whereas building a democratic, multi-ethnic, multicultural and multilingual nation, with social justice, calls for equitable participation by all citizens, both men and women, on the basis of complete political and ideological pluralism,

Recognizing that Guatemalan society needs to develop conditions conducive to reconciliation and lasting governability,

Whereas completion of the negotiating process with a view to finding a political solution to the internal armed conflict calls for the establishment of a set of measures to integrate URNG as a lawful body,

Recognizing the determination of URNG to convert its political-military forces into a duly authorized political party that will operate within the Guatemalan legal system,

Recognizing that the legal integration of members of URNG, in full exercise of their constitutional rights and duties and in security and dignity, will contribute to the democratic process and its consolidation, the restoration of the social fabric in Guatemala, reconciliation and the establishment of a firm and lasting peace,

Calling on the State as a whole, all sectors of Guatemalan society and the international community to assist in and contribute to the process of integrating URNG,

The Government of Guatemala and URNG (hereinafter referred to as "the Parties") have agreed as follows:

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I. DEFINITIONS

1. The "legal integration of URNG" means the process whereby URNG members are to be integrated into political, economic, social and cultural life in a context of dignity, security, legal safeguards and the full exercise of their civil rights and duties.

2. The process of integrating members of URNG shall begin with the signing of the Agreement on a Firm and Lasting Peace and shall lead to their lasting integration into the civil life of the country. The integration process shall be divided into two phases: an initial integration phase, which shall last one calendar year starting on D+60, and a subsequent, definitive integration phase, for the medium term, in which the support required to consolidate the process will be provided.

Initial integration phase

3. There shall be two separate procedures during the initial integration phase, which shall be applied according to the status of the URNG members concerned:

(a) The procedure applicable to members of the various guerrilla fronts and other combatants, according to the definitions set out in paragraph 20 of the Agreement on the Definitive Ceasefire. Such procedure shall be divided into two stages:

(i) The demobilization stage, which shall last two months and means the ending of URNG military structures at the agreed assembly points. This stage shall include services such as the provision of temporary documentation and vocational training and guidance, with a view to facilitating the subsequent integration of demobilized combatants. The verification authority shall transmit to the Special Integration Commission a definitive list of demobilized combatants drawn up at assembly points no later than D+30;

(ii) The reinsertion stage, which shall begin upon completion of the demobilization process (D+60) and end one year later. Its basic purpose is to provide emergency assistance to former combatants and create conditions conducive to a smooth transition to the definitive integration phase. The minimum requirements to be met during such phase are (but shall not be limited to):

- Provision of inputs and services appropriate to an emergency situation;
- Beginning of training and employment programmes;
- Establishment of financial machinery to obtain the resources needed to launch the definitive integration phase;

- Identification of government social and economic programmes for the population as a whole that can provide assistance to former combatants and to members of URNG internal structures who are to be integrated during the definitive integration phase, on terms similar to those for other beneficiaries of such programmes;

(b) The procedure applicable to other URNG members, members of the internal political structure and Guatemalans forming part of the international support structure who are not subject to the demobilization process. Provision shall be made for them to receive the necessary support for their legal integration, and, based on their individual circumstances, other services to facilitate their integration into productive life. URNG shall transmit to the verification authority by D-15 at the latest a list of non-demobilized members who are to be beneficiaries of this procedure. The authority shall, in turn, transmit such list to the Special Integration Commission once it has been set up.

4. The Government of Guatemala and URNG pledge to take the necessary steps to ensure completion of the initial integration stage, and they request assistance from the international community to that end. For the execution of the relevant programme, subprogrammes and projects, a Special Integration Commission shall be set up, with the participation of the Government of Guatemala, URNG and, in a consultative capacity, donor and cooperative countries and agencies. To ensure full participation by beneficiaries in the design, execution and evaluation of projects and programmes concerning them, an Integration Foundation shall be set up which shall be directly involved in the various stages of the integration process.

Definitive integration phase

5. One year after D+60, beneficiaries of both procedures shall become eligible for longer-term services provided by the Government, including financial, technical, legal and employment assistance and assistance in the areas of education, training and production projects with a view to ensuring their lasting integration into the economic, social and cultural life of the country, on the same terms as the rest of the Guatemalan population. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

Integration programme

6. "URNG integration programme" means the package of legal, political, economic and security measures and provisions, and also subprogrammes and projects, which are to ensure the success of the integration process. This programme shall be carried out in accordance with the objectives and principles set out below.

II. OBJECTIVES AND PRINCIPLES

Objectives

7. The integration programme shall seek to create the best possible conditions for the integration of URNG members into the legal, political, social, economic and cultural life of the country, in security and dignity.

8. The initial integration phase shall seek to provide URNG members, particularly former combatants, with the necessary means to embark upon their lasting integration by means of productive, educational, training and other activities. Appropriate use of such means shall be the responsibility of the beneficiaries.

9. The definitive integration phase shall seek to provide URNG members, particularly former combatants, with the necessary support to consolidate their integration. The integration programme shall also seek to contribute to the development of the country and to national harmony.

Principles

10. The Government of Guatemala undertakes to guarantee the political, legal and security conditions and promote the social and economic conditions necessary for the implementation of the integration programme.

11. URNG undertakes to do everything possible to ensure the successful integration of all of its members into the social, economic and cultural life of the country through the implementation of the programme.

12. The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention.

13. In view of the diverse personal circumstances of the URNG members who are being integrated into lawful life, the programme shall be implemented in a flexible manner appropriate to their needs.

14. In order to ensure such flexibility, subprogrammes and projects designed, managed and implemented with the full participation of beneficiaries shall be promoted, in accordance with the institutional arrangements set out in this Agreement.

15. Whenever relevant, and particularly in the case of production projects, efforts shall be made to ensure that the programme has a positive impact on the communities in which it is carried out and that it is designed and implemented in consultation with them.

III. ELEMENTS OF THE INTEGRATION PROGRAMME

16. The URNG integration programme shall consist of the following elements:

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A. Legal area

National Reconciliation Act

17. The Government shall sponsor in the Congress of the Republic a draft National Reconciliation Act whose object shall be, in accordance with the spirit and content of the Peace Agreements, to promote a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance, while safeguarding the fundamental rights of the victims, as prerequisites for a firm and lasting peace.

The right to know the truth

18. In recognition of the inalienable right of any society to know the truth, the National Reconciliation Act shall instruct the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (the "Clarification Commission") to devise means whereby the truth about the period of the internal armed conflict may be known and acknowledged, in order to avoid a repetition of such events. The Act shall require all State bodies and entities to provide the Commission with the support necessary for the accomplishment of its tasks, in accordance with the purposes specified in the relevant agreement.

The right of redress

19. On the principle that any violation of human rights entitles the victim to obtain redress and imposes on the State the duty to make reparation, the Act shall assign to a State body responsibility for implementing a public policy of compensation for and/or assistance to the victims of human rights violations. The body in question shall take into consideration the recommendations to be formulated in that regard by the Clarification Commission.

Extinction of criminal liability

20. With a view to promoting national reconciliation, without neglecting the need to combat impunity, the National Reconciliation Act shall contain a clause allowing URNG members to be integrated into lawful life.

Political crimes

21. In relation to the aforesaid clause, the National Reconciliation Act shall declare the extinction of criminal liability for political crimes committed in the internal armed conflict up to the date on which the Act enters into force and shall cover persons who perpetrated, abetted or were accessories to crimes against State security, public institutions and the public administration, as defined in articles 359, 360, 367, 368, 375, 381, 385 to 399, 408 to 410 and 414 to 416 of the Penal Code and in Title VII of the Arms and Munitions Act. In such cases, the Public Prosecutor's Office shall refrain from exercising a right of action and the judicial authority shall dismiss proceedings.

Related common crimes

22. Also in relation to the clause mentioned in paragraph 20, the National Reconciliation Act shall extinguish criminal liability for related common crimes committed in the armed conflict, such crimes being defined as those which are directly, objectively, intentionally and causally related to the commission of the political crimes referred to in the preceding paragraph and which cannot be shown to be motivated by personal goals. The common crimes which are defined as related to the political crimes mentioned in the preceding paragraph are those described in articles 214 to 216, 278, 279, 282 to 285, 287 to 289, 292 to 295, 321, 325, 330, 333, 337 to 339, 400 to 402, 404, 406 and 407 of the Penal Code.

Other extinctions of criminal liability

23. In respect of persons who were involved in the internal armed conflict owing to institutional mandates, the National Reconciliation Act shall contain specific provisions equivalent to those previously mentioned, in that they shall extinguish criminal liability for common crimes perpetrated with the aim of preventing, thwarting, suppressing or punishing the commission of political crimes and related common crimes, where such crimes were directly, objectively, intentionally and causally related to that aim, unless it is demonstrated that there is no relationship between the criminal act and the stated aim.

Restrictions

24. The provisions in the National Reconciliation Act which extinguish criminal liability shall under no circumstances extend to crimes which, under domestic law or the international treaties ratified or signed by Guatemala, are imprescriptible or are not subject to an extinction of criminal liability.

Proceedings

25. The judicial proceedings for related common crimes shall be consistent with guarantees of due process, shall be expeditious and adversarial, and shall comprise the following stages:

- (i) If the Public Prosecutor's Office or a judicial authority is to try one of the crimes referred to in paragraphs 22 and 23, it shall transfer the case immediately to the appeals court division having jurisdiction in the matter. The court shall notify the aggrieved person, defined as such in article 117 of the Code of Criminal Procedure, the Public Prosecutor's Office and the defendant, ordering them to appear within the same period of 10 working days.
- (ii) After this period has elapsed, the court shall have five working days in which to issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. If, after the period for notification of the parties has elapsed, the court feels that it needs additional information in order to reach a decision, it shall convene an immediate oral hearing with the sole participation of the parties, at which it shall receive relevant evidence, hear statements by the parties or their lawyers and,

immediately thereafter, issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. The oral hearing shall be held within 10 working days after the end of the period for notification of the parties. At least three days shall elapse between the summons and the hearing.

- (iii) An appeal against the court's order shall be admissible only if it is submitted in writing, alleging grievances, within three days from the date of the last notification, by any of the parties having a legitimate interest in the case. If the appeal is declared admissible, the case shall be referred immediately to the amparo and preliminary judgements division of the Supreme Court, which shall decide within one week, without further hearings, to uphold, revoke or amend the contested order. The Supreme Court's decision shall not be subject to any form of appeal.

26. No coercive measures, such as committal orders, pretrial detention, measures in lieu of pretrial detention, remand or arrest shall be ordered during the proceedings. The alleged perpetrators, accused persons or defendants may be represented during the proceedings by their lawyers.

27. Upon conclusion of the proceedings, a certified copy of the entire case record shall be transmitted to the Clarification Commission.

Demobilization

28. In order to foster compliance with the demobilization of URNG members stipulated in the Agreement on the Definitive Ceasefire, the National Reconciliation Act shall establish the complete extinction of criminal liability for persons who perpetrated, abetted or were accessories to the crimes defined in articles 398, 399, 402 and 407 of the Penal Code and articles 87, 88 and 91 to 97, paragraph (c), of the Arms and Munitions Act and who committed such acts up to the date on which their demobilization was completed in accordance with the terms, conditions and time-limits stipulated in the aforesaid Agreement. The date on which that demobilization was completed shall be communicated officially by the United Nations verification authority.

Documentation

29. As a result of the conditions in which the internal armed conflict took place, many URNG members have no personal documentation. This limits the exercise of their civil rights and duties. To facilitate an immediate solution to this problem, the Government undertakes to sponsor in the Congress of the Republic the corresponding amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict (Decree 73-95). Such amendments, in addition to solving the documentation problems of uprooted population groups, shall resolve the lack of personal documentation of URNG members. The Congress shall be asked to consider and resolve this issue in the two months following the signing of the Agreement on a Firm and Lasting Peace.

Temporary documentation

30. Pending completion of the procedures required for the issue of permanent personal documentation, the verification authority shall be asked to issue temporary documentation for demobilized combatants and other beneficiaries of the Agreement on the Basis for the Legal Integration of URNG.

Other documentation

31. The procedures for naturalization of children born abroad to Guatemalans belonging to URNG shall be expedited.

Other legal provisions

32. The Government undertakes to sponsor in the Congress such legal amendments as are needed to permit full compliance with this Agreement.

B. Political area

33. The Parties undertake to promote a climate of tolerance, openness and plurality which will foster reconciliation and understanding.

34. After the signing of the Agreement on a Firm and Lasting Peace, URNG members, like all other citizens, shall enjoy the full exercise of all their fundamental rights and freedoms (including freedom of organization, movement and residence and the right of political participation) and shall pledge to fulfil all their duties and obligations.

35. The Government considers that the transformation of URNG into a political party duly accredited with the corresponding bodies is a contribution to the strengthening of the rule of law and to the consolidation of a pluralist democracy.

C. Security area

36. The Government undertakes to adopt administrative measures to guarantee the necessary conditions for the effective exercise of the civil rights of URNG members, particularly the rights to life, security and physical integrity. Respect for this undertaking shall be subject to special verification by the international verification authority, which may arrange for URNG members to be accompanied temporarily when the need arises.

37. The Government shall pay particular attention to any complaint of acts or incidents that threaten the safety of URNG members.

D. Socio-economic area

38. In the socio-economic area, the integration programme shall cover the following spheres:

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Vocational guidance and training

39. URNG members shall receive vocational guidance and assistance during the demobilization phase, and subsequently if necessary. Once agreement is reached on the kind of economic activity in which they are to engage, they shall be eligible for specific programmes of technical and vocational training.

Education

40. The Government pledges to take the necessary administrative action for the recognition, equivalency rating, validation and legalization of formal and non-formal education completed by URNG members, using appropriate evaluation and equivalency rating mechanisms.

41. During the initial integration period, specific literacy, post-literacy and intensive technical training subprogrammes shall be launched.

42. As part of integration subprogrammes, URNG members may, with the Government's cooperation benefit from grants, scholarships or any other mechanism to help them continue their education.

43. The Parties request international cooperation in implementing these provisions on education, to which end the technical recommendations to be made by the Integration Foundation shall be taken into account.

Housing

44. During the initial integration stage, the Special Integration Commission shall promote appropriate housing conditions for URNG members who require it in order to carry out the corresponding subprogrammes and projects, with special emphasis on the needs of demobilized combatants. Before the end of the initial integration phase, the Special Commission shall pay special attention to guaranteeing access to housing for demobilized URNG members who settle in rural areas and to providing proper credit facilities for those settling in urban areas.

Health

45. In the demobilization phase, combatants gathered at assembly points shall receive a medical check-up. The necessary action will be taken to treat cases identified by the check-up either in the camps or locally. The Special Commission will ensure that patients who require further treatment are referred to the corresponding services. This subprogramme shall be carried out in cooperation and consultation with the URNG medical team.

Economic and production projects

46. The Parties agree that the integration of URNG members into civilian life requires that they participate actively in production on a basis of dignity, development and legality. To that end, the Parties agree that the Special Commission and the Foundation shall support projects for expanding production

and generating employment in urban and rural areas which contribute to the fulfilment of this Agreement.

47. The orientation of such projects shall be in keeping with the provisions of the Agreement on Social and Economic Aspects and the Agrarian Situation. Projects for the expansion of production shall be implemented in keeping with the plans and needs of the communities in which they are to be carried out and in consultation with them.

48. The Government, according to its financial capacities and the technical and financial support provided by international cooperation, shall provide the necessary start-up resources for these projects. It shall facilitate access to means of production, technical advice, credit and marketing channels on the same terms as for other similar projects. It also pledges to take the necessary action to facilitate and legally recognize the forms of organization required to promote these economic activities. Programmes involving individually- or collectively-owned land shall be processed through the Land Trust Fund, on the same terms as other applicants.

E. Cultural area

49. Since a large proportion of URNG members are of Mayan origin, the Parties agree to stipulate that the integration programme must be implemented in conformity with the Agreement on Identity and Rights of Indigenous Peoples.

F. Special subprogrammes

Subprogramme for disabled persons

50. As a result of the internal armed conflict, a sector of the population is disabled and, as one of the most vulnerable and most severely affected groups, requires special priority attention under the programme envisaged in this Agreement.

51. The integration of this group is a more complex matter, because of the personal and social impact of their disability. As a result, specific projects will have to provide proper professional care for their rehabilitation and access to education and training so that they can be genuinely integrated into social and productive life in decent conditions.

Legal assistance

52. The integration programme shall provide for URNG members to receive legal assistance in dealing with the legal aspects of their integration.

Family reunification

53. The Parties agree to take all necessary measures to enable URNG members to be reunited with their families. The Government undertakes to extend all necessary facilities to that end.

54. The Government undertakes to cooperate with the Clarification Commission on matters relating to the issue of detained and disappeared URNG members and to contribute whatever resources, relevant measures and information might lead to the recovery of the remains of URNG members, including URNG combatants who died in combat.

IV. INSTITUTIONAL ARRANGEMENTS

Initial integration

55. This phase shall be financed with resources from the Guatemalan Government and contributions from the international community.

56. The Parties agree to create a Special Integration Commission, which shall consist of an equal number of representatives from the Government and URNG and, in a consultative capacity, representatives from donor and cooperating countries and international cooperation agencies.

57. The Commission shall be set up within 15 days following the signing of the Agreement on a Firm and Lasting Peace and the Government shall issue the corresponding government decree to that effect.

58. Once it is set up, the Commission shall be responsible for coordinating the integration programme, for taking decisions on the allocation of funding to its contingent subprogrammes and projects and for raising technical and financial resources. The Parties agree that the programme's execution shall conform to the objectives and principles of this Agreement.

59. In order to perform its functions, the Special Commission shall, by means of specific rules to be adopted no later than 30 days after it is set up, organize its responsibilities in the areas of coordination, financial management and decision-making with respect to subprogrammes and projects arising out of this Agreement. The Special Commission shall likewise identify in consultation with donor and cooperating countries and agencies, appropriate financial mechanisms, including the possibility of trust funds, to facilitate the flexible and effective implementation of the integration programme.

Definitive integration

60. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. URNG undertakes to set up that Foundation in the 90 days following the signing of the Agreement on a Firm and Lasting Peace. The Government undertakes to expedite the procedures for setting up the Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

V. FINAL PROVISIONS

First. This Agreement forms part of the Agreement on a Firm and Lasting Peace and shall enter into force when the latter is signed, with the exception of any specific provisions which may have entered into force prior to that date.

Second. In accordance with the Framework Agreement, the Parties request the Secretary-General of the United Nations to verify compliance with this Agreement.

Third. This Agreement shall be widely publicized.

Madrid, 12 December 1996.

For the Government of Guatemala:

(Signed) Gustavo PORRAS CASTEJÓN	(Signed) Otto PÉREZ MOLINA Brigadier-General
(Signed) Richard AITKENHEAD CASTILLO	(Signed) Raquel ZELAYA ROSALES

For the Unidad Revolucionaria Nacional Guatemalteca:

(Signed) Commander Pablo MONSANTO	(Signed) Commander Rolando MORÁN
(Signed) Carlos GONZALES	(Signed) Jorge ROSAL

For the United Nations:

(Signed) Jean ARNAULT

ANNEX II

[Original: Spanish]

Agreement on the Basis for the Legal Integration of the
Unidad Revolucionaria Nacional Guatemalteca

Whereas the internal armed conflict that Guatemala has experienced for over three decades resulted from the closing of political opportunities for democratic expression and participation and from the adoption of measures of political repression against individuals and organizations linked or identified with the Government overthrown in 1954,

Whereas, given a situation where there is social and economic injustice, including discriminatory practices against indigenous peoples, and the systematic denial of individual and collective rights and safeguards, the peoples concerned have the right to seek the necessary democratic change,

Whereas the package of peace agreements signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) constitute a new and promising framework for the democratic life of the country, based on new forms of political participation and a new institutional framework,

Whereas building a democratic, multi-ethnic, multicultural and multilingual nation, with social justice, calls for equitable participation by all citizens, both men and women, on the basis of complete political and ideological pluralism,

Recognizing that Guatemalan society needs to develop conditions conducive to reconciliation and lasting governability,

Whereas completion of the negotiating process with a view to finding a political solution to the internal armed conflict calls for the establishment of a set of measures to integrate URNG as a lawful body,

Recognizing the determination of URNG to convert its political-military forces into a duly authorized political party that will operate within the Guatemalan legal system,

Recognizing that the legal integration of members of URNG, in full exercise of their constitutional rights and duties and in security and dignity, will contribute to the democratic process and its consolidation, the restoration of the social fabric in Guatemala, reconciliation and the establishment of a firm and lasting peace,

Calling on the State as a whole, all sectors of Guatemalan society and the international community to assist in and contribute to the process of integrating URNG,

The Government of Guatemala and URNG (hereinafter referred to as "the Parties") have agreed as follows:

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I. DEFINITIONS

1. The "legal integration of URNG" means the process whereby URNG members are to be integrated into political, economic, social and cultural life in a context of dignity, security, legal safeguards and the full exercise of their civil rights and duties.

2. The process of integrating members of URNG shall begin with the signing of the Agreement on a Firm and Lasting Peace and shall lead to their lasting integration into the civil life of the country. The integration process shall be divided into two phases: an initial integration phase, which shall last one calendar year starting on D+60, and a subsequent, definitive integration phase, for the medium term, in which the support required to consolidate the process will be provided.

Initial integration phase

3. There shall be two separate procedures during the initial integration phase, which shall be applied according to the status of the URNG members concerned:

(a) The procedure applicable to members of the various guerrilla fronts and other combatants, according to the definitions set out in paragraph 20 of the Agreement on the Definitive Ceasefire. Such procedure shall be divided into two stages:

(i) The demobilization stage, which shall last two months and means the ending of URNG military structures at the agreed assembly points. This stage shall include services such as the provision of temporary documentation and vocational training and guidance, with a view to facilitating the subsequent integration of demobilized combatants. The verification authority shall transmit to the Special Integration Commission a definitive list of demobilized combatants drawn up at assembly points no later than D+30;

(ii) The reinsertion stage, which shall begin upon completion of the demobilization process (D+60) and end one year later. Its basic purpose is to provide emergency assistance to former combatants and create conditions conducive to a smooth transition to the definitive integration phase. The minimum requirements to be met during such phase are (but shall not be limited to):

- Provision of inputs and services appropriate to an emergency situation;
- Beginning of training and employment programmes;
- Establishment of financial machinery to obtain the resources needed to launch the definitive integration phase;

- Identification of government social and economic programmes for the population as a whole that can provide assistance to former combatants and to members of URNG internal structures who are to be integrated during the definitive integration phase, on terms similar to those for other beneficiaries of such programmes;

(b) The procedure applicable to other URNG members, members of the internal political structure and Guatemalans forming part of the international support structure who are not subject to the demobilization process. Provision shall be made for them to receive the necessary support for their legal integration, and, based on their individual circumstances, other services to facilitate their integration into productive life. URNG shall transmit to the verification authority by D-15 at the latest a list of non-demobilized members who are to be beneficiaries of this procedure. The authority shall, in turn, transmit such list to the Special Integration Commission once it has been set up.

4. The Government of Guatemala and URNG pledge to take the necessary steps to ensure completion of the initial integration stage, and they request assistance from the international community to that end. For the execution of the relevant programme, subprogrammes and projects, a Special Integration Commission shall be set up, with the participation of the Government of Guatemala, URNG and, in a consultative capacity, donor and cooperative countries and agencies. To ensure full participation by beneficiaries in the design, execution and evaluation of projects and programmes concerning them, an Integration Foundation shall be set up which shall be directly involved in the various stages of the integration process.

Definitive integration phase

5. One year after D+60, beneficiaries of both procedures shall become eligible for longer-term services provided by the Government, including financial, technical, legal and employment assistance and assistance in the areas of education, training and production projects with a view to ensuring their lasting integration into the economic, social and cultural life of the country, on the same terms as the rest of the Guatemalan population. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

Integration programme

6. "URNG integration programme" means the package of legal, political, economic and security measures and provisions, and also subprogrammes and projects, which are to ensure the success of the integration process. This programme shall be carried out in accordance with the objectives and principles set out below.

II. OBJECTIVES AND PRINCIPLES

Objectives

7. The integration programme shall seek to create the best possible conditions for the integration of URNG members into the legal, political, social, economic and cultural life of the country, in security and dignity.

8. The initial integration phase shall seek to provide URNG members, particularly former combatants, with the necessary means to embark upon their lasting integration by means of productive, educational, training and other activities. Appropriate use of such means shall be the responsibility of the beneficiaries.

9. The definitive integration phase shall seek to provide URNG members, particularly former combatants, with the necessary support to consolidate their integration. The integration programme shall also seek to contribute to the development of the country and to national harmony.

Principles

10. The Government of Guatemala undertakes to guarantee the political, legal and security conditions and promote the social and economic conditions necessary for the implementation of the integration programme.

11. URNG undertakes to do everything possible to ensure the successful integration of all of its members into the social, economic and cultural life of the country through the implementation of the programme.

12. The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention.

13. In view of the diverse personal circumstances of the URNG members who are being integrated into lawful life, the programme shall be implemented in a flexible manner appropriate to their needs.

14. In order to ensure such flexibility, subprogrammes and projects designed, managed and implemented with the full participation of beneficiaries shall be promoted, in accordance with the institutional arrangements set out in this Agreement.

15. Whenever relevant, and particularly in the case of production projects, efforts shall be made to ensure that the programme has a positive impact on the communities in which it is carried out and that it is designed and implemented in consultation with them.

III. ELEMENTS OF THE INTEGRATION PROGRAMME

16. The URNG integration programme shall consist of the following elements:

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A. Legal area

National Reconciliation Act

17. The Government shall sponsor in the Congress of the Republic a draft National Reconciliation Act whose object shall be, in accordance with the spirit and content of the Peace Agreements, to promote a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance, while safeguarding the fundamental rights of the victims, as prerequisites for a firm and lasting peace.

The right to know the truth

18. In recognition of the inalienable right of any society to know the truth, the National Reconciliation Act shall instruct the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (the "Clarification Commission") to devise means whereby the truth about the period of the internal armed conflict may be known and acknowledged, in order to avoid a repetition of such events. The Act shall require all State bodies and entities to provide the Commission with the support necessary for the accomplishment of its tasks, in accordance with the purposes specified in the relevant agreement.

The right of redress

19. On the principle that any violation of human rights entitles the victim to obtain redress and imposes on the State the duty to make reparation, the Act shall assign to a State body responsibility for implementing a public policy of compensation for and/or assistance to the victims of human rights violations. The body in question shall take into consideration the recommendations to be formulated in that regard by the Clarification Commission.

Extinction of criminal liability

20. With a view to promoting national reconciliation, without neglecting the need to combat impunity, the National Reconciliation Act shall contain a clause allowing URNG members to be integrated into lawful life.

Political crimes

21. In relation to the aforesaid clause, the National Reconciliation Act shall declare the extinction of criminal liability for political crimes committed in the internal armed conflict up to the date on which the Act enters into force and shall cover persons who perpetrated, abetted or were accessories to crimes against State security, public institutions and the public administration, as defined in articles 359, 360, 367, 368, 375, 381, 385 to 399, 408 to 410 and 414 to 416 of the Penal Code and in Title VII of the Arms and Munitions Act. In such cases, the Public Prosecutor's Office shall refrain from exercising a right of action and the judicial authority shall dismiss proceedings.

Related common crimes

22. Also in relation to the clause mentioned in paragraph 20, the National Reconciliation Act shall extinguish criminal liability for related common crimes committed in the armed conflict, such crimes being defined as those which are directly, objectively, intentionally and causally related to the commission of the political crimes referred to in the preceding paragraph and which cannot be shown to be motivated by personal goals. The common crimes which are defined as related to the political crimes mentioned in the preceding paragraph are those described in articles 214 to 216, 278, 279, 282 to 285, 287 to 289, 292 to 295, 321, 325, 330, 333, 337 to 339, 400 to 402, 404, 406 and 407 of the Penal Code.

Other extinctions of criminal liability

23. In respect of persons who were involved in the internal armed conflict owing to institutional mandates, the National Reconciliation Act shall contain specific provisions equivalent to those previously mentioned, in that they shall extinguish criminal liability for common crimes perpetrated with the aim of preventing, thwarting, suppressing or punishing the commission of political crimes and related common crimes, where such crimes were directly, objectively, intentionally and causally related to that aim, unless it is demonstrated that there is no relationship between the criminal act and the stated aim.

Restrictions

24. The provisions in the National Reconciliation Act which extinguish criminal liability shall under no circumstances extend to crimes which, under domestic law or the international treaties ratified or signed by Guatemala, are imprescriptible or are not subject to an extinction of criminal liability.

Proceedings

25. The judicial proceedings for related common crimes shall be consistent with guarantees of due process, shall be expeditious and adversarial, and shall comprise the following stages:

- (i) If the Public Prosecutor's Office or a judicial authority is to try one of the crimes referred to in paragraphs 22 and 23, it shall transfer the case immediately to the appeals court division having jurisdiction in the matter. The court shall notify the aggrieved person, defined as such in article 117 of the Code of Criminal Procedure, the Public Prosecutor's Office and the defendant, ordering them to appear within the same period of 10 working days.
- (ii) After this period has elapsed, the court shall have five working days in which to issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. If, after the period for notification of the parties has elapsed, the court feels that it needs additional information in order to reach a decision, it shall convene an immediate oral hearing with the sole participation of the parties, at which it shall receive relevant evidence, hear statements by the parties or their lawyers and,

immediately thereafter, issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. The oral hearing shall be held within 10 working days after the end of the period for notification of the parties. At least three days shall elapse between the summons and the hearing.

- (iii) An appeal against the court's order shall be admissible only if it is submitted in writing, alleging grievances, within three days from the date of the last notification, by any of the parties having a legitimate interest in the case. If the appeal is declared admissible, the case shall be referred immediately to the amparo and preliminary judgements division of the Supreme Court, which shall decide within one week, without further hearings, to uphold, revoke or amend the contested order. The Supreme Court's decision shall not be subject to any form of appeal.

26. No coercive measures, such as committal orders, pretrial detention, measures in lieu of pretrial detention, remand or arrest shall be ordered during the proceedings. The alleged perpetrators, accused persons or defendants may be represented during the proceedings by their lawyers.

27. Upon conclusion of the proceedings, a certified copy of the entire case record shall be transmitted to the Clarification Commission.

Demobilization

28. In order to foster compliance with the demobilization of URNG members stipulated in the Agreement on the Definitive Ceasefire, the National Reconciliation Act shall establish the complete extinction of criminal liability for persons who perpetrated, abetted or were accessories to the crimes defined in articles 398, 399, 402 and 407 of the Penal Code and articles 87, 88 and 91 to 97, paragraph (c), of the Arms and Munitions Act and who committed such acts up to the date on which their demobilization was completed in accordance with the terms, conditions and time-limits stipulated in the aforesaid Agreement. The date on which that demobilization was completed shall be communicated officially by the United Nations verification authority.

Documentation

29. As a result of the conditions in which the internal armed conflict took place, many URNG members have no personal documentation. This limits the exercise of their civil rights and duties. To facilitate an immediate solution to this problem, the Government undertakes to sponsor in the Congress of the Republic the corresponding amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict (Decree 73-95). Such amendments, in addition to solving the documentation problems of uprooted population groups, shall resolve the lack of personal documentation of URNG members. The Congress shall be asked to consider and resolve this issue in the two months following the signing of the Agreement on a Firm and Lasting Peace.

Temporary documentation

30. Pending completion of the procedures required for the issue of permanent personal documentation, the verification authority shall be asked to issue temporary documentation for demobilized combatants and other beneficiaries of the Agreement on the Basis for the Legal Integration of URNG.

Other documentation

31. The procedures for naturalization of children born abroad to Guatemalans belonging to URNG shall be expedited.

Other legal provisions

32. The Government undertakes to sponsor in the Congress such legal amendments as are needed to permit full compliance with this Agreement.

B. Political area

33. The Parties undertake to promote a climate of tolerance, openness and plurality which will foster reconciliation and understanding.

34. After the signing of the Agreement on a Firm and Lasting Peace, URNG members, like all other citizens, shall enjoy the full exercise of all their fundamental rights and freedoms (including freedom of organization, movement and residence and the right of political participation) and shall pledge to fulfil all their duties and obligations.

35. The Government considers that the transformation of URNG into a political party duly accredited with the corresponding bodies is a contribution to the strengthening of the rule of law and to the consolidation of a pluralist democracy.

C. Security area

36. The Government undertakes to adopt administrative measures to guarantee the necessary conditions for the effective exercise of the civil rights of URNG members, particularly the rights to life, security and physical integrity. Respect for this undertaking shall be subject to special verification by the international verification authority, which may arrange for URNG members to be accompanied temporarily when the need arises.

37. The Government shall pay particular attention to any complaint of acts or incidents that threaten the safety of URNG members.

D. Socio-economic area

38. In the socio-economic area, the integration programme shall cover the following spheres:

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Vocational guidance and training

39. URNG members shall receive vocational guidance and assistance during the demobilization phase, and subsequently if necessary. Once agreement is reached on the kind of economic activity in which they are to engage, they shall be eligible for specific programmes of technical and vocational training.

Education

40. The Government pledges to take the necessary administrative action for the recognition, equivalency rating, validation and legalization of formal and non-formal education completed by URNG members, using appropriate evaluation and equivalency rating mechanisms.

41. During the initial integration period, specific literacy, post-literacy and intensive technical training subprogrammes shall be launched.

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and generating employment in urban and rural areas which contribute to the fulfilment of this Agreement.

47. The orientation of such projects shall be in keeping with the provisions of the Agreement on Social and Economic Aspects and the Agrarian Situation. Projects for the expansion of production shall be implemented in keeping with the plans and needs of the communities in which they are to be carried out and in consultation with them.

48. The Government, according to its financial capacities and the technical and financial support provided by international cooperation, shall provide the necessary start-up resources for these projects. It shall facilitate access to means of production, technical advice, credit and marketing channels on the same terms as for other similar projects. It also pledges to take the necessary action to facilitate and legally recognize the forms of organization required to promote these economic activities. Programmes involving individually- or collectively-owned land shall be processed through the Land Trust Fund, on the same terms as other applicants.

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50. As a result of the internal armed conflict, a sector of the population is disabled and, as one of the most vulnerable and most severely affected groups, requires special priority attention under the programme envisaged in this Agreement.

51. The integration of this group is a more complex matter, because of the personal and social impact of their disability. As a result, specific projects will have to provide proper professional care for their rehabilitation and access to education and training so that they can be genuinely integrated into social and productive life in decent conditions.

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54. The Government undertakes to cooperate with the Clarification Commission on matters relating to the issue of detained and disappeared URNG members and to contribute whatever resources, relevant measures and information might lead to the recovery of the remains of URNG members, including URNG combatants who died in combat.

IV. INSTITUTIONAL ARRANGEMENTS

Initial integration

55. This phase shall be financed with resources from the Guatemalan Government and contributions from the international community.

56. The Parties agree to create a Special Integration Commission, which shall consist of an equal number of representatives from the Government and URNG and, in a consultative capacity, representatives from donor and cooperating countries and international cooperation agencies.

57. The Commission shall be set up within 15 days following the signing of the Agreement on a Firm and Lasting Peace and the Government shall issue the corresponding government decree to that effect.

58. Once it is set up, the Commission shall be responsible for coordinating the integration programme, for taking decisions on the allocation of funding to its contingent subprogrammes and projects and for raising technical and financial resources. The Parties agree that the programme's execution shall conform to the objectives and principles of this Agreement.

59. In order to perform its functions, the Special Commission shall, by means of specific rules to be adopted no later than 30 days after it is set up, organize its responsibilities in the areas of coordination, financial management and decision-making with respect to subprogrammes and projects arising out of this Agreement. The Special Commission shall likewise identify in consultation with donor and cooperating countries and agencies, appropriate financial mechanisms, including the possibility of trust funds, to facilitate the flexible and effective implementation of the integration programme.

Definitive integration

60. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. URNG undertakes to set up that Foundation in the 90 days following the signing of the Agreement on a Firm and Lasting Peace. The Government undertakes to expedite the procedures for setting up the Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

V. FINAL PROVISIONS

First. This Agreement forms part of the Agreement on a Firm and Lasting Peace and shall enter into force when the latter is signed, with the exception of any specific provisions which may have entered into force prior to that date.

Second. In accordance with the Framework Agreement, the Parties request the Secretary-General of the United Nations to verify compliance with this Agreement.

Third. This Agreement shall be widely publicized.

Madrid, 12 December 1996.

For the Government of Guatemala:

(Signed) Gustavo PORRAS CASTEJÓN	(Signed) Otto PÉREZ MOLINA Brigadier-General
(Signed) Richard AITKENHEAD CASTILLO	(Signed) Raquel ZELAYA ROSALES

For the Unidad Revolucionaria Nacional Guatemalteca:

(Signed) Commander Pablo MONSANTO	(Signed) Commander Rolando MORÁN
(Signed) Carlos GONZALES	(Signed) Jorge ROSAL

For the United Nations:

(Signed) Jean ARNAULT

ANNEX I

[Original: Spanish]

Agreement on the Implementation, Compliance and
Verification Timetable for the Peace Agreements

Whereas:

The negotiating process has resulted in a national agenda for overcoming the root causes of social, political, economic, ethnic and cultural conflict and also the consequences of the armed conflict,

The implementation of that agenda is a complex, long-term undertaking requiring the determination to fulfil the commitments made and the involvement of the different State bodies and of the country's various social and political forces,

This national undertaking calls for an implementation strategy that sets realistic priorities for gradual fulfilment of the various aspects of the Peace Agreements as and when the political, institutional, financial and technical bases for their implementation are established,

One political basis for the implementation process is the functioning of the various commissions set up under the Agreements, and of other bodies that will facilitate effective consultation and cooperation in building peace,

The Timetable set out in this Agreement provides a time-frame whose purpose is to make this national endeavour viable, as well as its follow-up by the international community, on the basis of a realistic approach and extensive consultation,

Implementation of the Agreements will be facilitated by the establishment of a follow-up mechanism and by international verification, with a view to achieving greater certainty, flexibility and confidence in the implementation process as a whole,

The execution of the Implementation, Compliance and Verification Timetable for the Peace Agreements should encourage all social and political forces to join together in an effort to open a new chapter of development and democratic coexistence in the history of the country,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) (hereinafter referred to as "the Parties") agree as follows:

I. PRESENTATION OF THE TIMETABLE

1. The implementation and verification timetable set out in this Agreement constitutes a guide for the phased implementation of those commitments set out in the Peace Agreements whose fulfilment can, at this point, be scheduled

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reliably. The following four types of commitment are therefore not dealt with in the Timetable:

(a) General and/or ongoing commitments, such as the general commitments entered into under the Comprehensive Agreement on Human Rights;

(b) Specific commitments subject to constitutional amendments, whose implementation depends on the adoption of such amendments by the Congress of the Republic and on the subsequent referendum;

(c) Specific commitments whose fulfilment is subject to prior consultation, particularly those commitments whose fulfilment depends on the recommendations of the joint commissions and other commissions set up under the Peace Agreements; and

(d) Specific commitments whose fulfilment depends on the completion of other types of scheduled action.

2. The Follow-up Commission established under this Agreement shall determine the subsequent timetable for fulfilling the commitments referred to under subparagraphs (b), (c) and (d) above and shall, where necessary, reschedule the commitments set out in this Timetable, in order to ensure the proper implementation of the Peace Agreements.

Strategy

3. The Timetable is divided into three phases: the first covers a 90-day period from 15 January 1997; the second lasts until the end of 1997; and the third covers 1998, 1999 and 2000. The implementation strategy for these three phases is guided by the following needs:

(a) To adhere to the timetables already laid down in the Agreements;

(b) To move ahead simultaneously with the implementation of all the Agreements;

(c) To take into account realistically the human and material resources available in each phase;

(d) To stagger implementation of the fundamental components of the Agreements, thereby seeking to avoid dissipating governmental and non-governmental implementation efforts;

(e) To place emphasis, at the beginning of the process of implementing the commitments, on the establishment of the consultation machinery provided for in the Agreements, where provision has been made for such machinery, and on the institutional, legal or financial basis for the implementation of the commitments in question;

(f) To promote the effective participation of all social sectors in meeting their needs, particularly in establishing public policies concerning them, and accordingly, to set timetables for those actions that depend on the

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consensus-building mechanisms provided for in the Agreements, taking into account their outcome; and

(g) In view of the key role which the raising of fiscal revenues and the priority channelling of public spending towards social investment are to play in the implementation of the commitments laid down in the Peace Agreements, the Parties have agreed to set out in an appendix the programming of intermediate annual targets, in relation to gross domestic product (GDP), for increasing the tax burden, increasing public spending on education, health, public security and the justice system, and reducing defence spending in future years. Indicative targets for economic growth for the period 1997-2000 are also set out in the appendix.

Content of the phases

4. Based on the above, the main, but not sole, emphasis in each phase shall be on the following:

- (a) The timetable for the first 90 days shall place emphasis on:
 - (i) Preparing for the implementation of medium- and long-term agreements, particularly by setting up the commissions provided for in the Agreements and by developing and introducing programmes of action in various areas covered by the Agreements;
 - (ii) Carrying out short-term action for which timetables are laid down in the Peace Agreements, particularly the ceasefire process and the process of integrating URNG. The action scheduled on the basis of D-Day is subject to the existence of the necessary conditions for launching the ceasefire process; and
 - (iii) Carrying out other types of action linked to the consequences of the armed conflict, such as developing the programme for compensating victims and continuing to care for refugees and displaced persons;
- (b) The timetable for the remainder of 1997 includes, in addition to the emphasis to be given under subparagraph (a) above, the following:
 - (i) New programmes of action, social investment and investment in production;
 - (ii) Modernization and decentralization of the State;
 - (iii) Public administration reform;
 - (iv) Comprehensive strategy for rural development;
 - (v) Fiscal policy; and
 - (vi) Restructuring of domestic security policy and national defence policy.

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(c) In addition to the components referred to under subparagraphs (a) and (b), the timetable for 1998, 1999 and 2000 shall cover action relating to the results of the joint commissions and other commissions provided for by the Agreements. In particular, it shall promote the legislative agenda arising out of the Peace Agreements in four areas: reform of the Penal Code and legal framework for modernizing the administration of justice; issues of land tenure and land use; adaptation of legislation and institutions to the multi-ethnic, multicultural and multilingual nature of Guatemala; and reform of the Guatemalan electoral regime.

5. The Follow-up Commission shall schedule measures resulting from constitutional amendments, once the amendments in question have been adopted.

Implementation of the Timetable

6. With a view to implementing the Timetable, the Parties have divided the commitments set out in the Agreements into four thematic areas:

- (a) Resettlement, integration of URNG and national reconciliation;
- (b) Comprehensive human development;
- (c) Sustainable development of production; and

(d) Modernization of the democratic State, including strengthening of the capacity for participation and consensus-building of the various components of civil society.

7. The corresponding programmes, subprogrammes and projects shall be grouped under each area. The Government has decided that the Peace Secretariat shall be responsible for the technical coordination of its action with a view to implementation in the areas in question.

8. Reiterating that the implementation of the Peace Agreements must enable all the country's social and political forces to undertake in a cooperative and responsible spirit the immediate tasks of fighting poverty, discrimination and privilege, the Government has undertaken to promote such action with the effective participation of all social sectors.

9. The Parties call on the various sectors of Guatemalan society to take a leading role in implementing the development agenda set out in the Agreements. They also call on the international community to continue to support national efforts, particularly during the initial phases of the implementation process, while Guatemala is building its own capacities in the areas of human, institutional and financial resources.

II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997

A. Comprehensive Agreement on Human Rights

Compensation for and/or assistance to victims of human rights violations

10. Establish the State body responsible for public policy regarding compensation for and/or assistance to victims of human rights violations, and present a compensation programme.

B. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict

Documentation

11. Sponsor in the Congress of the Republic the necessary amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict (Decree 73-95). Such amendments, in addition to solving the documentation problems of uprooted population groups, shall resolve the lack of personal documentation of URNG members. The Congress of the Republic shall be asked to consider and resolve this issue in the two months following the introduction of the corresponding initiative.

Identification of land for the resettlement of uprooted persons

12. Present existing studies concerning State, municipal and private land with an option to buy (location, legal regime, acquisition, size, boundaries and agricultural suitability), for the purpose of resettling uprooted population groups.

Mine clearance

13. Implement a programme for clearing all types of mines, bearing in mind that both the Guatemalan armed forces and URNG are to provide the United Nations with detailed information on explosives, mines and existing minefields.

Fund for the Resettlement of Uprooted Population Groups

14. Establish a fund for the implementation of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict.

Plan for the education of uprooted population groups

15. Request the United Nations Educational, Scientific and Cultural Organization (UNESCO) to submit a specific plan for the education of uprooted population groups.

Resettlement of uprooted population groups

16. Speed up the ongoing negotiations between the Government, refugees and displaced persons to ensure the voluntary return of uprooted persons to their place of origin, or to a location of their choice, in dignity and safely.

C. Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer

Clarification Commission

17. The members of the Commission shall be appointed and shall set the date on which it is to be established and to begin functioning. The Commission shall complete its work within six months of its establishment, but that period may be extended by a further six months, if the Commission so decides.

D. Agreement on identity and rights of indigenous peoples

Official Recognition Commission

18. Set up the Commission for the Official Recognition of Indigenous Languages, with the participation of representatives of linguistic communities and the Academy of Mayan Languages of Guatemala, which shall study arrangements for granting official recognition, taking account of linguistic and territorial criteria.

Commission on Holy Places

19. Establish the Commission on Holy Places, made up of representatives of the Government and indigenous organizations and of indigenous spiritual guides, to identify such places and lay down rules for their preservation.

Joint Commission on Education Reform

20. Establish the Joint Commission on Education Reform, comprising representatives of the Government and of indigenous organizations, to design educational reforms consistent with Guatemala's cultural and ethnic diversity.

E. Agreement on Social and Economic Aspects and the Agrarian Situation

Review of labour legislation

21. Submit a report on legal and regulatory changes introduced in 1996 to enforce labour laws and severely penalize violations, including violations of the minimum wage; non-payment, withholding and delaying of wages; occupational hygiene and safety; and the work environment, as well as legal and regulatory changes that need to be promoted in 1997.

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Expansion of the National Agricultural Development Council

22. Strengthen and expand the participation of small farmers' organizations, rural women, indigenous organizations, cooperatives, producers' associations and non-governmental organizations in the National Agricultural Development Council (CONADEA), as the main mechanism for consultation, coordination and participation in the decision-making process for rural development.

Land Office

23. Set in motion the Presidential Office for Legal Assistance and Dispute Settlement in Land Matters, with nationwide coverage and the task of providing advice and legal assistance to small farmers and agricultural workers with a view to the full exercise of their rights.

Land registry information

24. Launch the land surveying process in pilot areas.

Civic education programme

25. Present a national civic education programme for democracy and peace that promotes the protection of human rights, the renewal of political culture and the peaceful resolution of conflicts.

Rural development investment programme for the period 1997-1999

26. Develop and present a rural development investment programme, with emphasis on basic infrastructure (main roads, rural roads, electricity, telecommunications, water and environmental sanitation) and production projects, for a total of 300 million quetzales in 1997.

Legislation and strengthening of tax administration

27. Submit a report on: (a) amendments made to the Tax Code and other legislation in 1996 to eliminate loopholes and establish harsher penalties for tax evasion, avoidance and fraud; (b) steps taken to ensure the correct and prompt application of or reimbursement of the tax credit and to punish severely those who do not return withheld value-added tax to the tax authorities; and (c) any additional measures that may be deemed necessary.

28. Promote and present initiatives to strengthen institutional mechanisms for revenue collection and auditing.

Women's forum

29. Promote the convening of a women's forum on the commitments concerning women's rights and participation set out in the Peace Agreements.

F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Multi-party legislative body

30. Request the Office of the President of the Congress of the Republic to set up a multi-party body to enhance, modernize and strengthen the legislative branch, in accordance with the agenda set out in the Agreement.

Commission on the Strengthening of the Justice System

31. The President of Guatemala shall sponsor the establishment of the Commission on the Strengthening of the Justice System, with the mandate to prepare within six months, following an extensive debate on the justice system, a report and a set of recommendations that can be implemented as soon as possible, in accordance with the agenda proposed in the Agreement.

National Civil Police

32. Sponsor and introduce the legislative proposal regulating the functioning of the new National Civil Police.

Police Academy

33. Stipulate that members of the new police force shall receive training at the Police Academy, where they shall be given extensive professional preparation and imbued with a culture of peace, respect for human rights and democracy, and obedience to the law.

Demobilization of the Voluntary Civil Defence Committees

34. Conclude the demobilization and disarming of the Voluntary Civil Defence Committees within 30 days of the repeal of the decree creating them.

G. Agreement on Constitutional Reforms and the Electoral Regime

Constitutional reforms

35. The Government of the Republic shall place before the Congress of the Republic the draft constitutional amendments contained in sections A and B of the Agreement on Constitutional Reforms and the Electoral Regime.

Electoral Reform Commission

36. Request the Supreme Electoral Tribunal to establish and preside over an Electoral Reform Commission charged with publishing a report and making a series of recommendations on electoral reform and the corresponding legislative amendments. It is recommended that the Commission be constituted no later than three months after the signing of the Agreement on a Firm and Lasting Peace, with the representatives indicated in the Agreement. Moreover, it is

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recommended that the Commission complete its work no later than six months from the date of its establishment.

H. Agreement on the Definitive Ceasefire

Entry into force

37. The ceasefire shall enter into force as of 0000 hours on D-Day, the date on which the United Nations verification mechanism shall be in place with full operational capacity. This phase must be completed by no later than D+60, with the demobilization of URNG.

38. The Parties undertake to maintain the current cessation of offensive military activity by URNG and of counter-insurgent military activities by the Guatemalan armed forces until D-Day.

39. The United Nations shall notify the Parties of the establishment of the verification mechanism as soon as possible, so that D-Day may be set.

Deployment of the verification mechanism

40. From D-10 to D-Day the United Nations shall deploy its personnel and equipment in order to verify the ceasefire at the sites determined by the Parties in the annexes to the Agreement on the Definitive Ceasefire.

Verification sites

41. For purposes of verification, during the period of the ceasefire, representatives of the United Nations shall be present in the military units of the Guatemalan armed forces designated in annex C and at the URNG assembly points specified in annex A to the Agreement on the Definitive Ceasefire.

Ban on political propaganda

42. During troop movements and once at the assembly points, the assembled forces may not engage in any propaganda or political activities beyond the assembly points.

Security zone

43. A security zone with a radius of 6 kilometres shall be established around each assembly point in which no units of the Guatemalan armed forces, Voluntary Civil Defence Committees (CVDCs) or members of URNG may be present.

44. Only United Nations verification units may have access to these zones. Police activities may be carried out subject to coordination with the United Nations verification authority.

Coordination zone

45. A coordination zone extending a further 6 kilometres shall be established around each security zone. Movement by military units of the Guatemalan armed forces and CVDCs must be coordinated in advance with the United Nations verification authority.

Information concerning troops and armaments

46. URNG shall provide the United Nations with detailed information on the number of troops, list of names, inventories of weapons, explosives and mines, and all other necessary information concerning the existence of minefields, munitions and other military equipment, both in their possession and in storage. The Guatemalan armed forces shall likewise provide updated information on the number of troops in the units to be redeployed which are identified in annex C to the Agreement on the Definitive Ceasefire. Both Parties shall transmit this information to the verification authority no later than D+15.

47. The Parties agree to transmit to the verification authority within the time agreed with both of them any additional information required by the authority.

Start of redeployment

48. Redeployment of the units of the Guatemalan armed forces designated in annex C to the Agreement on the Definitive Ceasefire shall begin on D+2 and shall continue until D+10, or earlier, if possible.

49. URNG troops shall begin to move towards the assembly points designated in annex A to the Agreement on the Definitive Ceasefire from D+11 to D+21, or earlier, if possible. They shall be accompanied in this move by the verification mission.

50. The Parties shall communicate to the United Nations verification authority no later than D-10 the full programme for the moves of their respective forces (composition, route to be taken, when the move is to begin and any other information needed to complete the verification).

Restriction of airspace

51. This shall enter into force on D-Day; utilization of airspace shall remain restricted as follows:

(a) Military flights over security zones shall be prohibited except in the event of a disaster or public emergency, in which case advance notice of such flights shall be given to the United Nations verification authority;

(b) Military flights over coordination zones shall be permitted with advance notification to the United Nations verification mission.

Control of armaments

52. From D+11 to D+42 in URNG assembly points, weapons, munitions and other military equipment shall be deposited in special warehouses designated by the United Nations; combatants, however, shall keep their personal equipment and weapons as long as they remain in those locations.

Operational aspects

53. The phased demobilization of URNG combatants and their integration, within a framework of legality, into the civil, political, socio-economic and institutional life of the country shall take place in accordance with the provisions of the Agreement on the Basis for the Legal Integration of URNG and subject to the implementation of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements. The demobilization shall be carried out as follows:

- (a) From D+43 to D+48: 33 per cent;
- (b) From D+49 to D+54: 66 per cent;
- (c) From D+55 to D+60: 100 per cent.

Logistical support commission

54. A commission made up of representatives of URNG and of the Government of Guatemala shall be established, under the coordination of the United Nations, in order to provide logistical support to the ceasefire and demobilization process. The number of members of the Commission shall be determined in accordance with needs.

Handing over of weapons and munitions

55. Prior to the demobilization of the last group of combatants, and by D+60 at the latest, URNG shall hand over to the United Nations all weapons and military equipment of its forces, whether in its possession or in storage.

Start of verification

56. Verification shall start on D-Day when the ceasefire comes into effect, in accordance with the provisions of the Agreement on the Definitive Ceasefire, without thereby restricting fulfilment by the Guatemalan armed forces of their constitutional function in the rest of the national territory.

Coordination and follow-up

57. For the purposes of coordination and follow-up, the Parties undertake to designate officials, at different levels, to liaise with the verification authority.

I. Agreement on the Basis for the Legal Integration of
the Unidad Revolucionaria Nacional Guatemalteca

Initial integration phase

58. The demobilization stage shall last two months and means the ending of URNG military structures at the agreed assembly points. This stage shall include services such as the provision of temporary documentation and vocational training and guidance, with a view to facilitating the subsequent integration of demobilized combatants. The verification authority shall transmit to the Special Integration Commission no later than D+30 a definitive list of demobilized combatants drawn up at assembly points.

59. URNG shall transmit to the verification authority by D-15 at the latest a list of members not subject to assembly who are to be beneficiaries of the initial integration phase. The authority shall, in turn, transmit such list to the Special Integration Commission once it has been set up.

Temporary documentation

60. Request the verification authority to issue temporary documentation for demobilized combatants and other beneficiaries of the Agreement on the Basis for the Legal Integration of URNG.

Security of URNG

61. The Government undertakes to adopt administrative measures to guarantee the necessary conditions for the effective exercise of the civil rights of URNG members, particularly the rights to life, security and physical integrity, and shall pay special attention to any complaints regarding violations of the security of URNG members. Respect for this undertaking shall be subject to special verification by the international verification authority, which may arrange for URNG members to be accompanied temporarily when the need arises.

Vocational guidance and training

62. URNG members shall receive vocational guidance and assistance during the demobilization phase, and subsequently if necessary. Once agreement is reached on the kind of economic activity in which they are to engage, they shall be eligible for specific programmes of technical and vocational training.

Health

63. In the demobilization phase, ensure that combatants gathered at assembly points receive a medical check-up. The necessary action shall be taken to treat cases identified by the check-up, either in the camps or locally. The Special Integration Commission shall ensure that patients who require further treatment are referred to the corresponding services. This subprogramme shall be carried out in cooperation and consultation with the URNG medical team.

Legal assistance

64. Begin the provision of legal assistance to UNRG members to help them deal with the legal aspects of their integration.

Family reunification

65. Initiate the necessary measures to enable UNRG members to be reunited with their families. The Government undertakes to extend all necessary facilities to that end.

Special Integration Commission

66. Set up the Special Integration Commission, which shall consist of an equal number of representatives from the Government and UNRG and, in a consultative capacity, representatives from donor and cooperating countries and international cooperation agencies. The Commission shall be set up within 15 days following the signing of the Agreement on a Firm and Lasting Peace, and the Government shall issue the corresponding government decree to that effect.

Rules of the Special Integration Commission

67. The Special Commission shall, by means of specific rules to be adopted no later than 30 days after it is set up, organize its responsibilities in the areas of coordination, financial management and decision-making with respect to subprogrammes and projects deriving from the Agreement on the Basis for the Legal Integration of UNRG. The Special Commission shall likewise identify, in consultation with donor and cooperating countries and agencies, appropriate financial mechanisms, including the possibility of trust funds, to facilitate the flexible and effective implementation of the integration programme.

Integration Foundation

68. UNRG undertakes to set up the Integration Foundation. The Government undertakes to expedite the procedures for setting up the Foundation.

J. Other commitments

Publicity

69. Publicize the Peace Agreements as widely as possible.

III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997

A. Comprehensive Agreement on Human Rights

Compensation

70. Put into effect the programme of compensation for and/or assistance to victims of human rights violations and sponsor the relevant legislation, taking into account the recommendations of the Clarification Commission.

Military conscription

71. See "Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society", paragraph 129 of this Agreement.

Regulation of the bearing of arms

72. See "Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society", paragraphs 130 and 131 of this Agreement.

Strengthening of institutions for the protection of human rights

73. Support initiatives for improving the technical and material conditions available to the Counsel for Human Rights in carrying out his tasks of investigation, monitoring and follow-up to ensure the full enjoyment of human rights in Guatemala.

B. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict

Identification of land for the resettlement of uprooted persons

74. Conduct further studies to identify State, municipal and private land with an option to buy, for the purpose of resettling uprooted population groups.

Resettlement

75. Conclude the planning and/or resolution of the processes of return and transfer for the resettlement of uprooted population groups, based on their freely expressed wishes and decisions.

Documentation

76. Step up the personal documentation process for all those who do not have such documentation, particularly uprooted population groups and URNG members, including formal registration of the children of uprooted persons and URNG members born abroad.

Productive integration of uprooted population groups

77. Undertake productive integration programmes, as part of a policy of sustainable development with equity, in resettlement areas and regions. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraphs 102, 103 and 106 of this Agreement.

Prompt settlement of land disputes

78. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraph 108 of this Agreement.

Consensus-building for development planning

79. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraph 86 of this Agreement.

Implementation of the education plan

80. Recognize the formal and non-formal educational levels of uprooted persons and the non-formal studies of education and health outreach workers.

Strengthening of local governments and organizations

81. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraph 167 of this Agreement.

C. Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer

Clarification Commission

82. Functioning of the Commission and a decision by it to either extend its mandate or deliver its report.

D. Agreement on Identity and Rights of Indigenous Peoples

Joint Commission on Reform and Participation

83. Set up the Joint Commission on Reform and Participation, composed of representatives of the Government and representatives of indigenous organizations.

Joint Commission on Land Rights

84. Set up the Joint Commission on Land Rights, composed of representatives of the Government and representatives of indigenous organizations.

Office for the Defence of Indigenous Women's Rights

85. Set up an Office for the Defence of Indigenous Women's Rights, with the participation of such women, to provide, inter alia, legal advisory services and social services.

E. Agreement on Social and Economic Aspects and the Agrarian Situation

System of urban and rural development councils to ensure public participation

86. In keeping with the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous Peoples, the Government undertakes, as a matter of priority, to: (i) re-establish the local development councils; (ii) sponsor an amendment to the Urban and Rural Development Council Act to broaden the range of sectors participating in the departmental and regional development councils; and (iii) provide adequate funding for the council system, so as to promote public participation in identifying local priorities, the design of public programmes and projects and the integration of national urban and rural development policy.

Municipal training

87. Establish and implement, in cooperation with the National Association of Municipalities (ANAM), an ongoing municipal training programme that will serve as a framework for national efforts and international cooperation in this field.

Participation of women in economic and social development

88. Taking into account the results of the forum envisaged in paragraph 29 of this Agreement, follow up the commitments concerning women set out in the Peace Agreements.

Advisory Commission on Educational Reform

89. The Ministry of Education shall set up the Commission, which shall consist of participants in the educational process, including representatives of the Education Reform Commission set up pursuant to the Agreement on Identity and Rights of Indigenous Peoples.

Out-of-school education and training

90. Design and implement programmes of out-of-school education, training and technical training, as well as training programmes in communities and enterprises and, in rural areas, programmes to improve business management skills and enhance the skills, diversification and productivity of human resources.

Civic education

91. Design and produce the necessary materials for implementing the national civic education programme for democracy and peace that is to promote the protection of human rights, the renewal of political culture and the peaceful resolution of conflicts.

Programme of financial support for education

92. Develop and implement nationwide programmes of scholarships, study grants, economic assistance and other incentives to enable needy students to continue their education.

Training of teachers and administrators

93. Develop continuing education programmes for teachers and school administrators.

Support for the University of San Carlos

94. Provide to the University of San Carlos, in a timely manner, the funding which is its prerogative under a constitutional mandate.

Purchase of medicines

95. Study and apply purchasing methods that will ensure the quality and low cost of the more popular basic or generic drugs and transparency in their marketing.

Public spending on housing

96. Allocate to housing policy the equivalent of no less than 1.5 per cent of tax revenues from the General Budget of State Revenues and Expenditures for 1998, giving priority to subsidizing the demand for low-cost housing options and, to that end, strengthening the Guatemalan Housing Fund (FOGUAVI) and the Housing Subsidy Fund (FOSUVI).

Community participation in housing

97. Encourage the establishment and strengthening of community participation systems, such as cooperatives and self-managed and family businesses, to ensure that beneficiaries are able to participate in the execution of plans, the construction of housing and the provision of services.

Amendment of labour laws

98. Promote the legal and regulatory changes recommended in the report on labour laws requested in paragraph 21 of this Agreement.

Labour inspection

99. Decentralize and expand labour inspection services in order to strengthen the capacity to verify compliance with domestic labour norms and those deriving from the international labour conventions ratified by Guatemala.

Worker organization

100. Streamline the procedures for recognition of the legal personality of labour organizations and, for agricultural workers who are still hired through contractors, propose reforms to ensure the speedy and flexible legal recognition of forms of association that will permit negotiation of the terms of their hiring.

Economic policy

101. Encourage measures, in coordination with the various social sectors, to increase investment and productivity, within the framework of an overall strategy of growth with social stability and equity.

Government agricultural sector investment programme

102. Begin implementation of a government agricultural sector investment programme in production lines linked to agriculture, forestry and fisheries.

Rural development investment programme

103. Begin implementation of the rural development investment programme, paying special attention to areas where uprooted population groups are being resettled and areas where poverty is greatest, with emphasis on basic infrastructure (main roads, rural roads, electricity, telecommunications, water and environmental sanitation) and production projects, for a total of 300 million quetzales in 1997.

Land Trust Fund

104. Sponsor and introduce in the Congress of the Republic a bill setting up the Land Trust Fund. Such bill shall establish, *inter alia*, the Fund's aims, functions and funding and allocation mechanisms and the origin and future use of land. The Agreement on Social and Economic Aspects and the Agrarian Situation stipulates that the Land Trust Fund must begin operations by 1997 at the latest.

Trust

105. The Land Trust Fund shall set up a trust in a participating banking institution to provide credit and promote savings, preferably for micro-, small and medium-sized enterprises.

Credit and financial services

106. Promote conditions enabling small and medium-scale farmers to have access to credit, individually or in groups, on a financially sustainable basis. In

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particular, with the support of the business sector and non-governmental development organizations, promote the strengthening of local savings and loan agencies, such as associations, cooperatives and the like, so that they can provide credit and financial services to small and medium-sized businesses efficiently and in accordance with local needs and conditions.

Agrarian and environmental jurisdiction

107. Promote the establishment of an agrarian and environmental jurisdiction within the judiciary, taking into account the provisions of the Agreement on Identity and Rights of Indigenous Peoples.

Prompt settlement of land disputes

108. Taking into account the commitments made in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous Peoples and the recommendations on the Joint Commission on Rights relating to Indigenous Peoples' Land, the Government undertakes to establish and apply flexible procedures for the settlement of disputes over land and other natural resources (in particular, direct settlement and conciliation). In addition, it shall establish procedures for defining formulas for compensation in the case of land disputes and claims in which farmers, small farmers and communities in a situation of extreme poverty have been or may be dispossessed for reasons not attributable to them. The uprooted population will require special attention in this connection.

Land registry

109. Sponsor legislative changes that will make it possible to establish an efficient decentralized multi-user land registry system that is financially sustainable, subject to compulsory updating and easy to update.

Land tax

110. Sponsor legislation and mechanisms for imposing, in consultation with municipalities, a land tax in rural areas in which it is easy for the municipalities to collect revenues. The tax, from which small properties shall be exempt, will help to discourage owners from leaving land unused or underused. It must not encourage deforestation of woodlands.

Tax administration

111. Strengthen existing auditing and collection mechanisms, such as cross-checking, tax identification numbers and tax credits for withholding of income tax and value-added tax.

112. Keep in operation a special programme targeting big taxpayers to make sure that they meet their tax obligations in full.

113. Evaluate and strictly regulate tax exemptions in order to eliminate abuse.

114. Put into operation administrative structures that are specifically geared to revenue collection and auditing programmes and to the application of the corresponding tax laws.

115. Simplify and automate tax administration operations.

Norms for the preparation and implementation of the budget

116. Starting in 1997, incorporate annually into the norms and guidelines for the preparation of the preliminary draft General Budget of State Revenues and Expenditures the priority that must be given to social spending, basic public services, physical infrastructure in support of production, the strengthening of human rights bodies and compliance with the Peace Agreements.

Professionalization and upgrading of public servants

117. Sponsor and introduce bills:

- (a) Establishing a career civil service; and
- (b) Ensuring genuine compliance with the Integrity and Accountability Act.

Oversight

118. Reform, strengthen and modernize the Comptroller's Office.

Modernization of the executive branch

119. Sponsor and introduce in the Congress of the Republic:

- (a) Amendments to the Act governing the executive branch; and
- (b) Amendments to the Purchasing and Procurement Act to promote the decentralization of government support services.

F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Judicial training

120. Strengthen the Judicial Training School and the training unit of the Public Prosecutor's Office as the main bodies for the selection and further training of judges, magistrates and prosecutors.

Public Defender's Office in Criminal Matters

121. Present to the Congress of the Republic the necessary legislative proposals for establishing the Public Defender's Office in Criminal Matters to provide legal assistance to those who cannot afford to retain their own counsel.

Advisory Council on Security

122. Set up the Advisory Council on Security.

Strategic Analysis Secretariat

123. Establish the Strategic Analysis Secretariat to inform and advise the President of the Republic, with a view to anticipating, preventing and resolving situations posing any kind of danger or threat to the democratic State.

Supervision of State intelligence bodies

124. Sponsor and introduce a law establishing procedures for the supervision of State intelligence bodies by a special commission of the legislative branch.

Civil Intelligence and Information Analysis Department of the Ministry of the Interior

125. Establish a Civil Intelligence and Information Analysis Department under the Ministry of the Interior, with responsibility for gathering information to combat organized crime and ordinary crime by the means and within the limits authorized by the legal system, subject to strict respect for human rights.

National Civil Police

126. Put forward the proposals and take the action necessary to establish a career police service.

127. Promote action and programmes to strengthen the Police Academy so that it can train new police personnel as officers, inspectors, commanders and superintendents and retrain existing personnel.

128. Define procedures for ensuring that admission to the police profession and advancement and specialization within it take place through the Police Academy.

Civic Service Act

129. Sponsor in the Congress of the Republic a Civic Service Act that will include military service and community service, based on the agreement reached by the joint working group which is currently considering the matter.

Possession and bearing of arms

130. Sponsor and introduce in the Congress of the Republic amendments to the Arms and Munitions Act.

Registers of arms and ammunition

131. Transfer to the Ministry of the Interior the registers which are currently with the Arms and Munitions Control Department of the Ministry of Defence.

Restructuring of the armed forces

132. Make the public educational, financial, health, commercial, assistance and insurance institutions, facilities and units corresponding to the needs and functions of the Guatemalan armed forces operate under the same conditions as other similar non-profit institutions. All graduates of the Adolfo V. Hall Institutes shall join the country's military reserves. Find an appropriate use for the television frequency assigned to the Guatemalan armed forces.

Disbanding of the Mobile Military Police

133. Disband and demobilize the Mobile Military Police.

Reorganization and deployment of military forces

134. Reorganize the deployment of military forces within the national territory, stationing them for purposes of national defence, border control and protection of Guatemala's maritime and territorial jurisdiction and airspace.

Reduction of the armed forces

135. Reduce the size of the Guatemalan armed forces by 33 per cent, based on current manning and equipment levels.

Reintegration of demobilized members of the armed forces

136. Put into effect programmes for the productive reintegration of any members of the armed forces who may be demobilized.

G. Agreement on the Basis for the Legal Integration of URNG

Integration programme

137. Implement the various aspects of the programme for the legal integration of URNG, including education, literacy training, housing, productive economic projects and family reunification.

IV. TIMETABLE FOR 1998, 1999 AND 2000

A. Agreement on Resettlement of the Population Groups
Uprooted by the Armed Conflict

Protection of Guatemalan nationals outside the country

138. Strengthen the policy of ensuring protection for Guatemalan nationals outside the country, especially members of the uprooted population living abroad, and make the necessary arrangements with host countries to ensure that this population has stable immigrant status.

Marketing

139. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraph 167 of this Agreement.

B. Agreement on Identity and Rights of Indigenous Peoples

Use of indigenous languages and bilingual training

140. In keeping with the conclusions of the Commission for the Official Recognition of Indigenous Languages, promote the use of indigenous peoples' languages in the provision of State social services at the community level and promote the bilingual training of judges and court interpreters from and into indigenous languages.

Temples, ceremonial centres and holy places

141. In keeping with the conclusions of the Commission on Holy Places, promote with the participation of indigenous peoples the necessary legal measures to ensure the restructuring of State entities responsible for the preservation and administration of temples and ceremonial centres of archaeological value, as well as changes in the regulations for the protection of ceremonial centres of archaeological value, in order to ensure respect for Mayan spirituality.

Radio Communications Act

142. Sponsor and introduce in the Congress of the Republic amendments to the Radio Communications Act making frequencies available for indigenous projects.

Customary law

143. With the participation of indigenous organizations and taking into account the conclusions of the Joint Commission on Reform and Participation and the Joint Commission on Rights relating to Indigenous Peoples' Land, sponsor in the Congress of the Republic the necessary action to fulfil the commitments made in section E of the Agreement on Identity and Rights of Indigenous Peoples.

C. Agreement on Social and Economic Aspects and the Agrarian Situation

Public spending on education

144. By the year 2000, increase public spending on education as a proportion of the gross domestic product (GDP) by 50 per cent over the 1995 level.

Schooling

145. By the year 2000, provide access for all those between the ages of 7 and 12 to at least three years of schooling.

Literacy training

146. Raise the literacy rate to 70 per cent by the year 2000.

Educational curricula

147. By the year 2000, adjust educational curricula in accordance with the education reform.

Occupational training

148. Ensure that occupational training programmes reach at least 200,000 workers nationwide by the year 2000, with emphasis on those entering economic activity and those needing special training in order to adjust to new developments in the labour market.

Civic education

149. Implement the national civic education programme for democracy and peace that is to promote the protection of human rights, the renewal of political culture and the peaceful resolution of conflicts.

Public spending on health

150. By the year 2000, increase public spending on health as a proportion of GDP by 50 per cent over the 1995 level and allocate at least 50 per cent of public health spending to preventive health care.

Infant and maternal mortality

151. By the year 2000, reduce infant and maternal mortality to 50 per cent of the 1995 rate.

Eradication of poliomyelitis and measles

152. Maintain the certification of poliomyelitis eradication and eradicate measles by the year 2000.

Decentralization of health services

153. Put into effect the decentralized organization of the various levels of health care to ensure that health programmes and services are offered at the communal, regional and national levels, which are the basis of the national coordinated health system.

Social security

154. Take the necessary measures to expand the coverage of the social security system and improve its benefits and the quality and efficiency of its services.

Land management

155. Closely coordinate housing policy with land management policy, especially urban planning and environmental protection policies, to enable poor people to have access to housing with services in hygienic and environmentally sustainable conditions.

Public spending on housing

156. Allocate annually to the housing promotion policy no less than 1.5 per cent of tax revenues from the General Budget of State Revenues and Expenditures, giving priority to subsidizing the demand for low-cost housing options.

Financing and facilities for the purchase of housing

157. Strengthen the securities market for the purchase of housing, including the provision of first and second mortgages, facilitate the sale of securities issued for housing operations, including common and preferential stock in property development companies, mortgage bonds and debentures, certificates of real estate shareholdings, supplemental letters, promissory notes and other documents related to rentals with an option to buy.

Housing stock

158. Encourage the supply of housing-related services, housing options and building materials that are of good quality and reasonably priced.

Regulation

159. Apply anti-trust regulations to the production and marketing of building materials and services. Update the health and safety regulations applicable to the construction industry and monitor compliance with them; coordinate with municipalities to ensure that construction and monitoring regulations are homogeneous, clear and simple, in an effort to ensure good-quality, safe housing.

Protection of rural workers

160. Adopt administrative and/or criminal penalties against those responsible for abuses against migrant agricultural workers, farmhands, tenant farmers and day labourers in the context of hiring through middlemen, sharecropping, payment in kind and the use of weights and measures.

Occupational training

161. Sponsor and introduce a bill regulating occupational training at the national level.

Land tenure

162. Sponsor and introduce in the Congress of the Republic a bill establishing a legal framework for land tenure that is secure, simple and accessible to the entire population.

Modernization of the land registry system

163. Have launched the efficient decentralized multi-user land registry system that is financially sustainable, subject to compulsory updating and easy to update.

Regularization of the award of title to land

164. Regularize the award of title for lands belonging to indigenous communities and uprooted population groups and for beneficiaries of the National Institute for Agrarian Reform (INTA) who are the lawful owners of the land which they have been granted. With respect to communal land, regulate participation by the communities concerned to ensure that it is they who take the decisions concerning their land.

Unused land

165. Sponsor amendments to the legislation on unused land to bring it into line with the Constitution, and regulate by means of incentives and penalties the underuse of land and its use in a manner incompatible with sustainable natural resources use and environmental conservation. Such amendments should include a new tax scale for the annual tax on unused land, imposing significantly higher taxes on privately owned unused and/or underused land.

Evaluation of awards made by the Land Trust Fund

166. In 1999, evaluate whether awards made by the Land Trust Fund have achieved their objectives and, if necessary, change the way in which the programme operates.

Rural development

167. Develop a system for compiling, systematizing and disseminating agricultural, forestry, agro-industrial and fisheries information and a system of storage centres and free zones. Support the strengthening of the various forms of organization of micro-, small and medium-scale agricultural and rural enterprises and encourage the amalgamation of smallholdings if smallholders so desire.

Natural resources management concessions

168. By 1999, have awarded to small and medium-sized farmers' groups, legally incorporated as natural resources management concessions, 100,000 hectares within multi-use areas for the purposes of sustainable forest management, management of protected areas, ecotourism, protection of water sources and other

activities compatible with the sustainable potential use of the natural resources of those areas.

Government agricultural sector investment programme

169. Implement the government agricultural sector investment programme in production lines linked to agriculture, forestry and fisheries, for a cumulative total of 200 million quetzales.

Renewable natural resources management programme

170. Promote a renewable natural resources management programme which fosters sustainable forestry and agroforestry production, as well as handicrafts, ecotourism and small- and medium-scale industrial projects that give added value to forestry products.

Rural development investment programme

171. Continue the rural development investment programme, with emphasis on basic infrastructure (main roads, rural roads, electricity, telecommunications, water and environmental sanitation) and production projects, for a total of 300 million quetzales per year.

Tax system

172. Design and present a methodology for evaluating whether the tax system is universally progressive, in line with the basic principles established in the Agreement on Social and Economic Aspects and the Agrarian Situation.

Tax burden

173. Take the necessary action and put forward the necessary proposals to ensure that, by the year 2000, the tax burden as a proportion of GDP is at least 50 per cent greater than in 1995.

Decentralization of public administration

174. Sponsor and introduce in the Congress of the Republic amendments to the Act on the Governance of the Departments of the Republic making it possible to streamline and decentralize public administration, and propose that departmental governors be appointed by the President of the Republic, taking into consideration candidates proposed by the non-governmental representatives of departmental development councils.

Modernization of public administration

175. Decentralize support systems, including the purchasing and procurement system, the human resources system, the information and statistics system, the financial management system and the revenue collection system.

Municipal Code

176. Sponsor amendments to the Municipal Code to encourage the participation of indigenous communities in decision-making on matters affecting them and to stipulate that deputy mayors be appointed by the municipal mayor, taking into account the proposals made by local residents in open town council meetings.

D. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Penal Code

177. In accordance with the conclusions of the Commission on the Strengthening of the Justice System, sponsor and introduce in the Congress of the Republic amendments to the Penal Code that will:

- (a) Characterize ethnic discrimination as a crime;
- (b) Characterize sexual harassment as a crime;
- (c) Bring the Penal Code into line with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination; and
- (d) Give priority to the criminal prosecution of those offences which are most detrimental to society; take into account the country's cultural differences and customs; fully protect human rights; and characterize threats and coercion against judicial personnel, bribery, graft and corruption as particularly serious offences which must be severely punished.

Participation of women

178. Evaluate the progress made in women's participation and, on this basis, draw up the corresponding plan of action.

Public spending on the justice system

179. By the year 2000, increase public spending on the judiciary and the Public Prosecutor's Office as a proportion of GDP by 50 per cent over the 1995 level.

180. Allocate the necessary resources to enable the Public Defender's Office in Criminal Matters to be established and begin operations in 1998.

Public Order Act

181. Sponsor and introduce a proposal for a new Public Order Act that is consistent with democratic principles and the strengthening of civilian power.

Archives

182. Sponsor and introduce legislative proposals for characterizing the crime of maintaining illegal files and records containing political information on residents of Guatemala.

Private security companies

183. Sponsor and introduce a bill regulating the functioning and scope of private security companies, with a view to monitoring their activities and the professionalism of their personnel, and ensure, in particular, that such companies and their employees limit their operations to their own sphere of activity, under the strict control of the National Civil Police.

National Civil Police

184. By late 1999, have the National Civil Police functioning throughout the national territory, with a force of at least 20,000 members.

Public security

185. By the year 2000, have increased public spending on public security as a proportion of GDP by 50 per cent over the 1995 level.

Act establishing the armed forces

186. Sponsor and introduce amendments to the Act establishing the Guatemalan armed forces, as and when the proposed constitutional amendments take effect, in order to bring it into line with the content of the Peace Agreements.

Armed forces budget

187. Redirect and reallocate the budget of the Guatemalan armed forces to the constitutional functions and military doctrine referred to in this Agreement, making optimum use of available resources in order to achieve, by 1999, a 33 per cent reduction in military spending as a proportion of GDP over the 1995 level.

E. Agreement on the Basis for the Legal Integration of URNG

Definitive integration phase

188. One year after D+60, beneficiaries shall become eligible for longer-term services provided by the Government, including financial, legal and employment assistance, training and production projects, with a view to ensuring their lasting integration into the economic, social and cultural life of the country on the same terms as the rest of the Guatemalan population. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

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V. FOLLOW-UP COMMISSION

Definition

189. The Commission to Follow up the Implementation of the Peace Agreements is the political and technical body that acts as a reference for the Peace Secretariat.

Composition

190. The Follow-up Commission shall be composed as follows:

(a) An equal number of representatives from each of the Parties to the peace negotiations;

(b) Four citizens from different sectors of the population, who shall be invited to join the Commission by mutual agreement of the Parties to the peace negotiations;

(c) The Congress of the Republic shall be asked to designate one of its members to represent it on the Commission;

(d) The head of the international verification mission, who shall have the right to speak but not to vote.

191. The Commission shall be constituted in January 1997.

Objective

192. To participate and be involved in the implementation of the Peace Agreements, so as to ensure that the process is effective and that the commitments made are properly fulfilled.

Functions

193. The Commission shall have the following functions:

(a) Analyse, from a political and technical standpoint, the progress made and the difficulties encountered in applying and executing the Implementation, Compliance and Verification Timetable for the Peace Agreements;

(b) Give prior consideration to the legislative proposals agreed to in the Peace Agreements and to be drafted by the executive branch pursuant to those Agreements, to help ensure that they are in keeping with the content of the Peace Agreements;

(c) Maintain communication, through the Peace Secretariat, with government bodies that have responsibilities in the areas of work identified in the Timetable, in order to stay abreast of progress in those areas;

(d) Schedule and reschedule targets and actions according to the need to comply with the Timetable and to ensure the effective functioning of the peace process;

(e) Maintain communication with and receive reports from the international verification authority;

(f) Provide support for efforts to obtain funding for the implementation of the commitments set out in the Peace Agreements; and

(g) Prepare and issue periodic reports on the progress made and the difficulties encountered in complying with the Timetable and the Peace Agreements and in carrying out the work entrusted to it.

Working methods

194. The Commission shall hold regular meetings, take its decisions by consensus, and draw up its rules of procedure within the 30 days following its establishment.

195. Once a year, its members shall make an evaluation of its work with a view to proposing whatever changes they deem necessary to derive the greatest benefit from the functioning of the Commission to Follow up the Implementation of the Peace Agreements.

VI. INTERNATIONAL VERIFICATION

196. The Parties agree that international verification is essential for achieving greater certainty in the implementation of the Agreements signed and for strengthening confidence in the consolidation of peace.

197. In keeping with the Framework Agreement for the Resumption of the Negotiating Process of 10 January 1994 and the requests made in all the agreements signed since then, the Parties request the Secretary-General of the United Nations to set up a mission to verify the agreements included in the Agreement on a Firm and Lasting Peace (hereinafter referred to as "the Mission"), with the following characteristics.

Human rights

198. The present United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), with its own functions and powers, shall be a component of the mission mentioned in the preceding paragraph.

Functions

199. The functions of the mission shall include:

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(a) Verification

(i) On the basis of the Timetable set out in this Agreement and of any changes thereto which the Parties may agree to make in the future, to verify fulfilment of all the commitments made in the Agreement on a Firm and Lasting Peace;

(ii) To evaluate the implementation and progress of programmes and projects arising out of the Agreements, in terms of fulfilment of the commitments made;

(iii) On the basis of its verification activities, to make the necessary recommendations, at the appropriate moment, for avoiding or rectifying any instance of non-compliance;

(iv) To report regularly to the Secretary-General of the United Nations and, through him, to the States Members of the United Nations on the progress of compliance with the Agreements;

(b) Good offices

(v) To assist, particularly through the Follow-up Commission, in resolving any difficulties that may arise in the implementation of the Peace Agreements, including differences between the Parties as to the interpretation of the Agreements signed and any other differences that may impede their implementation;

(c) Advisory services

(vi) At the request of either Party, to provide such advice and technical support on specific issues as may be necessary to facilitate compliance with the commitments made. With the consent of the Parties, to also provide, on request, advice and technical support on specific issues to other bodies involved in the implementation of the Peace Agreements;

(d) Public information

(vii) To keep public opinion informed about the implementation of the Peace Agreements, including the results of verification and the mission's activities.

Powers

200. In order to perform the above functions, the mission may establish itself and move freely throughout the national territory, interview any person or entity freely and privately, and obtain whatever information may be relevant.

Duration and structure

201. The Parties request that the mission's mandate be for the same duration as the Implementation, Compliance and Verification Timetable for the Peace Agreements, namely, four years, and that it be adjusted to the tasks arising out of that Timetable.

202. The mission shall have such international and national officials and experts as are appropriate and necessary for the performance of its functions. It may obtain assistance and cooperation from international organizations whose mandate is relevant to the matters covered by the Peace Agreements.

Cooperation

203. The Government of Guatemala and URNG undertake to help the mission to verify their respective commitments.

204. The Government undertakes to extend whatever cooperation the mission requires for the performance of its functions.

VII. FINAL PROVISIONS

First. This Agreement shall form part of the Agreement on a Firm and Lasting Peace and shall enter into force when the latter is signed.

Second. In accordance with the Framework Agreement signed on 10 January 1994, the Secretary-General of the United Nations is requested to verify this Agreement.

Third. This Agreement shall be widely publicized.

Guatemala City, 29 December 1996.

For the Government of Guatemala:

(Signed) Gustavo PORRAS CASTEJÓN	(Signed) Richard AITKENHEAD CASTILLO
(Signed) Raquel ZELAYA ROSALES	(Signed) Otto PÉREZ MOLINA Brigadier General

For the Unidad Revolucionaria Nacional Guatemalteca:

(Signed) Jorge E. ROSAL MELÉNDEZ	(Signed) Ricardo RAMÍREZ DE LEÓN (Commander Rolando MORÁN)
(Signed) Jorge Ismael SOTO GARCÍA (Commander Pablo MONSANTO)	(Signed) Ricardo ROSALES ROMÁN (Carlos GONZÁLES)

For the United Nations:

(Signed) Jean ARNAULT

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Appendix

PROGRAMMING OF INDICATIVE MINIMUM TARGETS 1997-2000

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Concepts	Base year	1997	1998	1999	2000	Minimum targets
Economic behaviour:						
Real annual growth rate of GDP (percentage)		4.2	5.1	6.0	6.0	6.0
Nominal GDP (millions of quetzales)	85 880.3	115 654.0	136 841.8	161 453.2	192 720.5	
Nominal GDP (millions of US\$)	14 783.0	17 792.9	21 123.8	22 739.9	25 696.1	
Tax burden						
Tax burden/GDP (percentage)	7.6	8.6	10.0	11.4	12.0	
Percentage increase over base year		13.2	31.6	50.0	57.9	50.0
Budget targets (percentage increases over base year)						
Health	750.4 ^a	15.0	25.0	35.0	50.0	50.0
Education	1 411.9 ^a	15.0	30.0	40.0	50.0	50.0
Public security	289.1 ^a	14.0	30.0	40.0	50.0	50.0
Judiciary and Public Prosecutor's office	150.8 ^a	12.0	30.0	40.0	50.0	50.0
Guatemalan armed forces	842.8 ^a	-11.0	-22.0	-33.0	-33.0	-33.0

^a Millions of quetzales.