



General Assembly

Distr.  
GENERAL

A/51/936  
30 June 1997  
ENGLISH  
ORIGINAL: SPANISH

Fifty-first session  
Agenda item 40

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

United Nations Verification Mission in Guatemala

Report of the Secretary-General

1. This report is submitted pursuant to General Assembly resolutions 51/198 A and 51/198 B, of 17 December 1996 and 27 March 1997 respectively, by which the General Assembly decided to renew the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) until 31 March 1997 and then until 31 March 1998 in order to verify compliance with the agreements signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). In the latter resolution, the General Assembly also decided that, in line with its new mandate, the Mission's name would be changed to the United Nations Verification Mission in Guatemala and the acronym "MINUGUA" would be retained, and requested me to keep it fully informed of the implementation of those resolutions.

I. INTRODUCTION

2. By its resolution 51/198 B, the General Assembly authorized MINUGUA, whose mandate until 31 December 1996 had been limited to the verification of compliance with the Comprehensive Agreement on Human Rights (hereinafter referred to as the "Comprehensive Agreement") and to the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples (hereinafter referred to as the "Indigenous Agreement"), to also verify compliance with the measures envisaged during the initial stage of implementation of the Peace Agreements. Those measures correspond to the first phase of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (A/51/796-S/1997/114, annex II, hereinafter referred to as the "Timetable Agreement").

3. On 31 January 1997, I informed the President of the General Assembly and the President of the Security Council (A/51/794-S/1997/186) that I had decided to appoint Mr. Jean Arnault as my Special Representative and Head of MINUGUA with effect from 1 March 1997, succeeding Mr. David Stephen. I wish to thank Mr. Stephen for his dedication to the work entrusted to him.

4. The present report describes the results of the Mission's verification of fulfilment of the commitments covered under the first phase of the Timetable Agreement (15 January to 15 April 1997). These commitments refer to the following agreements signed between the parties:

Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I)

Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict (hereinafter referred to as the "Resettlement Agreement") (A/48/954-S/1994/751, annex I)

Agreement on the Establishment of a Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (A/48/954-S/1994/751, annex II)

Agreement on Identity and Rights of Indigenous Peoples (A/49/882-S/1995/256, annex)

Agreement on Social and Economic Aspects and the Agrarian Situation (hereinafter referred to as the "Agreement on Social and Economic Aspects") (A/50/956, annex)

Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society (hereinafter referred to as the "Agreement on the Strengthening of Civilian Power") (A/51/410-S/1996/853, annex)

Agreement on Constitutional Reforms and the Electoral Regime (A/51/776-S/1997/51, annex I)

Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as the "Integration Agreement") (A/51/776-S/1997/51, annex II).

5. The Timetable Agreement did not include general and ongoing commitments, such as the general commitment to human rights and other commitments set forth in the Comprehensive Agreement. In view of their importance, the Mission will continue to report to the General Assembly on the situation of human rights in Guatemala and on compliance with that Agreement, through a semi-annual report. The present report covers only verification of the aspects of the Comprehensive Agreement included in the Timetable Agreement.

6. The Agreement on the Definitive Ceasefire (S/1996/1045, annex) was implemented and verified between 3 March and 2 May 1997. In its resolution 1094 (1997) of 20 January 1997, the Security Council decided that this verification would be carried out by a military observer group which, under its

authority, would be attached to MINUGUA. The implementation of that resolution has been the subject of a separate report to the Security Council (S/1997/432).

II. VERIFICATION OF COMPLIANCE WITH THE COMMITMENTS MADE  
UNDER THE FIRST PHASE OF THE TIMETABLE AGREEMENT

7. In the Peace Agreements, the parties established a comprehensive, long-term agenda for Guatemala's development, which was supported by many sectors of society. That agenda, as indicated in the preamble to the Timetable Agreement, is intended to overcome the root causes of social, political, economic, ethnic and cultural conflict and also the consequences of the armed conflict. Its implementation is a necessarily gradual process for which the Timetable Agreement identifies some basic criteria. These include, *inter alia*, the need to: rationalize the human and material resources available in each phase; stagger implementation of the fundamental components of the Agreements in order to avoid dissipating governmental and non-governmental efforts; emphasize the establishment of the consultation machinery provided for; establish the necessary institutional, legal or financial basis; and lastly, promote the effective participation of social sectors in meeting their needs and in establishing public policies concerning them.

8. In order to facilitate implementation of the Agreements, the Timetable Agreement provided for the establishment of a Follow-up Commission, which was set up by Governmental Agreement 83-97 of 3 February 1997. The Commission is composed of an equal number of representatives from each of the parties, four citizens from different sectors of society, a representative of the Congress of the Republic and the Head of MINUGUA, who has the right to speak but not to vote. During the reporting period, the Commission reviewed bills drafted by the Government to ensure their consistency with Agreements, used its good offices to overcome difficulties in the work of the commissions established under the Agreements, rescheduled commitments when that was necessary and, on 3 June 1997, submitted a progress report on the peace process. The varied composition of the Commission and the representative mix of Guatemalans serving on it are important factors for promoting broad participation by institutions and citizens in the peace effort.

9. The following paragraphs describe the situation up to the beginning of June 1997. They include a brief description of the work of the commissions and of compliance with the commitments under the first phase of the timetable, including those whose fulfilment extended beyond 15 April 1997 as a result of their rescheduling by the Follow-up Commission or for other reasons.

A. Comprehensive Agreement on Human Rights

10. With the designation of the Peace Secretariat (SEPAZ) as the State agency responsible for the Government's policy of compensation for and/or assistance to victims of human rights violations, the Government complied with this commitment and with the provisions of article 9 of the National Reconciliation Act (Decree No. 145-96), which provides that such assistance shall be coordinated by SEPAZ. SEPAZ submitted a proposal for a programme of compensation which, in the

/...

Mission's opinion, is generally consistent with the provisions of the Comprehensive Agreement. The Presidential Human Rights Commission (COPREDEH) has been given the task of convening non-governmental organizations involved with this issue to discuss the proposal starting on 1 June. The Mission believes that this consultation process, combined with the recommendations to be made by the Clarification Commission, is the best means of responding to the needs of victims within the country's financial possibilities.

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

11. The Government made a commitment to sponsor, in the Congress, the necessary amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict, to solve the documentation problems of uprooted population groups and demobilized URNG members. The bill currently being debated in the Congress was introduced by the Government in November 1996, but did not cover all the envisaged aspects. With the backing of the Follow-up Commission, the Technical Commission for the Resettlement Agreement, assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR) and MINUGUA, drafted amendments that are being studied by the Congressional Committee on Municipal Affairs.

12. On 14 April, through the Ministry of Agriculture, Livestock and Food, the Government submitted to the Mission a report on the availability of land for the resettlement of uprooted population groups. This report incorporates existing studies on the subject by several State agencies, which do not always contain the specific information mentioned in the Agreement. The report should be submitted to the Resettlement Commission as a matter of urgency.

13. As to the parties' commitment to provide the United Nations with data on explosives, mines and minefields and to implement a programme for their removal, the mine clearance programme began on 26 March, with the cooperation of the armed forces and URNG. The military observer group attached to MINUGUA participated in and verified the programme, which concluded on 10 April. The Mission considers the commitment to have been fulfilled, but joins the parties in warning that not all explosive devices used in combat have been located and deactivated. The danger that this poses to the population can be minimized by stepping up the campaign to encourage the population to report the presence of such devices and to notify the agency responsible for their deactivation.

14. The fund to finance projects and programmes for the resettlement of uprooted population groups was established by the United Nations Development Programme (UNDP) on 22 December 1996. To date, the fund has received contributions from Japan and the Netherlands, and offers from the United States of America and Sweden are in the pipeline. The European Union is providing support directly to the programme.

15. On 13 January 1997, following a formal request by the parties, the United Nations Educational, Scientific and Cultural Organization (UNESCO) submitted the preliminary version of an education plan for the uprooted population. The Ministry of Education requested that the plan be revised and this is currently

being done, under its coordination, with representatives of the uprooted population, in a special subcommission of the Resettlement Commission.

16. With respect to the commitment to speed up negotiations for the return of uprooted persons, UNHCR indicated that the number of returnees during the reporting period was significantly lower than anticipated. The collective returns scheduled for mid-February did not materialize. The rate of the return process was seriously affected by the procedural requirements for purchasing large farms and by disagreements between the Government and refugee organizations as to how many people the purchased farms could support and the procedures for obtaining credit. The announcement made on 30 April, at the meeting between representatives of UNHCR and of the Governments of Guatemala and Mexico, that arrangements had been made to expedite the operational aspects of the return process, was a positive development. The Government office in Comitán, Chiapas (Mexico), which it was agreed in September 1996 would be opened to facilitate the return process, began operations in early June 1997.

C. Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer

17. The establishment of the Clarification Commission was completed on 22 February with the appointment of the Commission's Guatemalan members, Ms. Otilia Lux de Cotí and Mr. Edgar Alfredo Balsells Tojo. Mr. Christian Tomuschat, the Commission's Coordinator, was appointed by the Secretary-General of the United Nations, in consultation with the parties. The appointment of Ms. Lux de Cotí and Mr. Balsells Tojo was made after extensive consultations with the Universities of Guatemala, as required by the Agreement, and with organizations and prominent members of society. The Commissioners indicated that the Commission could begin its functions on 1 July, once the preparatory administrative and methodological work was complete, staff had been recruited and funds mobilized. This prospect aroused high expectations, and donors and cooperation agencies demonstrated a willingness to cooperate in its establishment. The Mission will continue to support the Commissioners, while fully respecting their independence.

D. Agreement on Identity and Rights of Indigenous Peoples

18. Participation is the key to the reforms envisaged in this Agreement, and it was agreed to establish various commissions for this purpose. Since the signing of the Indigenous Agreement in 1995, the Coordinating Office of Organizations of the Maya People of Guatemala and other indigenous organizations have made considerable efforts to involve the largest possible number of organizations and individuals in implementing the Agreement and, in particular, in participating in the commissions. The collective participation of its beneficiaries is one of the best guarantees of compliance with the Agreement. It is also a direct contribution to the struggle against marginalization and discrimination that is one of the priorities of the Indigenous Agreement.

19. The Commission for the Official Recognition of Indigenous Languages was established by Governmental Agreement 308-97 of 10 April and officially installed on 21 April. Because of different interpretations as to the composition of its membership, the Commission requested the intervention of the Follow-up Commission, which is currently reviewing the matter.

20. The Commission on Holy Places was established by Governmental Agreement 261-97 of 20 March and officially installed on 2 April. It recently adopted its rules of procedure. The Commission began its substantive activities by studying Decree No. 26-97 of 9 April, which establishes a new Act for the Protection of the Nation's Cultural Heritage, and agreed to request its revision in line with the results of the Commission's deliberations.

21. Governmental Agreement 262-97 of 20 March established the Joint Commission on Education Reform, which was installed on 2 April. The Follow-up Commission used its good offices to facilitate the Commission's installation, and it is now meeting on a regular basis and has adopted its rules of procedure.

22. The Government's commitment to the historic effort to bring the State closer to indigenous peoples, as evinced by such initiatives as the inclusion of indigenous representatives on each of its delegations to the commissions and by the public support expressed by the President of the Republic at their official installation, is particularly noteworthy.

23. In recent months, a number of legislative proposals that concern indigenous peoples have been submitted to the Congress of the Republic, including a bill on the treatment of ethnic discrimination as a crime, a definition of sexual harassment and amendments to the Code of Penal Procedure concerning certain aspects of customary law. These initiatives are praiseworthy, in that they reflect the interest being shown by political parties in the question of indigenous peoples. At the same time, however, this situation could mean that the efforts made by the Congress and by the commissions set up under the Agreements might undermine each other. This problem could be avoided by harmonizing those efforts to bring the role of the commissions, as the core of the partnership between indigenous peoples and the Government, into line with the work of the Congress as legislator and forum for public debate on fundamental national issues.

E. Agreement on Social and Economic Aspects and the Agrarian Situation

24. On 9 April, the Government, through the Ministry of Labour and Social Welfare, submitted a report on the legislative reforms carried out in 1996 to enforce labour laws. The legal changes include: ratification of International Labour Organization Convention No. 169, approval of the regulations for the recognition of legal personality, approval of trade union statutes and membership, and the creation of eight labour and social welfare courts of first instance. With regard to the legal and regulatory changes proposed for 1997 onwards, the report notes that amendments to the procedural norms of the Labour Code will be emphasized. In order to fulfil the commitment to severely penalize violations of labour laws, the Ministry's enforcement capacity through its

/...

labour inspection services, must be strengthened, and the legislative agenda of the second phase of the timetable should include the legal or regulatory reforms required for this purpose.

25. The Government submitted the National Civic Education Programme for Democracy and Peace, intended for schoolchildren, which will be implemented primarily by the Ministry of Education and incorporates the commitments made under the Agreement. It is hoped that other institutions, such as non-governmental organizations, universities and representatives of local authorities, will become involved in this programme.

26. On 10 April 1997, the Ministry of Finance submitted its report on the fiscal policy commitments contained in the Agreements. The report emphasizes that government fiscal policy is geared to meeting the target of increasing the tax burden by 50 per cent so that it reaches 12 per cent of the gross domestic product (GDP) by the year 2000, as stipulated in the Peace Agreements. This means overcoming the barrier that has kept the average tax burden in the past 36 years at below 8 per cent of GDP, one of the lowest levels in Latin America. The report says that a change of this magnitude requires a package of measures that combine: (a) the strengthening of tax administration; (b) the expansion of the tax base and the revision of the principal taxes; and (c) the creation of a team that is committed to reform, supported at the highest political level and backed by a solid social consensus. The report underlines that the absence of any one of these prerequisites would make it very difficult successfully to carry out and maintain a reform of the tax system.

27. Some of the measures being promoted by the Ministry of Finance are: amendments to the laws governing value-added tax and income tax in order to exclude a number of exemptions, thereby expanding the tax base; reform of the Penal Code to strengthen the State's enforcement capacity, and of the tax laws to define fiscal offences; and the creation of a unit to audit certain taxpayers. In March, the Government submitted a bill on the establishment of a Tax Administration Superintendency, fulfilling the commitment to strengthen institutional mechanisms for tax collection and auditing. Taken together, the measures adopted thus far strengthen the administrative, legal and judicial framework for tax collection. It is hoped that in the next few months these initiatives will lead to more efficient enforcement of the law and an increase in public confidence in the tax system.

28. At the same time, as noted in the report by the Ministry of Finance, the strengthening of tax administration will only produce gradual, medium-term effects. The expiration of the solidarity tax in 1998 presents the Government with the challenge of taking new steps to meet the target of increasing the tax burden in 1997 and 1998. As noted earlier, the mobilization of domestic resources to implement the Peace Agreements, in particular to deal with the social debt and to strengthen institutions such as the administration of justice and public security, is the cornerstone of the sustainability of the changes envisaged in the Agreements. It is also a key element in the irreversibility of the peace process and in the social and political stability of the country.

29. In the past, attempts to increase the tax burden were repeatedly frustrated by powerful economic interests. The Agreement on Social and Economic Aspects

/...

set a collection target, still considerably below the average for Latin America, which if met, would enable the transition to a modern, functional State to be made. After it was signed on 6 May 1996, the Agreement was endorsed by broad segments of society, including the organized private sector and various grass-roots organizations. The next few months should make it possible to put into practice the fiscal policy contained in that Agreement. Its inclusion on the agenda of the "open forums" referred to in paragraph 38 below offers an opportunity for consensus-building on ways of implementing it.

30. As to the commitment to promote the convening of a women's forum, the Timetable Agreement's failure to stipulate convening procedures caused controversies that have delayed its implementation. The Mission noted that the "Expresiones de Mujeres" movement and the National Office of Women's Affairs have held preparatory meetings to make the forum as representative as possible. The Government received requests to participate from various organizations and individuals. Through the good offices of the Follow-up Commission, a Coordinating Commission for the Women's Forum was established on 21 May to decide on the agenda and organization of this important forum.

31. With regard to the commitment to expand participation in the National Agricultural Development Council (CONADEA), a number of different sectors have been included. In April, CONADEA approved the admission of two important national coordinating committees of peasant organizations, conditional upon their membership in the corresponding bilateral institutional committee and the issuance by CONADEA of regulations governing the administrative procedure for admitting new members. The verification process showed that the functions and terms of reference of the Council are not sufficiently well known. There is a need for more publicity and for prompt issuance of the regulations governing the admission procedure.

32. As to the commitment to launch the land surveying process, the Government reported on the steps which it had taken to establish and adapt political and institutional coordination mechanisms and to modernize the land registry system. Although a number of preparatory activities have been carried out, land surveying in pilot areas has not yet begun.

33. The Government has done the preparatory work to establish a Presidential Office for Legal Assistance and Dispute Settlement in Land Matters, including a survey of the various types of disputes that exist and the appointment of members of the Board of Directors. This Board, which includes representatives of the relevant sectors, including Guatemala's agricultural sector, is preparing the budget and outlining the structure of the Office. Given the importance of the land question and the impact of land tenure disputes on the life of the rural population, there is an urgent need for the Office to start its activities with resources commensurate with its importance for the peace process.

34. In addition, by means of Governmental Agreement 307-97, the Government established a body to coordinate government policies for compliance with the commitments relating to land. Coordinated by the Minister of Agriculture, it consists of the Minister of Finance, SEPАЗ, the Presidential Office for Legal Assistance and Dispute Settlement, the land registry, the Land Trust Fund, the rural investment programme and the national geographical information system.



35. On 16 April, the Government submitted a rural development public investment programme for a total of 737.9 million quetzales for 1997, which is more than was provided for in the Agreement. Within overall public investment, this programme reflects the priority accorded to rural investment, particularly by social funds and by the Ministry of Communications and Public Works. The plans for privatizing the telephone company (GUATEL) and restructuring the National Electrification Institute (INDE), two companies that have traditionally been involved in the implementation of public investment projects in rural areas, pose the challenge of ensuring the continuity of this policy of priority investment in electricity and telecommunications in rural areas.

36. Since the Peace Agreements were signed, a number of measures implemented by the Government in the socio-economic sphere have been questioned, on the grounds that they do not meet the commitments made. The issue of privatization has attracted particular attention. URNG publicly expressed concern at economic and social measures, the sale of State assets and the approval of legal provisions which might contradict the provisions of the Agreements.

37. Given that the specific issue of privatization is not part of the Peace Agreements, one cannot, strictly speaking, talk of compliance or non-compliance in this regard. More broadly speaking, however, whether or not the sale of public assets is consistent with the Agreements can be looked at in terms of the fulfilment of specific commitments, according to the general principle that economic policy must seek to prevent processes of economic exclusion and to optimize the benefits of economic growth for all Guatemalans. These specific commitments include, in particular, the commitments:

(a) To adopt economic policies designed to achieve steady growth in GDP of not less than 6 per cent per annum; this involves overhauling the system of production in order to achieve greater efficiency;

(b) To develop a regulatory framework for the provision of social services, through public, semi-public or private entities, that will guarantee the exercise of social rights; this involves expanding coverage on terms accessible to the population;

(c) To create conditions that will make it possible to attain rising and sustained levels of employment; this underscores the aim of absorbing manpower;

(d) To promote the restructuring of labour relations in enterprises by encouraging labour/management cooperation and consultation with a view to the development of the enterprise for the common good.

38. Given the complexity of these aspects and the political sensitivity of anything related to public assets, there will inevitably be disagreements and public debate. The presidential initiative of convening "open forums", in which the Government, political parties and representatives of civil society will participate, to discuss urgent issues of national life, and the decision by the members of these forums to include the topic of privatization on their agenda, is therefore a positive development and fully consistent with the implementation strategy of the Timetable Agreement, which emphasizes effective participation of social sectors in establishing public policies concerning them.

39. It is cause for satisfaction that several of the commitments corresponding to the Agreement on Social and Economic Aspects which were scheduled for the second phase of the timetable are already being implemented, inter alia, those relating to the establishment of the Land Trust Fund, the broad-based banking institution for rural credit and its land trust, the implementation of measures to reduce the cost of medicines and the incorporation of the priorities of the Peace Agreements into the guidelines for the preparation of the preliminary draft national budget.

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

40. With regard to the commitment to request the President of the Congress to set up a multi-party agency to enhance, modernize and reinforce the legislative branch, the Congress decided that the existing Technical Support Committee should take up the agenda provided for in the Agreement. The composition of that Committee is consistent with what was agreed upon and it is felt that, by taking this decision, the legislative branch has indeed endorsed the concern to strengthen its functioning which was set forth in the Peace Agreements.

41. The Commission on the Strengthening of the Justice System was established on 7 March, by means of Governmental Agreement 221-97. It is made up of four judges, one official from the Public Prosecutor's Office, the Director of the National Police, the deans of the law faculties of San Carlos and Rafael Landivar Universities, a former president of the Bar Association, a legal adviser from the business sector, an indigenous lawyer and a prominent leader of a non-governmental human rights organization. In accordance with the Agreement, the Commission has decided to promote an extensive debate on the justice system. To that end, it is conducting extensive hearings with representatives of various social sectors, both in the capital and in the interior of the country.

42. The composition of the Commission on the Strengthening of the Justice System is representative and consistent with the provisions of the Agreement, which emphasizes that national priority must be given to reforming the administration of justice and that State organs must work together on that task. Nevertheless, there is an imbalance in the representation of State institutions of the justice sector for, whereas the Public Prosecutor's Office has only one representative, the judiciary is represented by four judges. Moreover, the Public Defender's Office is not represented.

43. The creation and deployment of a new National Civil Police (PNC) is one of the most important and ambitious commitments made by the Government under the Peace Agreements, especially in view of the crime wave sweeping the country. In this context the Congress adopted the PNC Act on 4 February. Important aspects provided for in the Agreement - inter alia, those relating to police training - were not covered in the Act. The Minister of the Interior sent the Act, and the draft regulations that were being prepared, to the Follow-up Commission at the latter's request, so that it might examine their consistency with the Peace Agreements and make the corresponding recommendations. The Minister of the Interior held a number of meetings with the Follow-up Commission on the legislation governing the PNC.

44. With regard to the proposed regulations governing training at the Police Academy, it is necessary to clarify the role that the Academy plays in the selection, training and evaluation of future police personnel to guarantee the objectivity and impartiality of the procedures for admission to the PNC.

45. With regard to the disciplinary regime, in the Mission's view the regulations provide an appropriate legal framework for guaranteeing internal discipline and fulfilment of the professional duties of the police, particularly those relating to the observance of human rights. Similarly, the regime of penalties guarantees future staff due administrative process. The PNC Act and regulations are being considered by a technical body set up by the Follow-up Commission and comprising representatives of the Government, URNG and MINUGUA.

46. As to the operation of the Academy, it is important that mechanisms for admission to retraining courses and the academic content of such courses should be compatible with the Agreements. The concern that police personnel involved in human rights violations were being admitted to the courses was conveyed to the Government, which undertook to apply the appropriate corrective measures. The Government was also informed that members of the Mobile Military Police had been assigned briefly to the Treasury Guard for the sole purpose of transferring them subsequently to the Academy as members of the Guard. In order to strengthen public confidence in the PNC and ensure its effectiveness, it is important that the commitment to purify and professionalize the security forces be fulfilled.

47. With regard to the commitment to demobilize the Voluntary Civil Defence Committees (CVDCs), the Congress repealed the decree creating these Committees on 28 November 1996. The commitment entered into force, as planned, on the day that the Agreement on a Firm and Lasting Peace was signed.

48. Former CVDC members were indeed demobilized, those with their weapons belonging to the armed forces were collected and, generally speaking, former CVDC members no longer have any organic relationship with the armed forces. It has not been possible to compare the information provided by the Government on the individuals demobilized and the register of weapons handed in because there are no lists of CVDC members or of the weapons issued to them. There have been isolated cases where former CVDC members, claiming to be protected by their relationship with members of the armed forces, have continued to put undue pressure on civilian authorities or on the population. The Minister of Defence has stated that he is prepared to cooperate in dealing with these cases.

49. With regard to the commitments included in the second phase of the timetable, the Working Group on the Civic Service Act decided to present its preliminary bill in August 1997.

G. Agreement on Constitutional Reforms and the Electoral Regime

50. This Agreement includes the constitutional amendments agreed to in the package of Peace Agreements and relating to the identity and rights of indigenous peoples, the Congress of the Republic, the judiciary, the National

Civil Police, the armed forces and the functions of the President of the Republic. In order to analyse this commitment in greater depth, the Follow-up Commission rescheduled its fulfilment for 15 May. Within this new deadline, the Commission gave its opinion on the text of the Government's reform proposal and made recommendations aimed at ensuring its compatibility with the Agreement.

51. The executive branch presented the draft constitutional amendments to the Congress on 15 May. The commitments in this regard have thus, in general terms, been fulfilled. The inclusion of the question of constitutional reforms on the agenda of the "open forums" will make it possible to hold an initial national debate on these amendments prior to their consideration by the Congress.

52. By Governmental Agreement 16-97, the Supreme Electoral Tribunal established the Electoral Reform Commission, composed of judges, former members of the Tribunal and one representative and one alternate for each of the seven political parties represented in Congress. The Commission adopted an open-ended agenda of 15 items related to matters dealt with in the Agreement, and invited interested organizations and individuals to submit proposals or request hearings by 15 May. By that date, the Commission had received 22 proposals. In addition, it began consideration of those items of its agenda which have constitutional implications. The Mission is monitoring the Commission's work and is prepared to provide technical assistance if the Commission so requires.

H. Agreement on the Basis for the Legal Integration of  
the Unidad Revolucionaria Nacional Guatemalteca

53. The Special Integration Commission was set up on 28 January by means of Governmental Agreement 82-97 and, as stipulated in the Integration Agreement, is responsible for coordination, financial management and decision-making with respect to programmes and projects arising out of the Agreement. The Commission is composed of representatives of the Government and URNG, with representatives from the European Union, the Organization of American States (OAS), the United States Agency for International Development (USAID) and UNDP participating as observers. The Commission is overseeing the implementation of an emergency plan which covers the period up to 3 August and meets the needs of demobilized combatants in the areas of education, vocational guidance and training and other areas provided for in the Integration Agreement.

54. URNG complied with the commitment to transmit to the verification authority a list of members subject to the demobilization process and a list of members not subject to demobilization, whether resident in Guatemala or elsewhere.

55. The Government provided security for URNG members, when requested. Some isolated incidents have occurred which, while not serious, highlight the importance of the Government's commitment with regard to the safety of URNG members. As required by the Agreement, the Mission will continue to pay particular attention to this matter.

56. With respect to temporary documentation for URNG members, the parties requested the military observer group attached to MINUGUA to assume this task.

It was completed in respect of URNG members subject to demobilization; for those not subject to demobilization, it is being done by MINUGUA's regional offices.

57. URNG carried out an assessment of vocational guidance and training needs in the camps for demobilized combatants; with the support of OAS and the International Organization for Migration (IOM), vocational guidance was provided. In addition, with the help of Médicos del Mundo (Spain), Médecins sans frontières (France), the Pan-American Health Organization (PAHO) and the World Health Organization (WHO), a plan was drawn up which includes epidemiological monitoring, basic sanitation and medical care.

58. With respect to the commitment to facilitate the reunification of URNG members with their families, the Spanish Committee of the Red Cross has, at the request of the parties, completed the preliminary work of gathering the information required to locate the families of former combatants. The programme to provide legal assistance to URNG members has yet to be launched.

59. The Government, through the Ministry of the Interior, expedited legal procedures to establish the Guillermo Toriello URNG Integration Foundation, which was authorized on 3 June by means of Governmental Agreement 182-97.

60. The demobilization and subsequent return of former combatants to their communities of origin took place without major incidents, with the exception of the events which occurred at the Ixcán Grande cooperative in the northern part of the country. Several cooperative members, in their capacity as URNG combatants subject to demobilization, went to the demobilization camp at Mayalán. The cooperative's authorities felt that it was unfair for members of the cooperative, who had been beneficiaries of the 8 October 1992 Agreement between the Government and the Permanent Commissions of Guatemalan Refugees in Mexico, to also benefit from the Integration Agreement. A group of cooperative members objected to the return of the demobilized combatants to the cooperative.

61. Despite the good offices of a number of bodies, including the Follow-up Commission, the cooperative's general assembly decided to expel the former combatants. This situation gave rise to serious incidents: among other things, members of the cooperative refused to allow several UNHCR, MINUGUA and IOM international staff members to leave.

62. The Mission fully shares the view of the Follow-up Commission that a solution to this complex situation must be found which adheres strictly to the Constitution, the law and the Peace Agreements and contributes to national reconciliation and the strengthening of the rule of law. At the urging of the Special Integration Commission, a dialogue will be initiated among the parties involved in this matter.

#### I. Other commitments

63. With regard to the commitment to publicize the Peace Agreements as widely as possible, the Government reported that it had distributed 20,000 copies of the Agreements. It is important to expand these information and publicity activities, in which the Government and other sectors of society must join

/...

forces. MINUGUA regional offices have found that the population remains largely ignorant of the content of the Peace Agreements, a situation that fosters misunderstandings or unrealistic expectations and reduces the possibilities of involving the population in their implementation and of securing its effective support. It is also important to emphasize the need for all employees of State institutions, who have a decisive role to play in the implementation of the Peace Agreements, to be fully informed of their content.

64. For its part, the Mission has continued its efforts to publicize and explain the Peace Agreements. Since January, it has given talks attended by over 12,000 participants and has provided training to over 10,000 people, mainly members of grass-roots organizations, teachers and members of the security forces. In addition, the Mission developed and broadcast radio programmes which emphasized the importance of the peace process and of compliance with the commitments made. Lastly, it provided the press with ample news coverage of the URNG demobilization and disarmament process at the various assembly points.

### III. INTERNATIONAL COOPERATION

65. Once the Peace Agreements came into force on 29 December 1996, the role of international cooperation in the Guatemalan peace process became even more important. The Agreements are based on the principle that the sustainability of the envisaged changes is contingent primarily on a national effort and, particularly, on the mobilization of domestic financial resources. However, it is recognized that international cooperation can play a decisive role until the reforms needed to improve the way in which national resources are raised and allocated begin to bear fruit. On this understanding, the international community has responded very favourably to the challenges of peace-building. This is attributable, among other things, to the fact that the Agreements are more than just a military settlement between parties and cover an agenda that is backed by significant social sectors. This agenda is aimed at overcoming the structural backwardness that has impeded the country's development and limited its possibilities of cooperating with the rest of the international community.

66. On 20 and 21 January 1997 in Brussels, in the context of the Consultative Group for Guatemala organized by the Inter-American Development Bank with European Union sponsorship, the Government presented a list of the projects to be executed as part of the implementation of the Peace Agreements. The international community pledged to cover the programme's requirements in an amount of US\$ 1.9 billion up to the year 2000. A number of donors began their contributions: Germany, Japan, Norway, Sweden, the United States and the European Union contributed directly to project execution, and funds pledged by Canada, Denmark, France, Germany, Italy, Japan, the Netherlands, Spain and the European Union are in the pipeline. A number of donors are waiting to see what measures the Government takes to increase tax collection before they make their contributions. The next meeting of the Consultative Group, scheduled for early September in Guatemala, will afford an opportunity to jointly review the implementation process and to reaffirm the international community's support for the basic objectives of the Peace Agreements.

67. International cooperation has also made a qualitative effort to coordinate the inputs of multilateral cooperation agencies and bilateral donors in order properly to respond to the demands of the peace process, in close cooperation with the Government. The United Nations system, with the active involvement of the Resident Coordinator, has made a particular effort to ensure that all the system's activities are prioritized and organized on the basis of the Timetable Agreement. One example of international cooperation among the Government, donors, cooperation agencies and non-governmental organizations has been the support given to the demobilization of URNG combatants (see S/1997/432). A similar coordination effort is being made through the Working Group on Justice and the Working Group on Security, with the participation of donors and cooperation agencies, the Government and the United Nations.

68. With the generous support of the international community and in the context of the cooperation described above, MINUGUA is pursuing institution-building activities, with particular emphasis on the justice system, public security, the promotion of a multicultural, multilingual and multi-ethnic State and education in and the promotion and dissemination of the Peace Agreements and a culture of respect for human rights. Contributions this year from the Governments of Sweden, Switzerland and the United States have totalled nearly US\$ 3.5 million. Offers totalling over US\$ 6 million from the Governments of Belgium, Denmark, the Netherlands, Norway and the United States are also in the pipeline.

#### IV. PRESENT SITUATION AND FUTURE PROSPECTS

69. The first phase of the Timetable Agreement emphasized the definitive ceasefire process, including the demobilization of URNG members, and preparations for the substantive changes envisaged in the peace agenda. The Agreement on the Definitive Ceasefire was implemented and the deadlines and procedures established therein were strictly observed, confirming the willingness of the Government and URNG to put a definitive end to the armed conflict, as evidenced throughout 1996 in the peace negotiations and in the informal ceasefire which went into effect on 19 March 1996. The ceasefire process demonstrated the spirit of responsibility shown by former URNG combatants in confronting the challenges of their legal integration.

70. The preparations in question included the effort made by the Government, through the Political Council for Peace, to ensure that its actions are coherent, to coordinate its institutions and to prioritize its activities in terms of compliance with the Agreements. It also made a commendable effort to coordinate international cooperation.

71. The participation bodies created during this initial phase (Joint Commission on Education Reform, Commission for the Official Recognition of Indigenous Languages, Commission on Holy Places, Multiparty Legislative Forum, Commission on the Strengthening of the Justice System, Electoral Reform Commission, Special Integration Commission, Women's Forum) have been set up, with the exception of the Coordinating Commission for the Women's Forum, on schedule and without problems. The functioning of these bodies reflects the strength of Guatemalan society's desire for change and participation. From the holding of the National Dialogue in 1989 to the work of the Assembly of Civil

/...

Society from 1994 to 1996, via the consultations held under the Oslo Agreement of March 1990, this desire for participatory change has been one of the hallmarks of Guatemala's democratization process. The peace negotiations were both a product and a catalyst of these aspirations. In addition to the participation bodies set up pursuant to the Agreements, the consultations on the compensation programme for victims of human rights violations and the initiative of convening "open forums" confirm that the preamble to the Timetable Agreement was right to emphasize the importance of consensus in building peace.

72. Despite these initiatives, there is a perception in some sectors that the Peace Agreements and their implementation are a process whose benefits, particularly political benefits, will be felt only by the Government and URNG. Another concern is that unless the implementation of the Agreements has a tangible impact on the daily lives of the most needy sectors of the population, it could cause disillusionment and arouse scepticism. To confront these difficulties, it is important to:

(a) Promote a better understanding of the prospects offered by the Agreements and fuller information about the implementation process;

(b) Pay particular attention to the impact of compliance in rural areas and among traditionally neglected rural communities, where the social debt is most pressing and where it is essential that the hopes raised by the signing of the Peace Agreements should not be disappointed;

(c) Ensure that the implementation of the Agreements continues to create opportunities for broad sectors of the population to take on definite responsibilities for managing their affairs and for the peace process as a whole. The commitments envisaged in the second phase of the timetable, from 15 April to 31 December 1997, offer numerous possibilities for reinforcing the sense of individual and collective responsibility vis-à-vis the challenges confronting Guatemalan society. As the report of the Follow-up Commission indicates, the process of implementing the Agreements is, in itself, a necessary process of civic education and participation.

73. Since the beginning of the peace process, Guatemala's political parties have contributed at various times to its strengthening and successful conclusion. Now they have a special responsibility to fulfil in the public discussion and adoption of the legislative agenda for peace, particularly the constitutional amendments. The next phase of the timetable provides for the adoption of a number of important laws in the labour, administrative, legal and security spheres. This offers an opportunity to give effect to resolution 1-97, which the Congress adopted on 15 January 1997 and in which it resolved to express its total and unrestricted commitment to complying with the legislative agenda of the peace process. To that end and notwithstanding the differences between the parties' platforms, it is important to foster a climate of cooperation with regard to the implementation of the Agreements, as a contribution to the process of consolidating peace.

74. In its most recent pastoral letter, the Guatemalan Conference of Bishops urges all Guatemalans to strive to ensure that the Agreements reached become a reality for everyone and to avoid taking either a pessimistic or an unduly



optimistic view, and appeals to them to face up to the challenges of peace-building with courage and determination. The United Nations endorses this appeal and calls on the international community to continue contributing its efforts to this endeavour.

-----