Country/entity	Guatemala
Region	Americas
Agreement name	Agreement on the Identity and Rights of Indigenous Peoples
Date	31 Mar 1995
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Guatemalan Civil War (1960 - 1996)

Civil war broke out in Guatemala when numerous leftist and agrarian groups took up arms in 1960 in face of the repression from the conservative regime of Carlos Castillo Armas. The Armas regime came to power in 1954 following a CIA-backed coup against the leftist government of Jacobo Arbenz. The main rebel umbrella was the Guatemalan National Revolutionary Unity (URNG). During the civil war numerous counts of genocide and mass disappearances occurred. In the late 1980s, when a civilian government came to power, the URNG changed tactics when releasing that they wouldn't come to power through armed conflict. The war came to an end on December 29, 1996, and since then URNG converted to an official political party.
Close
Guatemalan Civil War (1960 - 1996)

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Guatemala peace process

Parties

For the Government of the Republic of Guatemala,
Signed by:

Hećtor ROSADA GRANADOS
Antonio ARENALES FORNO
Mario PERMUTH
Brigadier General, Carlos Enrique PINEDA CARRANZA
Brigadier General, Julio Arnoldo BALCONI TURCIOS
Brigadier General Jose´ Horacio SOTO SALAN
Rubeń Amilcar BURGOS SOLIS
Manuel SALAZAR TETZAGUIC

For the Unidad Revolucionaria Nacional Guatemalteca:
General Command

Commander Gaspar ILOM
Commander Rolando MORAN
Commander Pablo MONSANTO
Carlos GONZALES

Third parties

Political and Diplomatic Commission,
Signed by:

Luis Felipe BECKER GUZMAN
Miguel Angel SANDOVAL
Francisco VILLAGRAN MUNÕZ
Luz MENDEZ GUTIERREZ

Advisers:

Mario Vinicio CASTANẼDA

Miguel Angel REYES

For the United Nations:

Gilberto Bueno SCHLITTLER-SILVA, Director, Guatemala Unit
Jean ARNAULT, Moderator

Description

Outlined wide-ranging commitments to recognise the identity of indigenous peoples, to eliminate discrimination against them, and to guarantee their cultural, civil, political, economic and social rights. Provided for establishment of three joint commissions on education reform, participation and on rights relating to land with equal numbers of Government and indigenous peoples representatives. Also provided for establishment of two commissions to address granting of official status of indigenous languages and definition and preservation of sacred areas.

Agreement document	GT_950331_AgreementIdentityAndRightsOfIndigenousPeoples.pdf (opens in new tab) | Download PDF

Groups

Children/youth	Groups→Children/youth→Substantive Page 6, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, A. Language 2. To that end, the Government shall take the following measures: ... (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;
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	Groups→Racial/ethnic/national group→Rhetorical Page 2, Annex, Considering That, because of its history, conquest, colonization, movements and migrations, the Guatemalan nation is multi-ethnic, multicultural and multilingual in nature; Groups→Racial/ethnic/national group→Anti-discrimination Page 4, Annex, II. STRUGGLE AGAINST DISCRIMINATION, A. Struggle against de jure and de facto discrimination 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;
Religious groups	No specific mention.

Indigenous people

Groups→Indigenous people→Rhetorical
Page 1-2, Preamble
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;...

Page 4, 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.

Page 4, 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:...
Groups→Indigenous people→Anti-discrimination
Page 4, II. STRUGGLE AGAINST DISCRIMINATION, A. Struggle against de jure and de facto discrimination
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.
Groups→Indigenous people→Substantive
[Summary] Entire agreement commits to recognising the identity of indigenous peoples and their rights as indigenous peoples.

Page 3, 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.

Page 3, I. IDENTITY OF INDIGENOUS PEOPLES
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;

Other groups No specific mention.

Refugees/displaced persons

Groups→Refugees/displaced persons→Substantive
Page 14, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, 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.

Page 15, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples,
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:

Page 16, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples,
Legal protection of the rights of indigenous communities
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.

Social class No specific mention.

Gender

Women, girls and gender

Page 3, Annex I. IDENTITY OF INDIGENOUS PEOPLES,
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:
... (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;

Page 4-5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, 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.

Page 4-5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, B. Rights of indigenous 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.

Page 10, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, G. Education reform
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.

Page 16, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples,
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:
... (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.

Men and boys

No specific mention.

LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)	Page 2, Annex, Considering That, because of its history, conquest, colonization, movements and migrations, the Guatemalan nation is multi-ethnic, multicultural and multilingual in nature;

State configuration

Page 12, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, 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.

Page 12, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, 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.

Page 12, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, D. Participation at all levels
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.

Page 12, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, D. Participation at all levels
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.

Page 12, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, D. Participation at all levels
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.

Page 13, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, E. Customary law
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.

Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→General references
Page 12, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, D. Participation at all levels
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.

Page 12-13, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, D. Participation at all levels
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.

Page 16, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples
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.

Page 17, 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

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.

Civil society	Page 4, Annex, II. STRUGGLE AGAINST DISCRIMINATION, A. Struggle against de jure and de facto discrimination 2. For its part, with a view to eradicating discrimination against the indigenous peoples, the Government shall take the following measures: ... (c) Widely disseminate information on the rights of the indigenous peoples through education, the communications media and through other channels; and Page 6, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS 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. Page 8, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, F. Science and technology 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. Page 14, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, E. Customary law 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. Page 17, Annex, II. STRUGGLE AGAINST DISCRIMINATION, 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; ... (f) The commissions may request the advice and cooperation of national and international organs relevant to the discharge of their mandates.
Traditional/ religious leaders	No specific mention.

Public administration

Page 12, D. Participation at All Levels
. ..

(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.

Constitution

Governance→Constitution→Constitutional reform/making
Page 3-4, Annex, I. IDENTITY OF INDIGENOUS PEOPLES
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.

Page 6-7, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, A. Language
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
... (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.

Page 7, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, C. Spirituality
3. The Government shall promote, in the Guatemalan Congress, the reform of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

Page 11, Annex, II. STRUGGLE AGAINST DISCRIMINATION, 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.

Power sharing

Political power sharing

Power sharing→Political power sharing→Other proportionality
Sub-state level
Page
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.
Power sharing→Political power sharing→Segmental autonomy
Sub-state level
Page 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

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 11, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS

(Page 12), 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.

Power sharing→Territorial power sharing→Local/municipal government
Page 11, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS

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;

Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	Page 2, Annex, Considering 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; Page 3, Annex, 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. Page 13, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, E. Customary law 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.
Bill of rights/similar	No specific mention.

Treaty incorporation

Page 4-5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, 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:
... (c) Promote the dissemination and faithful implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Page 5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, C. International instruments International Convention on the Elimination of All Forms of Racial Discrimination
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.

Page 5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, C. International instruments 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.

Civil and political rights

Human rights and equality→Civil and political rights→Slavery
Page 4-5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, 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:
Human rights and equality→Civil and political rights→Fair trial
Page 4, Annex, II. STRUGGLE AGAINST DISCRIMINATION, A. Struggle against de jure and de facto discrimination
2. For its part, with a view to eradicating discrimination against the indigenous peoples, the Government shall take the following measures:
... (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.
Human rights and equality→Civil and political rights→Vote and take part
Page 12, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, 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.

Socio-economic rights

Human rights and equality→Socio-economic rights→Property
Page 14-16, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples
Summary: Section as a whole refers to rights and exercise of rights in relation to land

Page 14-15, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, 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.
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.

Page 15, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples
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;
Human rights and equality→Socio-economic rights→Education
Page 9, III Cultural Rights, G. Education Reform
Summary: Section deals with reforms to the education system
Human rights and equality→Socio-economic rights→Cultural life
Page 6-11, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS (A-H) in its entirety deals with cultural rights, in which the government commits to necessary legislative and administrative measures to promote culture of indigenous peoples including; language, names, surnames, place names; spirituality; temples, ceremonial centres and holy places; use of indigenous dress; science and technology; education reform; mass media

Rights related issues

Citizenship	Rights related issues→Citizenship→Citizens, specific rights Page 4, Annex, 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.
Democracy	No specific mention.
Detention procedures	No specific mention.

Media and communication

Rights related issues→Media and communication→Media roles

Page 4, Annex, II. STRUGGLE AGAINST DISCRIMINATION, A. Struggle against de jure and de facto discrimination

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

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

Page 4-5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, B. Rights of indigenous 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.

Page 6, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, A. Language

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

... (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;

Page 10-11, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, H. Mass media

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.

Mobility/access	Page 8, Page 15, Annex, III. CULTURAL RIGHTS, D. Temples, ceremonial centres and holy places 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. Page 15, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples Regularization of the land tenure of indigenous communities 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;
Protection measures	No specific mention.

Other

Page 4, Annex, II. STRUGGLE AGAINST DISCRIMINATION, A. Struggle against de jure and de facto discrimination
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;
... (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.

Page 5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, 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.

Page 5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, C. International instruments, 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.

Page 5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, C. International instruments, 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.

Page 6-11, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS
(A-H) in its entirety deals with cultural rights, in which the government commits to necessary legislative and administrative measures to promote culture of indigenous peoples including; language, names, surnames, place names; spirituality; temples, ceremonial centres and holy places; use of indigenous dress; science and technology; education reform; mass media

Page 12, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, 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.

Rights institutions

NHRI

Rights institutions→NHRI→New or fundamentally revised NHRI
Page 4-5, Annex, II. STRUGGLE AGAINST DISCRIMINATION, 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:
(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

Page 9, III Cultural Rights, G. Education Reform
5. A joint commission comprised of representatives of the Government and of indigenous organizations shall be established to design the above-mentioned reform.

Page 12, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, D. Participation at all levels
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.

Page 16, Annex II, IV CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples,
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.

Page 17, Annex II, V. JOINT COMMISSIONS, sets out composition and functioning of these commissions.

Regional or international human rights institutions

No specific mention.

Justice sector reform

Criminal justice and emergency law

No specific mention.

State of emergency provisions

No specific mention.

Judiciary and courts	Page 6, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, A. Language 2. To that end, the Government shall take the following measures: ... (e) Promote programmes for the training of bilingual judges and court interpreters from and into indigenous languages; Page 13-14, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, E. Customary law 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: … (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. Page 13-14, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, E. Customary law 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. Page 16, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples 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: … (b) Promote an increase in the number of courts dealing with land cases and expedite procedures for the settlement of those cases;
Prisons and detention	No specific mention.

Traditional Laws

Page 11, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, B. Local indigenous communities and authorities
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.

Page 13-14, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, 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.

Page 13-14, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, E. Customary law
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.

Page 13, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, E. Customary law
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.

Page 13-14, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, E. Customary law
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 Pubĺico) 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.

Page 14, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, E. Customary law
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.

Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	Page 17, Annex, II. STRUGGLE AGAINST DISCRIMINATION, VI. RESOURCES ... 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).
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 15, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples
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.

Page 15-16, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples
Regularization of the land tenure of indigenous communities
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.

Page 16, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples
Regularization of the land tenure of indigenous communities
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.

Page 16, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples
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;
Land, property and environment→Land reform/rights→Other land rights
Page 14, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, 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.

Pastoralist/ nomadism rights	No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible
Page 6, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, A. Language
2. To that end, the Government shall take the following measures:
... (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;

Page 6, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, 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.
Land, property and environment→Cultural heritage→Intangible
Page 3, Annex, I. IDENTITY OF INDIGENOUS PEOPLES
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.

Page 6, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, 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.

Page 6, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, C. Spirituality
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.

Page 6, Annex, II. STRUGGLE AGAINST DISCRIMINATION, III. CULTURAL RIGHTS, A. Language
2. To that end, the Government shall take the following measures:
... (c) Promote programmes for the training of bilingual judges and court interpreters

Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.

Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	Transitional justice→Reparations→Material reparations Page 15, Annex, II. STRUGGLE AGAINST DISCRIMINATION, IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS, F. Rights relating to land of the indigenous peoples 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:
Reconciliation	No specific mention.

Implementation

UN signatory	For the United Nations: Signed by: Gilberto Bueno SCHLITTLER-SILVA, Director, Guatemala Unit Jean ARNAULT, Moderator
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	Page 15, Annex, II. STRUGGLE AGAINST DISCRIMINATION, 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. Page 15, Annex, II. STRUGGLE AGAINST DISCRIMINATION, VII. FINAL PROVISIONS 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). Page 15, Annex, II. STRUGGLE AGAINST DISCRIMINATION, VII. FINAL PROVISIONS 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.