Country/entity	Guatemala
Region	Americas
Agreement name	Agreement on the Social and Economic Aspects and Agrarian Situation
Date	6 May 1996
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:

Gustavo PORRAS CASTEJÓN

Brigadier General Otto PÉREZ MOLINA

Raquel ZELAYA ROSALES

Richard AITKENHEAD CASTILLO

For the Unidad Revolucionaria Nacional Guatemalteca, General Command
Signed by:

Commander Pablo MONSANTO

Commander Rolando MORÁN

Commander Gaspar ILOM

Carlos GONZALES

Third parties

For the United Nations
Signed by:

Marrack GOULDING, Under-Secretary-General

Jean ARNAULT, Moderator

Page 1, Letter dated 24 May 1996 from the Secretary-General addressed to the President of the General Assembly, para 1

(The signing ceremony took place at the Mexican Foreign Ministry in the presence of Mr. Angel Gurría, Foreign Minister, and, amongst others, senior officials of the countries that are members of the Group of Friends of the Guatemalan Peace Process (Colombia, Mexico, Norway, Spain, the United States of America and Venezuela), representatives of the Assembly of Civil Society and other Guatemalan personalities.)

Description

Agreement split into four chapters: (I) Democratisation and Participatory Development - Government committed itself to increasing citizen participation. (II) Social Development - Promised high levels of government growth and restructuring of public expenditure to increase social investment. Included sections on education and training; health; social security; housing and work. (III) Agrarian Situation and Rural Development - Government agreed to strengthen provisions for consultation, to establish a trust fund to re-distribute undeveloped land, to develop a land register, new taxes on land and to implement speedy resolution of land conflicts. (IV) Modernisation of Government Services and Fiscal Policy.

Agreement document	GT_960506_AgreementOnSocio-economicAspectsOfAgrarianSituation.pdf (opens in new tab) | Download PDF

Groups

Children/youth	Groups→Children/youth→Substantive Page 11, Annex, II. SOCIAL DEVELOPMENT, A. Education and training 22. In response to the country's needs in the field of education, the Government undertakes to: 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; Page 17, II. SOCIAL DEVELOPMENT, E. Work Protective labour legislation ... (d) Decentralize and expand labour inspection services, strengthening the capacity to monitor compliance with the labour norms of domestic law and those derived from the international labour agreements ratified by Guatemala, paying particular attention to monitoring compliance with the labour rights of women, migrant and temporary agricultural workers, household workers, minors, the elderly, the disabled and other workers who are in a more vulnerable and unprotected situation;
Disabled persons	Groups→Disabled persons→Substantive Page 17, II. SOCIAL DEVELOPMENT, E. Work Protective labour legislation ... (d) Decentralize and expand labour inspection services, strengthening the capacity to monitor compliance with the labour norms of domestic law and those derived from the international labour agreements ratified by Guatemala, paying particular attention to monitoring compliance with the labour rights of women, migrant and temporary agricultural workers, household workers, minors, the elderly, the disabled and other workers who are in a more vulnerable and unprotected situation;
Elderly/age	Groups→Elderly/age→Substantive Page 17, II. SOCIAL DEVELOPMENT, E. Work Protective labour legislation ... (d) Decentralize and expand labour inspection services, strengthening the capacity to monitor compliance with the labour norms of domestic law and those derived from the international labour agreements ratified by Guatemala, paying particular attention to monitoring compliance with the labour rights of women, migrant and temporary agricultural workers, household workers, minors, the elderly, the disabled and other workers who are in a more vulnerable and unprotected situation;

Migrant workers	Groups→Migrant workers→Substantive Page 17, II. SOCIAL DEVELOPMENT, E. Work Protective labour legislation ... (d) Decentralize and expand labour inspection services, strengthening the capacity to monitor compliance with the labour norms of domestic law and those derived from the international labour agreements ratified by Guatemala, paying particular attention to monitoring compliance with the labour rights of women, migrant and temporary agricultural workers, household workers, minors, the elderly, the disabled and other workers who are in a more vulnerable and unprotected situation;
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.

Indigenous people

Groups→Indigenous people→Rhetorical

Page 4, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building

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.

Page 18, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT

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.

Groups→Indigenous people→Substantive

Page 6, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building, Communities

Regions

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

Page 10, II. SOCIAL DEVELOPMENT, A. Education and training

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;

Page 14, Annex, II. SOCIAL DEVELOPMENT, B. Health

Social participation

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

Page 19, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT A. Participation

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

Other groups

No specific mention.

Refugees/displaced persons	Groups→Refugees/displaced persons→Rhetorical Page 4, Annex, I DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building 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. Groups→Refugees/displaced persons→Substantive Page 23-24, 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: 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; III. Agrarian Situation and Rural Development- govt reaffirms earlier commitments, and B.34. to establish land trust fund to provide credit to small and medium-sized farmers to acquire land, E.24. legal framework and juridical security, G.38. land register, J.42 intro. Of land tax
Social class	No specific mention.

Gender

Women, girls and gender

Page 6, I DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, B. Participation of women in economic and social development
B. Participation of women in economic and social development

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

12. Recognizing women's undervalued contributions in all spheres of economic and social activity, and particularly their efforts towards community improvement, the Parties agree that there is a need to strengthen women's participation in economic and social development on equal terms.

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

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

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

Housing

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

Health

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

Labour

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

(i) Using various means to encourage vocational training for women;

(ii) Revising labour legislation to guarantee equality of rights and opportunities between men and women;

(iii) In rural areas, recognizing women as agricultural workers to ensure that their work is valued and remunerated;

(iv) Enacting laws to protect the rights of women who work as household employees, especially in relation to fair wages, working hours, social security and respect for their

Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration Page 13-14, Annex, II. SOCIAL DEVELOPMENT, 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:
... Administrative decentralization and enhancement of local autonomy
(h) The decentralized organization of the various levels of health care should ensure that health programmes and services are offered at the community, regional and national levels, which are the basis of the national coordinated health system.

Page 5-6, Annex, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building
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:
... Regions
(e) Regionalize health care, education and cultural services for indigenous people and ensure the full participation of indigenous organizations in the design and implementation of this process;

Page 26-27, IV. MODERNIZATION OF GOVERNMENT SERVICES AND FISCAL POLICY, A. Modernization of government services
43. Government services should become an efficient tool of development policies. To this end, the Government undertakes to:
Decentralization and redistribution
(a) Deepen the decentralization and redistribution of the powers, responsibilities and resources concentrated in the central Government in order to modernize, render effective and streamline government services. Decentralization should ensure the transfer of decision-making power and sufficient resources to the appropriate levels (local, municipal, departmental and regional) so as to meet the needs of socio-economic development in an efficient way and promote close cooperation between government bodies and the population. This implies:
(i) Promoting an amendment to the Executive Authority Act and the Departmental Control and Administration Act and, in particular, to Decree No. 586 of 1956, which will make it possible to simplify, decentralize and redistribute government services;
(ii) Promoting the decentralization of support systems, including the purchasing and procurement system, the human resources system, the information-gathering and statistical system and the financial management system.

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 4-6, Annex, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building
Series of largely rhetorical government commitments to 'participation and consensus-building',

Page 5, Annex, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building
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;

Page 5, Annex, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building
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:
... Municipalities
(b) Foster social participation in the context of municipal autonomy, pursuing the process of decentralization to give more authority to municipal governments, and consequently, strengthening their technical, administrative and
financial resources;

Page 5-6, Annex, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building
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:
... 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;

Page 5-6, Annex, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building
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:
... 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.

Page 24-25, Annex, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT, E. Legal framework and juridical security,
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

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

Civil society

Page 1, Letter dated 24 May 1996 from the Secretary-General addressed to the President of the General Assembly, para 1
... The signing ceremony took place at the Mexican Foreign Ministry in the presence of Mr. Angel Gurría, Foreign Minister, and, amongst others, senior officials of the countries that are members of the Group of Friends of the Guatemalan Peace Process (Colombia, Mexico, Norway, Spain, the United States of America and Venezuela), representatives of the Assembly of Civil Society and other Guatemalan personalities.

Page 1, Letter dated 24 May 1996 from the Secretary-General addressed to the President of the General Assembly, para 2
... On 22 May 1996, the text of the Agreement was submitted to the Assembly of Civil Society for its endorsement.

Page 5, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building
6. This also assumes a major effort to promote a culture of consensus and capacity-building in business, labour and other types of organizations in order to increase their ability to plan and negotiate and effectively to assume the rights and duties inherent in democratic participation.

Page 5-6, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building, Communities
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:
... Regions
(e) Regionalize health care, education and cultural services for indigenous people and ensure the full participation of indigenous organizations in the design and implementation of this process;

Page 10,

22. In response to the country's needs in the field of education, the Government undertakes to:
. . .
(Page 11), 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;

Page 13-14, Annex, II. SOCIAL DEVELOPMENT, 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:
... Social participation
(g) The system would encourage active participation of municipalities, communities and social organizations (including groups of women, indigenous people, trade unions and civic and humanitarian associations) in the planning, execution and monitoring of the administration of health services and programmes, through local health systems and urban and rural development councils;

Traditional/ religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing

No specific mention.

Territorial power sharing

Power sharing→Territorial power sharing→Local/municipal government
10. In order to reinforce the people's ability to participate and, at the same time, the State's management capacity, the Government agrees to:
Communities
(a) Promote a reform of the Municipal Code so that deputy mayors are appointed by the municipal mayor, taking into account the recommendations of local residents in an open town council meeting;

Municipalities
(b) Foster social participation in the context of municipal autonomy, pursuing the process of decentralization to give more authority to municipal governments, and consequently, strengthening their technical, administrative and financial resources;
(c) Establish and implement as soon as possible, in cooperation with the National Association of Municipalities, a municipal training programme that will serve as a framework for national efforts and international cooperation in this field. The programme will stress the training of municipal staff who will specialize in executing the new duties that will be the responsibility of the municipality as a result of decentralization, with an emphasis on land use planning, a land register, urban planning, financial management, project management and training of local organizations so that they can participate effectively in meeting their own needs;

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

Regions
(e) Regionalize health care, education and cultural services for indigenous people and ensure the full participation of indigenous organizations in the design and implementation of this process;
System of urban and rural development councils
(f) Take the following steps, bearing in mind the fundamental role of urban and rural development councils in ensuring, promoting and guaranteeing the people's participation in the identification of local priorities, the definition of public projects and programmes and the integration of national policy into urban and rural development:
(i) Re-establish local development councils;
(ii) Promote a reform of the Urban and Rural Development Councils Act to broaden the range of sectors participating in departmental and regional development councils;
(iii) Provide adequate funding for the council system.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 10, Annex, II. SOCIAL DEVELOPMENT, A. Education and training,
21. Education and training have a fundamental role in the country's economic, cultural, social and political development. They are central to the strategy of equity and national unity, and vital for economic modernization and international competitiveness. Reform of the educational system and of its administration is therefore necessary, as is the implementation of coherent and forceful State policies in the field of education, in order to achieve the following objectives:
(a) To affirm and disseminate the moral and cultural values and the concepts and behaviour patterns which are the foundations of democratic coexistence, including respect for human rights, for the cultural diversity of Guatemala, for the productive work of its people and the protection of the environment and for the values and mechanisms of power-sharing and social and political consensus-building which constitute the basis of a culture of peace;
(b) To avoid the perpetuation of poverty and of social, ethnic, sexual and geographical forms of discrimination, particularly those which arise from the divide between urban and rural society;

Bill of rights/similar No specific mention.

Treaty incorporation	Page 7-8, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, B. Participation of women in economic and social development Legislation 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: ... 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. Page 25, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT, 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: ... (c) Promote reform of the procedures for recognition of the legal personality of small farmers' organizations with a view to simplifying such recognition and making it more flexible through the application of the 1975 International Labour Organization Convention 141 on organization of rural workers.
Civil and political rights	No specific mention.

Socio-economic rights

Human rights and equality→Socio-economic rights→Work
Page 16, Annex, II. SOCIAL DEVELOPMENT, 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:
Human rights and equality→Socio-economic rights→Health
Page 13, Annex, II. SOCIAL DEVELOPMENT, 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:
Human rights and equality→Socio-economic rights→Education
Page 11, Annex, II. SOCIAL DEVELOPMENT, A. Education and training
Coverage
(c) Expand, as a matter of urgency, the coverage of education services at all levels, and in particular the provision of bilingual education in rural communities, by means of:
(i) The integration of children of school age into the educational system, ensuring that they complete the pre-primary and primary levels and the first level of secondary school; in particular, by the year 2000, the Government undertakes to provide access, for all those between ages 7 and 12, to at least three years of schooling;
(ii) Literacy programmes in as many languages as is technically feasible, with the participation of suitably qualified indigenous organizations; the Government undertakes to raise the literacy rate to 70 per cent by the year 2000; and
(iii) Education, training and technical courses for adults;
Human rights and equality→Socio-economic rights→Shelter/housing
Page 15, II. SOCIAL DEVELOPMENT, D. Housing

25. It has been recognized that there is a need to institute a policy, in accordance with the constitutional mandate, to give priority to the building of low-cost housing, through appropriate financial arrangements, in order to enable as many Guatemalan families as possible to own their own homes. To this end, the Government undertakes to:
Human rights and equality→Socio-economic rights→Social security
Page 14, II. SOCIAL DEVELOPMENT, 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:

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizens, specific rights
Page 4, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building
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.

Democracy

Page 4, Annex, I DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building
Series of largely rhetorical government commitments to 'democratization and participatory development' such as,

1. In order to pursue a true, functional and participatory democracy, the process of social and economic development should be democratic and participatory and include: (a) consensus-building and dialogue among agents of socio-economic development; (b) consensus-building between these agents and State bodies in the formulation and implementation of development strategies; and (c) effective citizen participation in identifying, prioritizing and meeting their needs.
2. Expanded social participation is a bulwark against corruption, privilege, distortions of development and the abuse of economic and political power to the detriment of society. Therefore, it is an instrument for the eradication of economic, social and political polarization in society.
... 6. This also assumes a major effort to promote a culture of consensus and capacity-building in business, labour and other types of organizations in order to increase their ability to plan and negotiate and effectively to assume the rights and duties inherent in democratic participation.

Page 28-29, J. Resources, B. Fiscal policy
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:
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.

Detention procedures

No specific mention.

Media and communication

Rights related issues→Media and communication→Media roles
Page 30, V. FINAL PROVISIONS
... 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.

Mobility/access	No specific mention.
Protection measures	No specific mention.

Other

Page 7-8, Annex, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, B. Participation of women in economic and social development
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:
... 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.

Page 14, Annex, II. SOCIAL DEVELOPMENT, 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:
... (b) Under the International Labour Organization convention ratified by Guatemala, social security should include programmes for medical care and benefits in the areas of sickness, maternity, disability, old age, survival, job-related accidents and illnesses, employment and family welfare;

Page 23-24, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT, 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:
Institutional mechanisms
(h) By 1997, to have started the operations of a Presidential office for legal assistance and conflict resolution in relation to land, with nationwide coverage and the task of providing advice and legal assistance to small farmers and agricultural workers with a view to the full exercise of their rights, and in particular of:
(i) Advising and providing legal assistance to small farmers and agricultural workers and/or their organizations upon request;
(ii) Intervening in land disputes at the request of a party with a view to arriving at a just and expeditious solution;
(iii) In the case of judicial disputes, providing advice and legal assistance free of charge to small farmers and/or their organizations when they so request;
(iv) Receiving complaints of abuses committed against communities, rural organizations and individual small farmers and bringing them to the attention of the Office of the Counsel for Human Rights and/or of any other national or international verification mechanism.

Page 25, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT, 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

Rights institutions	
NHRI	No specific mention.
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 23-24, 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: ... 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;
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 8, Annex, II. SOCIAL DEVELOPMENT

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

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

State responsibilities

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

Page 9-10, Annex, II. SOCIAL DEVELOPMENT

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.

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;

National economic plan

Page 10, Annex, II. SOCIAL DEVELOPMENT, A. Education and training
21. Education and training have a fundamental role in the country's economic, cultural, social and political development. They are central to the strategy of equity and national unity, and vital for economic modernization and international competitiveness. Reform of the educational system and of its administration is therefore necessary, as is the implementation of coherent and forceful State policies in the field of education, in order to achieve the following objectives:
... 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;

Page 13, Annex, II. SOCIAL DEVELOPMENT, 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:

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

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

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

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

Page 15, Annex, II. SOCIAL DEVELOPMENT, D. Housing
... National commitment
(i) In view of the size and urgency of the housing problem, national efforts should be

Natural resources

Page 21, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT B. Access to land and productive resources

Access to the use of natural resources

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

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

Access to other productive projects

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

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

International funds

No specific mention.

Business

Page 21, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT B. Access to land and productive resources

... Access to other productive projects

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

Taxation

Socio-economic reconstruction→Taxation→Reform of taxation
Page 16, D. Housing, II. SOCIAL DEVELOPMENT

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

Page 26-28, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT, J. Resources

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

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

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:

Banks	No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 19-20, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT B. Access to land and productive resources
34. Promote the access of tenant farmers to land ownership and the sustainable use of land resources. To that end, the Government will take the following actions:
Access to land ownership: land trust fund
(a) Establish a land trust fund within a broad-based banking institution to provide credit and to promote savings, preferably among micro-, small and medium-sized enterprises. The land trust fund will have prime responsibility for the acquisition of land through Government funding, will promote the establishment of a transparent land market and will facilitate the updating of land development plans. The fund will give priority to the allocation of land to rural men and women who are organized for that purpose, taking into account economic and environmental sustainability requirements;
(b) In order to ensure that the neediest sectors benefit from its services, the fund will set up a special advisory and management unit to serve rural communities and organizations;
(c) Initially, the fund will limit its activities to the following types of land:
(i) Uncultivated State land and State-owned farms;
(ii) Illegally settled public land, especially in Petén and the Franja Transversal del Norte, which the Government has pledged to recover through legal action;
(iii) Land acquired with the resources allocated by the Government to the National Land Fund and the National Peace Fund for that purpose;
(iv) Land purchased with grants from friendly Governments and international non-governmental organizations;
(v) Land purchased with loans secured from international financing agencies;
(vi) Undeveloped land expropriated under article 40 of the Constitution;
(vii) Land acquired from the proceeds of the sale of excess land, as determined by comparing the actual dimensions of private property with the dimensions recorded at the land register department, which has become the property of the State;
(viii) Land which the State may purchase pursuant to Decree No. 1551, article 40, on agricultural development areas;
(ix) Land which the State may purchase for any purpose; and
(x) Miscellaneous grants;
(d) The Government will promote and enact legislation to regulate all the activities of the land trust fund. Such legislation will establish, inter alia, the fund's aims, functions and financing and acquisition mechanisms, and the allocation, origin and destination of land. In 1999, the extent to which the allocation targets have been met will be assessed and, if need be, the functioning of the land allocation programme will be adjusted;

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

Page 23-24, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT, E. Legal framework and juridical security
Legal reform
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

Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	Land, property and environment→Cultural heritage→Tangible Page 13, Annex, II. SOCIAL DEVELOPMENT, B. Health 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; Page 21, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT B. Access to land and productive resources ... Access to other productive projects ... (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;

Environment	Page 21, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT B. Access to land and productive resources Access to the use of natural resources ... (g) Promote and support the participation of the private sector and grass- roots community organizations in projects for the management and conservation of renewable natural resources through incentives, targeted direct subsidies or funding mechanisms on soft terms, in view of the non-monetary benefits that the national community derives from such projects. Given the benefit that the international community receives from the sustainable management and conservation of the country's forest and biogenetic resources, the Government will actively promote international cooperation in this venture; Page 25-26, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT, 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 AmericanAlliance 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.
Water or riparian rights or access	Page 21, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT, B. Access to land and productive resources 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;

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	Page 4, I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT, A. Participation and consensus-building 2. Expanded social participation is a bulwark against corruption, privilege, distortions of development and the abuse of economic and political power to the detriment of society. Therefore, it is an instrument for the eradication of economic, social and political polarization in society. IV. MODERNIZATION OF GOVERNMENT SERVICES AND FISCAL POLICY, A. Modernization of government services Professionalization and advancement of public servants 44. The State should have a skilled labour force which can ensure the honest and efficient management of public funds. To this end, it is necessary to: ... (c) Promote criminal sanctions for acts of corruption and misappropriation of public funds.
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 24, Annex II, III. AGRARIAN SITUATION AND RURAL DEVELOPMENT, E. Legal framework and juridical security ... Prompt settlement of land conflicts ... (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;
Reconciliation	No specific mention.

Implementation

UN signatory	Signed for the United Nations by 1. Under-Secretary-General; 2. Moderator
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	III.E.37.(h) by 1997 to have started the operations of a presidental office for legal assistance and conflict resolution in relations to land; V. UNSG verification Page 30, V. FINAL PROVISIONS ... 3. In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to verify compliance with this Agreement.