

Country/entity	Guatemala
Region	Americas
Agreement name	Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca
Date	12 Dec 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 Guatemala: (Signed) Gustavo PORRAS CASTEJÓN (Signed) Otto PÉREZ MOLINA, Brigadier-General (Signed) Richard AITKENHEAD CASTILLO (Signed) Raquel ZELAYA ROSALES For the Unidad Revolucionaria Nacional Guatemalteca: (Signed) Commander Pablo MONSANTO (Signed) Commander Rolando MORÁN (Signed) Carlos GONZALES (Signed) Jorge ROSAL

Third parties	For the United Nations: (Signed) Jean ARNAULT
Description	Enabled the establishment of a joint government/URNG 'Integration Commission' and contained provisions to be included in a National Reconciliation Act.

Agreement document	GT_961212_AgreementOnBasisOfTheLegalIntegrationOfURNG.pdf (opens in new tab) Download PDF
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Groups

Children/youth	Groups→Children/youth→Rhetorical Page 4, II. OBJECTIVES AND PRINCIPLES, Principles 12. The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention. Groups→Children/youth→Substantive Page 8, III. ELEMENTS OF THE INTEGRATION PROGRAMME, A. Legal area, Other documentation 31. The procedures for naturalization of children born abroad to Guatemalans belonging to URNG shall be expedited.
Disabled persons	Groups→Disabled persons→Rhetorical Page 4, II. OBJECTIVES AND PRINCIPLES, Principles 12. The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention. Groups→Disabled persons→Substantive Page 10, III. ELEMENTS OF THE INTEGRATION PROGRAMME, F. Special subprogrammes, Subprogramme for disabled persons 50. As a result of the internal armed conflict, a sector of the population is disabled and, as one of the most vulnerable and most severely affected groups, requires special priority attention under the programme envisaged in this Agreement. 51. The integration of this group is a more complex matter, because of the personal and social impact of their disability. As a result, specific projects will have to provide proper professional care for their rehabilitation and access to education and training so that they can be genuinely integrated into social and productive life in decent conditions.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	Groups→Racial/ethnic/national group→Rhetorical Page 15, Untitled Preamble ...Whereas building a democratic, multi-ethnic, multicultural and multilingual nation, with social justice, calls for equitable participation by all citizens, both men and women, on the basis of complete political and ideological pluralism,...

Religious groups No specific mention.

Indigenous people Groups→Indigenous people→Rhetorical
Page 15, Untitled Preamble
...Whereas, given a situation where there is social and economic injustice, including discriminatory practices against indigenous peoples, and the systematic denial of individual and collective rights and safeguards, the peoples concerned have the right to seek the necessary democratic change,...

Groups→Indigenous people→Substantive
Page 24, E. Cultural area
49. Since a large proportion of URNG members are of Mayan origin, the Parties agree to stipulate that the integration programme must be implemented in conformity with the Agreement on Identity and Rights of Indigenous Peoples.

Other groups No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Page 21, A. Legal area, Documentation
29. As a result of the conditions in which the internal armed conflict took place, many URNG members have no personal documentation. This limits the exercise of their civil rights and duties. To facilitate an immediate solution to this problem, the Government undertakes to sponsor in the Congress of the Republic the corresponding amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict (Decree 73-95). Such amendments, in addition to solving the documentation problems of uprooted population groups, shall resolve the lack of personal documentation of URNG members. The Congress shall be asked to consider and resolve this issue in the two months following the signing of the Agreement on a Firm and Lasting Peace.

Page 23, D. Socio-economic area, Housing
44. During the initial integration stage, the Special Integration Commission shall promote appropriate housing conditions for URNG members who require it in order to carry out the corresponding subprogrammes and projects, with special emphasis on the needs of demobilized combatants. Before the end of the initial integration phase, the Special Commission shall pay special attention to guaranteeing access to housing for demobilized URNG members who settle in rural areas and to providing proper credit facilities for those settling in urban areas.

Page 24, D. Socio-economic area, Family reunification
53. The Parties agree to take all necessary measures to enable URNG members to be reunited with their families. The Government undertakes to extend all necessary facilities to that end.

Social class No specific mention.

Gender

Women, girls and gender Page 15, Annex II, (Untitled Preamble), para 4

Whereas building a democratic, multi-ethnic, multicultural and multilingual nation, with social justice, calls for equitable participation by all citizens, both men and women, on the basis of complete political and ideological pluralism,

Page 18-19, Annex II, II. OBJECTIVES AND PRINCIPLES

Principles

12. The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention.

Men and boys No specific mention.

LGBTI No specific mention.

Family Page 24, Annex II, D. Socio-economic area

Family reunification

53. The Parties agree to take all necessary measures to enable URNG members to be reunited with their families. The Government undertakes to extend all necessary facilities to that end.

State definition

Nature of state (general) Page 15, Annex II, (Untitled Preamble), para 4

Whereas building a democratic, multi-ethnic, multicultural and multilingual nation, with social justice, calls for equitable participation by all citizens, both men and women, on the basis of complete political and ideological pluralism,

State configuration No specific mention.

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)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society Page 26, Annex II, V. FINAL PROVISIONS

This Agreement shall be widely publicized.

**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** No specific mention.

**Economic power
sharing** No specific mention.

**Military power
sharing** No specific mention.

Human rights and equality

Human rights/RoL general Page 15, Annex II, (Untitled Preamble), para 2

Whereas, given a situation where there is social and economic injustice, including discriminatory practices against indigenous peoples, and the systematic denial of individual and collective rights and safeguards, the peoples concerned have the right to seek the necessary democratic change,

Page 22, Annex II, B. Political area

35. The Government considers that the transformation of URNG into a political party duly accredited with the corresponding bodies is a contribution to the strengthening of the rule of law and to the consolidation of a pluralist democracy.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights Human rights and equality→Civil and political rights→Life
Page 22, Annex II, C. Security area

36. The Government undertakes to adopt administrative measures to guarantee the necessary conditions for the effective exercise of the civil rights of URNG members, particularly the rights to life, security and physical integrity. Respect for this undertaking shall be subject to special verification by the international verification authority, which may arrange for URNG members to be accompanied temporarily when the need arises.

37. The Government shall pay particular attention to any complaint of acts or incidents that threaten the safety of URNG members.

Human rights and equality→Civil and political rights→Equality

Page 5, Annex II, (Untitled Preamble), para 4

Whereas building a democratic, multi-ethnic, multicultural and multilingual nation, with social justice, calls for equitable participation by all citizens, both men and women, on the basis of complete political and ideological pluralism,

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy Page 15, Annex II, (Untitled Preamble), para 3-4

Whereas the package of peace agreements signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) constitute a new and promising framework for the democratic life of the country, based on new forms of political participation and a new institutional framework,

Whereas building a democratic, multi-ethnic, multicultural and multilingual nation, with social justice, calls for equitable participation by all citizens, both men and women, on the basis of complete political and ideological pluralism,

Page 15, Annex II, (Untitled Preamble), para 8

Recognizing that the legal integration of members of URNG, in full exercise of their constitutional rights and duties and in security and dignity, will contribute to the democratic process and its consolidation, the restoration of the social fabric in Guatemala, reconciliation and the establishment of a firm and lasting peace,

Page 22, Annex II, B. Political area

35. The Government considers that the transformation of URNG into a political party duly accredited with the corresponding bodies is a contribution to the strengthening of the rule of law and to the consolidation of a pluralist democracy.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures	No specific mention.
Other	<p>Page 23-24, D. Socio-economic area, includes guarantees for socio-economic rights of those in the reintegration programme including:</p> <p>38. In the socio-economic area, the integration programme shall cover the following spheres:</p> <p>Vocational guidance and training Education Housing Health Economic and production projects</p> <p>Page 24, Annex II, E. Cultural area</p> <p>49. Since a large proportion of URNG members are of Mayan origin, the Parties agree to stipulate that the integration programme must be implemented in conformity with the Agreement on Identity and Rights of Indigenous Peoples.</p>

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 21 , Annex II, A. Legal area,

Proceedings

25. The judicial proceedings for related common crimes shall be consistent with guarantees of due process, shall be expeditious and adversarial, and shall comprise the following stages:

(i) If the Public Prosecutor's Office or a judicial authority is to try one of the crimes referred to in paragraphs 22 and 23, it shall transfer the case immediately to the appeals court division having jurisdiction in the matter. The court shall notify the aggrieved person, defined as such in article 117 of the Code of Criminal Procedure, the Public Prosecutor's Office and the defendant, ordering them to appear within the same period of 10 working days.

(ii) After this period has elapsed, the court shall have five working days in which to issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. If, after the period for notification of the parties has elapsed, the court feels that it needs additional information in order to reach a decision, it shall convene an immediate oral hearing with the sole participation of the parties, at which it shall receive relevant evidence, hear statements by the parties or their lawyers and, immediately thereafter, issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. The oral hearing shall be held within 10 working days after the end of the period for notification of the parties. At least three days shall elapse between the summons and the hearing

(iii) An appeal against the court's order shall be admissible only if it is submitted in writing, alleging grievances, within three days from the date of the last notification, by any of the parties having a legitimate interest in the case. If the appeal is declared admissible, the case shall be referred immediately to the amparo and preliminary judgements division of the Supreme Court, which shall decide within one week, without further hearings, to uphold, revoke or amend the contested order. The Supreme Court's decision shall not be subject to any form of appeal.

26. No coercive measures, such as committal orders, pretrial detention, measures in lieu of pretrial detention, remand or arrest shall be ordered during the proceedings. The alleged perpetrators, accused persons or defendants may be represented during the proceedings by their lawyers.

Prisons and detention

No specific mention.

Traditional Laws

No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 25, Annex II, IV. INSTITUTIONAL ARRANGEMENTS

55. This phase shall be financed with resources from the Guatemalan Government and contributions from the international community.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces

No specific mention.

Recognizing that the legal integration of members of URNG, in full exercise of their constitutional rights and duties and in security and dignity, will contribute to the democratic process and its consolidation, the restoration of the social fabric in Guatemala, reconciliation and the establishment of a firm and lasting peace,

Calling on the State as a whole, all sectors of Guatemalan society and the international community to assist in and contribute to the process of integrating URNG,

Page 16-17, Annex II, I. DEFINITIONS

1. The "legal integration of URNG" means the process whereby URNG members are to be integrated into political, economic, social and cultural life in a context of dignity, security, legal safeguards and the full exercise of their civil rights and duties.

2. The process of integrating members of URNG shall begin with the signing of the Agreement on a Firm and Lasting Peace and shall lead to their lasting integration into the civil life of the country. The integration process shall be divided into two phases: an initial integration phase, which shall last one calendar year starting on D+60, and a subsequent, definitive integration phase, for the medium term, in which the support required to consolidate the process will be provided.

Initial integration phase

3. There shall be two separate procedures during the initial integration phase, which shall be applied according to the status of the URNG members concerned:

(a) The procedure applicable to members of the various guerrilla fronts and other combatants, according to the definitions set out in paragraph 20 of the Agreement on the Definitive Ceasefire. Such procedure shall be divided into two stages:

(i) The demobilization stage, which shall last two months and means the ending of URNG military structures at the agreed assembly points. This stage shall include services such as the provision of temporary documentation and vocational training and guidance, with a view to facilitating the subsequent integration of demobilized combatants. The verification authority shall transmit to the Special Integration Commission a definitive list of demobilized combatants drawn up at assembly points no later than D+30;

(ii) The reinsertion stage, which shall begin upon completion of the demobilization process (D+60) and end one year later. Its basic purpose is to provide emergency assistance to former combatants and create conditions conducive to a smooth transition to the definitive integration phase. The minimum requirements to be met during such phase are (but shall not be limited to):

- Provision of inputs and services appropriate to an emergency situation;
- Beginning of training and employment programmes;
- Establishment of financial machinery to obtain the resources needed to launch the definitive integration phase;
- Identification of government social and economic programmes for the population as a whole that can provide assistance to former combatants and to members of URNG internal structures who are to be integrated during the definitive integration phase, on terms similar to those for other beneficiaries of such programmes;

Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 15, Annex II, (Untitled Preamble), para 6-7</p> <p>Whereas completion of the negotiating process with a view to finding a political solution to the internal armed conflict calls for the establishment of a set of measures to integrate URNG as a lawful body,</p> <p>Recognizing the determination of URNG to convert its political-military forces into a duly authorized political party that will operate within the Guatemalan legal system,</p> <p>Page 22, Annex II, B. Political area</p> <p>34. After the signing of the Agreement on a Firm and Lasting Peace, URNG members, like all other citizens, shall enjoy the full exercise of all their fundamental rights and freedoms (including freedom of organization, movement and residence and the right of political participation) and shall pledge to fulfil all their duties and obligations.</p> <p>35. The Government considers that the transformation of URNG into a political party duly accredited with the corresponding bodies is a contribution to the strengthening of the rule of law and to the consolidation of a pluralist democracy.</p>
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper
Page 19-21 , Annex II, A. Legal area

21. In relation to the aforesaid clause, the National Reconciliation Act shall declare the extinction of criminal liability for political crimes committed in the internal armed conflict up to the date on which the Act enters into force and shall cover persons who perpetrated, abetted or were accessories to crimes against State security, public institutions and the public administration, as defined in articles 359, 360, 367, 368, 375, 381, 385 to 399, 408 to 410 and 414 to 416 of the Penal Code and in Title VII of the Arms and Munitions Act. In such cases, the Public Prosecutor's Office shall refrain from exercising a right of action and the judicial authority shall dismiss proceedings.

Related common crimes

22. Also in relation to the clause mentioned in paragraph 20, the National Reconciliation Act shall extinguish criminal liability for related common crimes committed in the armed conflict, such crimes being defined as those which are directly, objectively, intentionally and causally related to the commission of the political crimes referred to in the preceding paragraph and which cannot be shown to be motivated by personal goals. The common crimes which are defined as related to the political crimes mentioned in the preceding paragraph are those described in articles 214 to 216, 278, 279, 282 to 285, 287 to 289, 292 to 295, 321, 325, 330, 333, 337 to 339, 400 to 402, 404, 406 and 407 of the Penal Code.

Other extinctions of criminal liability

23. In respect of persons who were involved in the internal armed conflict owing to institutional mandates, the National Reconciliation Act shall contain specific provisions equivalent to those previously mentioned, in that they shall extinguish criminal liability for common crimes perpetrated with the aim of preventing, thwarting, suppressing or punishing the commission of political crimes and related common crimes, where such crimes were directly, objectively, intentionally and causally related to that aim, unless it is demonstrated that there is no relationship between the criminal act and the stated aim.

Restrictions

24. The provisions in the National Reconciliation Act which extinguish criminal liability shall under no circumstances extend to crimes which, under domestic law or the international treaties ratified or signed by Guatemala, are imprescriptible or are not subject to an extinction of criminal liability.

Proceedings

Courts No specific mention.

Mechanism	<p>Page 19 , Annex II, A. Legal area</p> <p>National Reconciliation Act</p> <p>The right to know the truth</p> <p>18. In recognition of the inalienable right of any society to know the truth, the National Reconciliation Act shall instruct the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (the "Clarification Commission") to devise means whereby the truth about the period of the internal armed conflict may be known and acknowledged, in order to avoid a repetition of such events. The Act shall require all State bodies and entities to provide the Commission with the support necessary for the accomplishment of its tasks, in accordance with the purposes specified in the relevant agreement.</p> <p>Page 25, Annex II, F. Special subprogrammes</p> <p>54. The Government undertakes to cooperate with the Clarification Commission on matters relating to the issue of detained and disappeared URNG members and to contribute whatever resources, relevant measures and information might lead to the recovery of the remains of URNG members, including URNG combatants who died in combat.</p>
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	<p>Page 19 , Annex II, A. Legal area</p> <p>National Reconciliation Act</p> <p>17. The Government shall sponsor in the Congress of the Republic a draft National Reconciliation Act whose object shall be, in accordance with the spirit and content of the Peace Agreements, to promote a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance, while safeguarding the fundamental rights of the victims, as prerequisites for a firm and lasting peace.</p>
Missing persons	<p>Page 25, Annex II, F. Special subprogrammes</p> <p>54. The Government undertakes to cooperate with the Clarification Commission on matters relating to the issue of detained and disappeared URNG members and to contribute whatever resources, relevant measures and information might lead to the recovery of the remains of URNG members, including URNG combatants who died in combat.</p>

Reparations

Transitional justice→Reparations→Material reparations

Page 19 , Annex II, A. Legal area

National Reconciliation Act

The right of redress

19. On the principle that any violation of human rights entitles the victim to obtain redress and imposes on the State the duty to make reparation, the Act shall assign to a State body responsibility for implementing a public policy of compensation for and/or assistance to the victims of human rights violations. The body in question shall take into consideration the recommendations to be formulated in that regard by the Clarification Commission.

Reconciliation

Page 15, Annex II, (Untitled Preamble), para 5

Recognizing that Guatemalan society needs to develop conditions conducive to reconciliation and lasting governability,

Page 15, Annex II, (Untitled Preamble), para 8

Recognizing that the legal integration of members of URNG, in full exercise of their constitutional rights and duties and in security and dignity, will contribute to the democratic process and its consolidation, the restoration of the social fabric in Guatemala, reconciliation and the establishment of a firm and lasting peace,

Page 19-21 , Annex II, A. Legal area

National Reconciliation Act

17. The Government shall sponsor in the Congress of the Republic a draft National Reconciliation Act whose object shall be, in accordance with the spirit and content of the Peace Agreements, to promote a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance, while safeguarding the fundamental rights of the victims, as prerequisites for a firm and lasting peace.

The right to know the truth

18. In recognition of the inalienable right of any society to know the truth, the National Reconciliation Act shall instruct the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (the "Clarification Commission") to devise means whereby the truth about the period of the internal armed conflict may be known and acknowledged, in order to avoid a repetition of such events. The Act shall require all State bodies and entities to provide the Commission with the support necessary for the accomplishment of its tasks, in accordance with the purposes specified in the relevant agreement.

Extinction of criminal liability

20. With a view to promoting national reconciliation, without neglecting the need to combat impunity, the National Reconciliation Act shall contain a clause allowing URNG members to be integrated into lawful life.

Political crimes

21. In relation to the aforesaid clause, the National Reconciliation Act shall declare the extinction of criminal liability for political crimes committed in the internal armed conflict up to the date on which the Act enters into force and shall cover persons who perpetrated, abetted or were accessories to crimes against State security, public institutions and the public administration, as defined in articles 359, 360, 367, 368, 375, 381, 385 to 399, 408 to 410 and 414 to 416 of the Penal Code and in Title VII of the Arms and Munitions Act. In such cases, the Public Prosecutor's Office shall refrain from exercising a right of action and the judicial authority shall dismiss proceedings.

Related common crimes

22. Also in relation to the clause mentioned in paragraph 20, the National Reconciliation Act shall extinguish criminal liability for related common crimes committed in the armed conflict, such crimes being defined as those which are directly, objectively, intentionally and causally related to the commission of the political crimes referred to in the preceding paragraph and which cannot be shown to be motivated by personal goals. The common crimes which are defined as related to the political crimes mentioned in the preceding paragraph are those described in articles 214 to 216, 278, 279, 282 to 285, 287

Implementation

UN signatory For the United Nations:

(Signed) Jean ARNAULT

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism 4. Special Integration Commission to be established for execution of relevant programs (will incl. govt reps, URNG, donor and cooperative countries and agencies), and Integration Foundation to ensure full participation by beneficiaries; V. UNSG to verify

Related cases No specific mention.

Source UN Peacemaker <http://peacemaker.un.org/guatemala-legalintegrationurng96>
