

Accords of the Guatemalan Peace Process

The 'Esquipulas' Process

Procedure for the Establishment of a Firm and Lasting Peace in Central America ('Esquipulas II') - 7th August 1987

The 'Oslo Process'

Basic Agreement on the Search for Peace by Political Means ('The Oslo Agreement') - 30th March 1990
UN ref. no. A/45/706-S/21931, Annex III

Agreement on the Procedure for the Search for Peace by Political Means ('The Mexico Agreement') - 26th April 1991
UN ref. no. A/45/1007-S/22563

Agreement on a General Agenda - 26th April 1991
UN ref. no. A/45/1009-S/22573

Framework Agreement on Democratisation in the Search for Peace by Political Means ('The Queretaro Agreement') - 25th July 1991
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The UN-Mediated Process

Framework Agreement for the Resumption of Negotiations between the Government of Guatemala and the URNG - 10th January 1994
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Agreement on a Timetable for Negotiations on a Firm and Lasting Peace in Guatemala - 29th March 1994
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Comprehensive Agreement on Human Rights - 29th March 1994
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Agreement on the Resettlement of Population Groups Uprooted by the Armed Conflict (17th June 1994)
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Agreement for the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer - 23rd June 1994
UN ref. no. A/48/954-S/1994/751, Annex II

Agreement on the Identity and Rights of Indigenous Peoples - 31st March 1995
UN ref. no. A/49/882-S/1995/256

Agreement on Socio-economic Aspects and the Agrarian Situation - 6th May 1996
UN ref. no. A/50/956

Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society - 19th September 1996
UN ref. no. A/51/410-S/1996/853

Agreement on a Definitive Ceasefire - 4th December 1996
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Agreement on Constitutional Reforms and the Electoral Regime - 7th December 1996
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Agreement on the Basis for the Legal Integration of the URNG - 12th December 1996
UN ref. no. A/51/776-S/1997/51, Annex II

Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements - 29th December 1996
UN ref. no. A/51/796-S/1997/114, Annex I

Agreement on a Firm and Lasting Peace - 29th December 1996
UN ref. no. A/51/796-S/1997/114, Annex II

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Framework Agreement

Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the "Unidad Revolucionaria Nacional Guatemalteca" (URNG)

The delegations of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, having met at Mexico City from 6 to 9 January 1994 under the auspices of the Secretary-General of the United Nations and as guests of the Government of Mexico, have reached the following agreement on the framework for the resumption of the negotiating process aimed at achieving a firm and lasting peace:

I. Agenda for the negotiations

The parties shall negotiate on all the items included in the general agenda set forth in the Mexico Agreement. The parties shall together decide on the scope of their undertakings, all of which shall be subject to verification.

The Government and URNG undertake to be appropriately represented in the negotiations by high-ranking delegates so that political agreements consistent with the constitutional order can be entered into, without restricting their power to conclude agreements on institutional and constitutional reforms.

II. Moderation of the bilateral negotiations

The parties have agreed to request the Secretary-General of the United Nations to appoint a representative to serve as moderator of the bilateral negotiations between the Government and URNG. The parties agree that the moderator may make proposals to facilitate the signing of a firm and lasting peace agreement.

III. Society at large

The two parties recognize the contribution of the sectors which, pursuant to the Oslo Agreement, have participated in the meetings with URNG held at El Escorial, Ottawa, Quito, Metepec and Atlixco. These meetings have given an impetus to the negotiating process in Guatemala. The participation and contributions of these sectors have helped to make possible the start of direct negotiations between the Government and the command of URNG.

The parties agree that Guatemalan society continues to have an essential role to play in the achievement of peace and in the process of reconciliation.

Without prejudice to other machinery and forums, whether temporary or permanent, for promoting national reconciliation, the parties agree to promote the establishment of an Assembly open to the participation of non-governmental sectors of Guatemalan society, provided that their legitimacy, representative character and lawfulness have been recognized. The Assembly shall meet during the negotiating period and shall have the following functions:

- (i) To discuss the substantive issues for the bilateral negotiations, i.e. items (ii) to (vii) of the general agenda contained in the Mexico Agreement, with a view to formulating positions on which there is consensus;
- (ii) To transmit to the United Nations moderator, the Government of Guatemala and URNG the recommendations or guidelines resulting from its deliberations. These recommendations and guidelines shall not be binding and shall be aimed at fostering understanding between the parties. The Assembly shall discuss the substantive issues on the basis of a timetable that is synchronized with the dates set for the bilateral negotiations and shall not delay the conduct of the bilateral negotiating process;

- (iii) To consider bilateral agreements concluded by the parties on the substantive issues and endorse such agreements so as to give them the force of national commitments, thereby facilitating their implementation. However, if for any reason a bilateral agreement is not endorsed, the agreement shall continue to be valid.

The parties agree to request the Episcopal Conference of Guatemala to appoint the President of the Assembly, considering for this office the conciliator, Monsignor Quezada Toruño. The President of the Assembly shall be assisted by an organizing committee. The Committee shall be composed of representatives of each of the sectors which participated in the Oslo process, together with representatives of the Maya people.

The President of the Assembly shall have the following functions:

- (i) To convene the Assembly;
- (ii) To organize its deliberations with the assistance of the Organizing Committee;
- (iii) To promote the formulation of consensus recommendations regarding the substantive issues;
- (iv) To transmit to the United Nations moderator and to the parties the recommendations and guidelines that result from the Assembly's deliberations and to participate in special meetings of the bilateral bureau convened to this end by mutual agreement between the parties;
- (v) To receive from the United Nations moderator the bilateral agreements on substantive issues signed by the parties, put them before the Assembly and promote their endorsement by it.

IV. Role of the countries constituting the group of friends

The parties request the Governments of Colombia, Mexico, Norway, Spain, the United States of America and Venezuela to form a group of friends of the Guatemalan peace process. The friends will be kept duly informed of the progress and content of the negotiations between the parties, and will have the following functions:

- (i) To support, through their actions, the representative of the Secretary-General of the United Nations in order to facilitate the negotiating process;
- (ii) To give greater certainty and firmness to the commitments entered into by the parties in their capacity as solemn witnesses to the agreements arrived at in the course of the negotiating process, when the parties so request.

V. Procedures

(i) Disclosure: the parties agree that the bilateral negotiations will be conducted in the strictest secrecy in order to ensure that they are carried on in an atmosphere of trust and seriousness. They agree that the only public information on their conduct will be that made available by the representative of the Secretary-General of the United Nations. For purposes of coordination with the work of the Assembly, the moderator and the President of the Assembly will draw up appropriate rules to permit exchanges of information that do not impair the secrecy necessary for the work of the bilateral bureau.

(ii) Time-frame: the parties express their commitment to arrive at a firm and lasting peace agreement within the shortest possible time during 1994. In this context, they undertake to demonstrate the necessary flexibility for successful negotiation of the general agenda.

(iii) In the context of their efforts to facilitate the negotiating process, the parties have recognized the desirability of resorting to all measures that will be conducive to rapprochements and agreements between them, and declare themselves ready to respond to the requests made by the moderator in this respect.

VI. Verification mechanisms

Verification is a vital element in ensuring compliance with and respect for the agreements. Consequently, the parties reiterate that all the agreements must be accompanied by appropriate national and international verification mechanisms. The experience and authority of the United Nations confer a high degree of reliability on international verification by the Organization. The two parties agree to request the United Nations to verify all the agreements, in both their substantive and their operational aspects.

Mexico, D.F., 10 January 1994

For the Government of the Republic of Guatemala

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 General Marco Antonio GONZALEZ T.
 Mario PERMUTH LITSWA
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Commander Gaspar ILOM
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Political and Diplomatic Commission

Luis Becker GUZMAN
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For the United Nations

Jean ARNAULT

Commission for Historical Clarification Accord

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 democratisation 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 publicise 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 authorised 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

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Moderator ■

Indigenous Rights Accord

Agreement on the 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 physiognomy 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, Awakateco, Chorti, Chuj, Itza, Ixil, 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 Xinka 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 Xinka 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 Maya, Garifuna and Xinka 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:
 - (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 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
- (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:

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The Socio-economic Accord

Agreement on the Social and Economic Aspects and Agrarian Situation

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 marginalisation 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 realisation 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 democratisation 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. Democratisation 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, prioritising 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 polarisation in society.
3. In addition to representing a factor in democratisation, 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 organised groups. This assumes that all kinds of grass-roots organisations representing different interests will be recognised and encouraged. It requires, in particular, the guarantee of full and effective rights for rural and urban workers and small farmers to participate, as organised 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 organisations 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 organisations 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 stabilise 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 modernise 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 institutionalising the decentralisation 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 decentralisation 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 specialise in executing the new duties that will be the responsibility of the municipality as a result of decentralisation, with an emphasis on land use planning, a land register, urban planning, financial management, project management and training of local organisations 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) Regionalise health care, education and cultural services for indigenous people and ensure the full participation of indigenous organisations 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. Recognising women's undervalued contributions in all spheres of economic and social activity, and particularly their efforts towards community 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) Recognising 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, recognising 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;

Organisation and participation

- (f) Guaranteeing women's right to organise 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 maximising 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 decentralising 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 modernisation 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 organisations; 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 organisations 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, organisation 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 emphasising 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 organisations 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 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 organisations (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 decentralisation and enhancement of local autonomy

(h) The decentralised organisation 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 Organisation 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 recognised 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;

Regularisation of the land situation

(i) Promote the legalisation, 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 mobilised 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;

Protective labour legislation

(c) Promote, in the course of 1996, legal and regulatory changes to enforce the labour laws and severely penalise 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) Decentralise 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 modernise 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 organisations;

(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 modernisation 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 organised 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 modernisation, 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 organisation 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 mobilised to make proposals and to take action, including indigenous peoples' organisations, producers' associations, business associations, rural workers' trade unions, rural and women's organisations 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 organisations 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' organisations, rural women, indigenous organisations, cooperatives, producers' trade unions and non-governmental organisations 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 organised 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 organisations;

(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 organisations;

(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 organisations 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 organisations, 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, decentralise 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 organisations 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. Organisation of the rural population for production

36. Organising 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 organisation 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 organising 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, inter alia through incentives and penalties, the under utilisation of land and its use in ways incompatible with sustainable natural resource utilisation 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 organisations 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 organisations when they so request;

(iv) Receiving complaints of abuses committed against communities, rural organisations 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 decentralised 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 systematising 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' organisations with a view to simplifying such recognition and making it more flexible through the application of the 1975 International Labour Organisation Convention 141 on organisation 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 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 modernising 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 under utilisation 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 unutilised and/or under-utilised land.

IV. Modernisation of Government Services and Fiscal Policy

A. Modernisation of government services

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

Decentralisation and redistribution

(a) Deepen the decentralisation and redistribution of the powers, responsibilities and resources concentrated in the central Government in order to modernise, render effective and streamline government services. Decentralisation 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, decentralise and redistribute government services;

(ii) Promoting the decentralisation 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 modernise the Comptroller's Office.

Professionalisation 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 organisations and institutions responsible for ensuring the rule of law and respect for human rights;

(c) Efficient budget performance, with an emphasis on decentralisation, 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 modernise 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

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General Command**

Commander Pablo MONSANTO
Commander Rolando MORÁN
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Carlos GONZALES

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Marrack GOULDING
Under-Secretary-General Jean ARNAULT ■