



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

**Information received from the Government of Guatemala on
the implementation of the concluding observations of the
Committee on the Elimination of Racial Discrimination
(CERD/C/GTM/CO/12-13)* ****

Guatemala

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** Annexes available with the Secretariat upon request.

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Acronyms and abbreviations

AMASURLI	Autoridad para el Manejo Sustentable de la Cuenca Hidrográfica del Lago de Izabal y Río Dulce - Lake Izabal Basin and Río Dulce Management and Sustainable Development Authority
AMPI	Autoridad para el Manejo y Desarrollo Sostenible de la Cuenca del Lago Petén Itzá – Lake Petén Itzá Basin Management and Sustainable Development Authority
AMSCLAE	Autoridad para el Manejo Sustentable del Lago de Atitlán y su Entorno - Lake Atitlán Basin Management and Sustainable Development Authority
ASESA	Aspecto socioeconómico y situación Agraria – Socioeconomic aspect and agricultural situation
COCODE	Consejos Comunitarios de Desarrollo – Community Development Councils
CODEMAS	Comisiones Departamentales de Medio Ambiente – Departmental Environment Commissions
CONAP	Consejo Nacional de Areas Protegidas – National Council on Protected Areas
CONRED	Coordinadora Nacional para la Reducción de Desastres – National Coordinator for Disaster Reduction
COPREDEH	Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos - Commission for Co-ordinating Executive Policy in the Field of Human Rights
DGLAI	Dirección de Límites y Aguas Internacionales – Directorate of Limits and International Waters
DMP	Dirección Municipal de Planificación – Municipal Planning Directorate
ENGIRH	Estrategia nacional de Gestión Integrada de los Recursos – National Comprehensive Resource Management Strategy
FLACSO	Facultad Latinoamericana de Ciencias Sociales – Latin American Faculty of Social Sciences
FONAPAZ	Fondo Nacional para la Paz – National Fund for Peace
GEA	Gabinete Específico del Agua - Specialized Cabinet for Water
IARNA	Instituto Agricultura Recursos Naturales y Ambiente – Institute for Agriculture, Natural Resources and Environment
IDB	Inter-American Development Bank
INAB	Instituto Nacional de Bosques – National Forestry Institute
INE	Instituto Nacional de Estadística – National Statistics Institute
INFOM	Instituto de Fomento Municipal – National Institute for Municipal Promotion
MAGA	Ministerio de Agricultura Ganadería y Alimentación – Ministry of Agriculture, Livestock and Food

MARN	Ministerio de Ambiente y Recursos Naturales - Ministry of the Environment and Natural Resources
MEM	Ministerio de Energía y Minas – Ministry of Energy and Mines
MICIVI	Ministerio de Comunicaciones Infraestructura y Vivienda - Ministry of Infrastructure, Communications and Housing
MINECO	Ministerio de Economía – Ministry of the Economy
MINEDUC	Ministerio de Educación – Ministry of Education
MINEX	Ministerio de Relaciones Exteriores – Ministry of External Relations
MINFIN	Ministerio de Finanzas Publicas – Ministry of Finance
MSPAS	Ministerio de Salud Pública y Asistencia Social - Ministry of Health and Social Welfare
NGO	Non-Governmental Organization
OAS	Organization of American States
OFM	Oficinas Forestales Municipales – Municipal Forestry Offices
PINFOR	Programa de Incentivos Forestales – Forest Incentive Programme
PNGIRH	Política Nacional de Gestión Integrada de los Recursos Hídricos – National Policy for Integrated Management of Water Resources
PSMAA	Plan Sectorial Multianual Ambiente y Agua – Multi-year Sectoral Plan for Environment and Water
RGP	Registro General de la Propiedad – General Registry of Property
RIC	Registro de Información Catastral – Registry of Cadastral Information
SAA	Secretaria de Asuntos Agrarios – Secretary of Agrarian Affairs
SEGEPLAN	Secretaría de Planificación y Programación de la Presidencia - Secretary for Planning and Programming of the Presidency
SIAGuaAPS	Sistema Integrado de Información del Agua en su módulo de agua potable y saneamiento – Integrated Water Information System module for drinking water and sanitation
SCEP	Secretaria de Coordinación Ejecutiva de la Presidencia - Secretariat of the President’s Office for Executive Co-ordination
SICOIN	Sistema Contabilidad Integral Nacional – Integrated National System of Accounts
UNIPESCA	Unidad de Manejo de la Pesca y la Acuicultura – Fisheries and Aquaculture Management Unit
UNIRIOS	Unidad de Manejo de Ríos y Canales – Rivers and Canals Management Unit
URL	Universidad Rafael Landivar – Rafael Landivar University

I. Introduction

1. In February 2010, the Committee on the Elimination of Racial Discrimination considered the twelfth and thirteenth periodic reports of Guatemala (CERD/C/GTM/12-13) and in March issued its concluding observations (CERD/C/GTM/CO/12-13). Pursuant to article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination, the Committee requested the State of Guatemala to report on three observations: (a) domestic legislation under which the dissemination of ideas based on racial superiority or racial hatred, incitement to racial discrimination and violent acts are classified as punishable; (b) attacks upon the physical integrity of social activists and defenders of indigenous peoples' rights; (c) access to drinking water, pollution prevention and legislation on water in four major departments.
2. Guatemala cannot hide the fact that from its beginnings as an independent State and up to the present, discrimination against the Maya, Garifuna and Xinca has continued. The nation's self-image as a white, integrated homogeneous society hides great inequality.
3. Guatemala continues to pursue initiatives aimed at eradicating this scourge, which has involved enormous costs of various kinds for the country, particularly for indigenous people.
4. In compliance with national and international responsibilities, the present report highlights specific actions pursued by the State during the period from 2009 to date in response to comments made by the Committee.

II. Information concerning the Committee's concluding observations

A. Paragraph 7 of the concluding observations: specific law classifying racial discrimination as a punishable act

5. In 2002 the State of Guatemala created the crime of discrimination, based on provisions of article 202 bis of the Criminal Code, Decree 17-73. This standard has not been embodied in any other legal instrument that may be viewed as positive law currently in force, but a draft bill to prevent, punish and eradicate racism and ethnic discrimination is being considered for submission to organizations of civil society; once approved by them it is to be submitted to Congress.
6. However the challenge before the State of Guatemala remains the adoption of specific legislation criminalizing the various forms of ethnic and racial discrimination that are commonly practised in everyday life and at all levels of power.
7. It should be noted that efforts are continuing in Guatemala's legislative branch to develop the rights of indigenous peoples, as is reflected in bills that are on the legislative agenda, which include:
 - (a) Initiative 3551-2006. Bill on the National Compensation Programme;
 - (b) Initiative 3835-2008. Bill on the sacred sites of the indigenous peoples (with favourable ruling);
 - (c) Initiative 3946-2008. Bill on indigenous jurisdiction;
 - (d) Initiative 4047. Bill for general law on the rights of indigenous peoples;

- (e) Initiative 4051-2009. Bill on consulting indigenous peoples (with favourable ruling);
- (f) Initiative 4047-2009. Bill for general law on the rights of indigenous peoples;
- (g) Initiative 4087. Bill on community communications media (with favourable ruling).

8. It should be noted that these initiatives are from the period between 2008 and 2009, highlighted in the twelfth and thirteenth periodic reports of Guatemala under article 9 of the Convention, discussed by the Committee in 2010, with no evident changes occurring to date.

B. Paragraph 9 of concluding observations: protection of defenders of indigenous peoples' rights

1. Investigation and sanctions

9. In the period 2010-2011 two cases against the life of human rights defenders and social activists have been reported and are being investigated by the Public Prosecution Service on charges of homicide and murder.

10. With regard to sanctions against the perpetrators of acts against the life of social activists and human rights advocates, the State of Guatemala, through the judiciary, punishes acts against the life of persons, but there are as yet no separate records concerning human rights defenders and social activists.

11. Currently the State of Guatemala, through the Public Prosecution Service, is investigating 90 complaints concerning social activists and human rights defenders; the cases pertain to criminal threats, abuse of authority, assault, extortion, coercion, illegal detention, robbery, aggravated robbery, use of firearms, murder and theft.

12. On the role of journalists and trade unions interpreted as a social activity in defence of human rights, the Public Prosecution Service is currently investigating 68 cases of acts that fall within the criminal offenses of abuse of authority, assault, threats, burglary, theft, aggravated robbery, murder, libel, slander, coercion, discrimination, use of firearms, fraud, minor injuries, assault and concealment.

13. In 2010 the Office of the Human Rights Procurator began investigating 76 cases related to attacks committed against human rights defenders. In the same year there were 135 cases of attacks against 204 defenders, such as death threats made in various ways, obvious control and intimidation through telephone calls, defamation, assault, illegal searches and robberies in residential homes and headquarters of organizations, among others; there are currently 68 cases under investigation, pending final resolution.

2. Specific legislation: legal and legislative situation with regard to the draft governmental agreement which provides for a programme of preventive measures and protection for human rights defenders and other vulnerable groups

14. The Congress is currently not considering any draft bill specifically prescribing prevention and protection measures for human rights defenders.

15. However, on 15 April 2009, a National Policy of Prevention and Protection for Human Rights Defenders and Other Vulnerable Groups was drawn up. The aim of the policy, in keeping with the State's duty as guarantor of rights, is to provide a coordinated strategic framework affording a permanent link between the public sector, civil society and international cooperation agencies that would ensure prevention and protection, that would

create, improve and strengthen dedicated infrastructure to respond fully with dynamic, efficient and effective mechanisms in keeping with the degree of urgency, threat, risk or vulnerability faced not only by human rights defenders but also by judges, magistrates, prosecutors, social communicators, journalists and trade unionists, among others.

3. Preventive measures

16. In April 2009, a National Agreement for the Advancement of Security and Justice was signed between the Congress, the Executive, the Supreme Court and the Public Prosecution Service, supported by the University of San Carlos of Guatemala, the Evangelical Alliance of Guatemala, the Archdiocese of Guatemala, and the Office of the Human Rights Procurator. In its section IV, entitled Policies and Institutions on Criminal Investigation and Impunity, the agreement sets out comprehensive protection measures for justice workers and human rights defenders.

4. Specific actions by the Ministry of the Interior

17. The Office for Analysis of Attacks on Human Rights Defenders in Guatemala has been established under the authority of the Deputy Minister for Security of the Ministry of the Interior, through Ministerial Agreement 103-2008, dated 10 January 2008. Its function is to analyze patterns of attacks against human rights observers and defenders, if any, through a scientific methodology defined, approved and agreed by the members of this office.

18. In coordination with the Directorate General of Civil Intelligence, the National Civil Police, the Public Prosecution Service and representatives of international human rights organizations invited by it, the office conducts the following activities:

(a) Creating mechanisms for internal monitoring and guidance in the investigation of criminal acts that threaten the lives of inhabitants of the country;

(b) Providing public law enforcement agencies with mobilization and technological resources enabling them to pursue steady improvement in their work;

(c) Organizing training sessions within and outside the Office, planned, programmed and executed by the National Civil Police, through its Headquarters and the Office of Human Rights, Area for Promotion and Education, in order to minimize and prevent crime, to raise awareness about respecting the integrity and life of all people, and to make known the prosecutions that such cases involve;

(d) The Division for Protection and Security of the General Sub-office for Operations and Public Security of the National Civil Police provides perimeter security for staff housed in the buildings of: the Commission for Co-ordinating Executive Policy in the Field of Human Rights, the Office of the Human Rights Procurator, Myrna Mack Foundation, Guatemalan Indigenous Development Fund, Women's Sector Organization, Centre for Legal Action on Human Rights, the Historical Archive on the premises of the National Civil Police, the Forensic Anthropology Foundation of Guatemala and the organization Madres Angustiadas;

(e) Opening of space for dialogue between Division 110 of the National Civil Police and the Coordinator of the 1555 Call Centre of the Office of Human Rights, to share experiences between the two call centres;

(f) Direct and continuous link between the Office for Analysis of Attacks on Human Rights Defenders of the Interior Ministry and Division 110 of the National Civil Police, to coordinate treatment and procedure for complaints of threats, harassment, intimidation or attacks against human rights defenders, lawyers, legal personnel, trade unionists and journalists;

(g) Immediate implementation of the precautionary measures granted by the Inter-American Commission on Human Rights and the provisional measures ordered by the Inter-American Court of Human Rights, through the police security forces of the Division for Protection and Security of the National Civil Police;

(h) Provision of security measures. If there is a threat of attack against human rights defenders or other persons that has not been addressed by a measure issued by an international forum, a risk assessment is carried out by the National Civil Police in order to determine what type of security measure is appropriate to the particular case. The State of Guatemala, in turn, upon learning through the National Civil Police of acts such as attacks or verbal or written threats, stalking or surveillance in order to intimidate and coerce human rights defenders in the performance of their activities, will carry out actions to safeguard and protect the lives of the aforementioned people, by providing personal protection at the homes or places of work or study of the victims; the relevant reports are then submitted to the competent agency for investigation in order to identify, pursue and capture the perpetrator or perpetrators and thus protect the physical and psychological integrity of victims, their families and their property.

19. The Department for the Coordination of Protection Mechanisms for Human Rights Defenders of the Commission for Co-ordinating Executive Policy in the Field of Human Rights is in charge of coordinating with institutions of the executive branch responsible for issuing and implementing protective measures for those seeking injunctions, provisional measures and security measures, and ensuring their effective implementation before the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights and the Rapporteurs of the universal and Inter-American systems of Human Rights.

20. To perform this role, the Department carries out activities for planning, organizing and coordinating the protection measures provided by the State of Guatemala, with the following functions and powers:

(a) Following up on communications and decisions on protective measures issued by Special Rapporteurs of the United Nations, the Organization of American States and the Commission and Court of Human Rights;

(b) Reporting on the provision of protection measures to victims and their enforcement;

(c) Coordinating concentration and information management for cases of protective measures, interim measures and personal security measures;

(d) Coordinating investigation and proper documentation of cases with a view to trial-related queries;

(e) Coordinating the work of locating, contacting and interviewing the victims, providing information and guidance on the types of measures available;

(f) Coordinating, promptly and effectively, the protection measures that the State affords through its police forces;

(g) Maintaining a system of information and monitoring of cases of threats, attacks, intimidation and / or violations of human rights against human rights defenders, justice officials and administrators, journalists and social communicators;

(h) Serving as a reliable and secure source for the preparation of national and international reports on measures of protection;

(i) Preparing reports that respond to communications and resolutions issued by the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights and rapporteurs of the Organization of American States and the United Nations.

C. Paragraph 14 of the concluding observations: access to safe drinking water, prevention, monitoring and legislation on water resources in the departments of San Marcos, Huehuetenango, Quiché and Sololá

1. Situation of the hydrographic basins of Guatemala

21. Guatemala has a land area of 108,889 square kilometres. Bordered on the north by Mexico, on the south by the Pacific Ocean, and on the east by El Salvador, Honduras and Belize, it has an estimated population of 14.7 million, of which 42.7 per cent belong to indigenous peoples, who are located in 22 departments and 333 municipalities. The departments with the largest indigenous populations are: Sololá, Totonicapán, San Marcos, Huehuetenango, Quiché and Chimaltenango, located in the northwest.

22. Guatemala has 38 river basins in three areas: the Pacific watershed contains 18 basins; the Atlantic watershed has 10 basins; and the watershed of the Gulf of Mexico has 10 basins. In each basin natural resources interact with humans, and this dynamic of life requires basic elements for starting and ending cycles.

23. The departments of San Marcos, Quiché, Huehuetenango and Sololá are located in a catchment area of 18 basins covering an area of 18,842 square kilometres, as described in Annexes 1 and 2.

24. Natural factors and human activity are precursors of the vulnerability of watersheds, and water is one of the most affected resources in the basins. The State of Guatemala Environmental Report for 2009 estimates that water pollution in the country is low (only 1.5 per cent of the total water in the country is affected by pollution, according to the Secretary for Planning and Programming of the Presidency) compared to industrialized countries.

2. Access to drinking water

25. Access to clean water for the rural population of Guatemala is estimated at 82 per cent (SEGEPLAN, IARNA / URL, 2009) although the assessment of water resources indicates that only 5 per cent of the country's water capital is being used, for agricultural, domestic and industrial activities. Farming and manufacturing are the major water users. For households with access to water, the different types of water supply are specified in Table 1.

Table 1
Type of access to water in homes, by urban/rural classification, 2006

Type of access	Households					
	Urban	%	Rural	%	Total	%
Plumbing (connected) in dwelling	1.111.338	78	534.138	43,5	1.645.476	62
Plumbing (connected) outside dwelling but on the property	170.651	12	209.864	17,1	380.515	14,3
Public or private standpipe	16.831	1,2	43.839	3,6	60.670	2,3
Public or private borehole	61.427	4,3	218.120	17,8	279.547	10,5
River, lake, spring	9.270	0,6	148.704	12,1	157.974	6
Tanker truck	24.484	1,7	11.331	0,9	35.815	1,4

Type of access	Households					
	Urban	%	Rural	%	Total	%
Rain water	928	0,1	22.413	1,8	23.341	0,9
Other	29.828	2,1	39.805	3,2	69.633	2,6
Total	1.424.757	100	1.228.214	100	2.652.971	100

Source: Environmental Profile of Guatemala, 2008-2009 IARNA/URL.

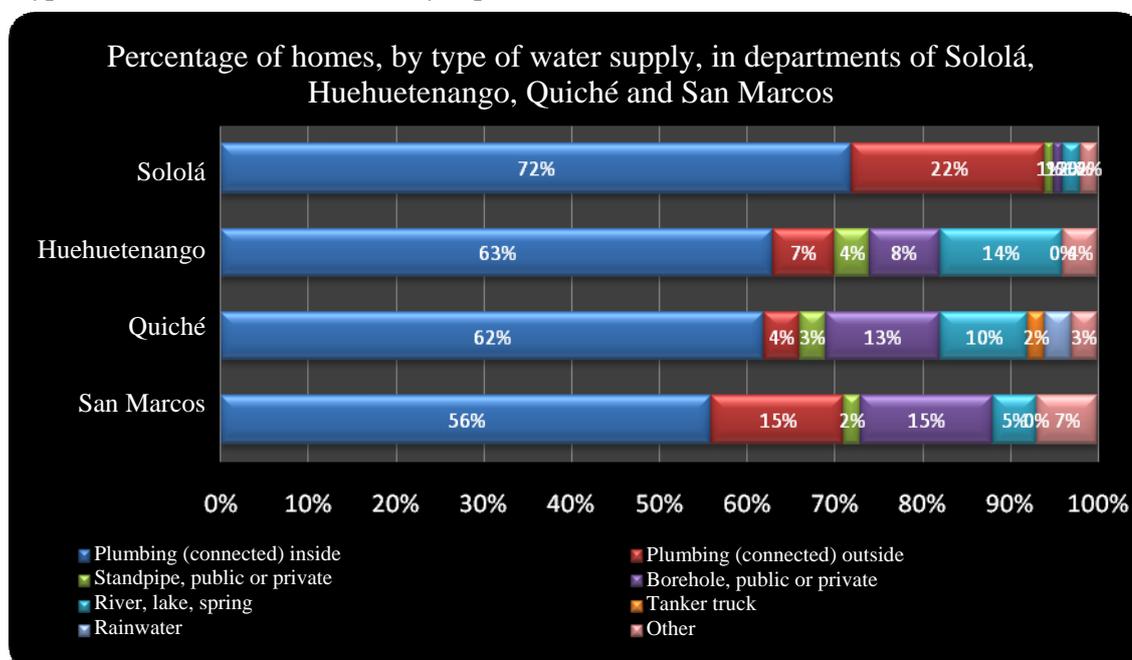
3. Proportion of population with access to improved drinking water supply

26. The percentage of the population with improved water supply is the percentage that is using any of the following types of drinking water: running water, public standpipe, borehole or pump, protected well, protected spring, or rainwater. Improved water supply does not include vendor-provided water, bottled water, tanker trucks or unprotected wells and springs. This indicator has followed a positive trend, increasing from 63 per cent in 1990 to 75 per cent in 2002, a year in which coverage increased by 12 per cent. This means that for the period 1990-2002 this indicator progressed by 1 per cent per year. From 2002 to 2006, it increased by 3.70 per cent, maintaining a trend similar to that of the period 1990-2002. If this indicator's trends continue at this pace of growth, it will be possible to bridge the gap (2.8 per cent) to achieve the goal. This indicator shows different degrees of progress when disaggregated in terms of urban-rural context.

27. The Environmental Report (GEO 2009) of the State of Guatemala indicates that in the four departments of Sololá, Huehuetenango, Quiché and San Marcos, a higher percentage of households is supplied by internal plumbing, followed by those supplied by outside plumbing. Figure 1 shows the breakdown of methods of water supply for each department.

Figure 1

Types of access to water in homes, by department



Source: INE, 2009.

4. Government programmes

28. According to the third Presidential Report 2010, presidential programmes have been implemented under the coordination of the Social Cohesion Council, whose initiatives prioritize and give geographical and thematic focus to State interventions, emphasizing areas that impact on social development. One is the Water for Peace Programme, which was established in March 2009 as a timing mechanism to foster operational, efficient and agile interventions in the sector, through the process of coordination and policy direction, resource management, institutional capacity building of organizations providing services and community organization and participation.

29. Water for Peace is based on the National Public Services Plan of Water and Sanitation for Human Development, approved by Specialized Cabinet for Water in 2008 and is carried out through the actions of the Ministry of Health and Social Welfare, which is the lead agency, and the National Institute for Municipal Promotion as executing agency.

30. Of the 40 million dollars in investments implemented in 2010, 12.5 per cent (5.02 million dollars) corresponds to the National Fund for Peace, and the rest (34.98 million dollars) to the National Institute for Municipal Promotion through the various programmes it manages. Among these is Programme 1469/OC-GU INFOM-BID, which runs projects that increase the coverage of safe water and sanitation in rural areas of the country in order to ensure sustainability and quality of service. Implementation of 179 projects has benefited a population of nearly 3.5 million people.

31. In the three years of the current administration, a total of 98.18 million dollars have been invested through the National Institute for Municipal Promotion and the National Fund for Peace by running various programs to build, improve or expand water and sanitation. The table below details the amounts and beneficiaries during the period, showing that it was in 2009 that the largest investment was made.

Table 2

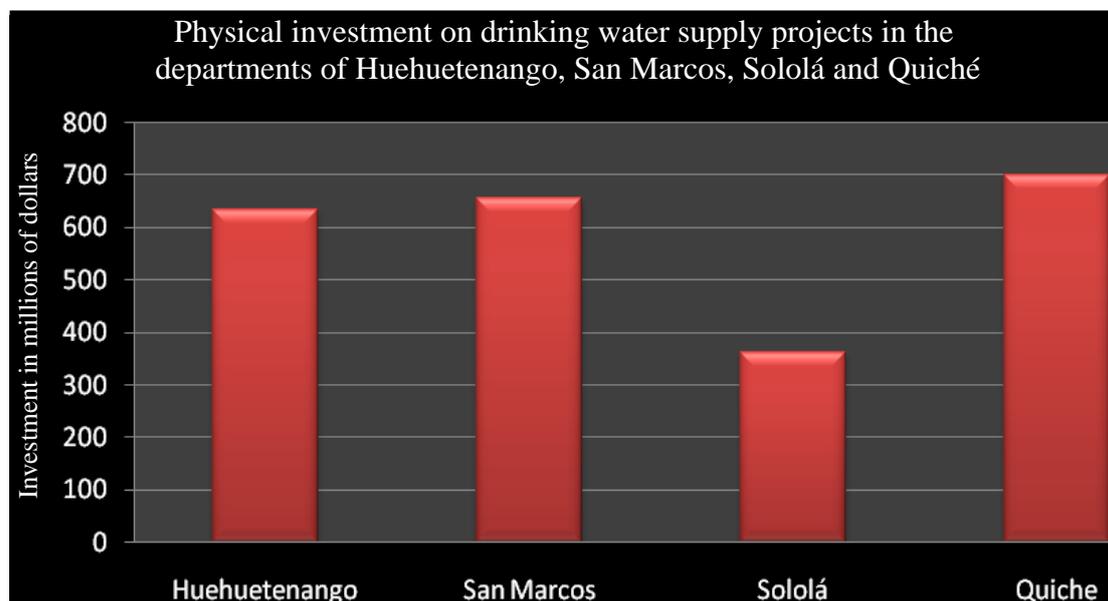
Water and sanitation, 2008-2010 beneficiaries and investment

<i>Year</i>	<i>Beneficiaries</i>	<i>Investment (millions of dollars)</i>
2008	254.501	17,04
2009	17.739	41,14
2010	3.474.570	40,01

Source: 2010 Presidential report of INFOM and FONAPAZ.

32. According to State investment information, through implementing institutions such as the National Fund for Peace and the National Institute for Municipal Promotion, Departmental Development Councils of the departments of Sololá, Quiché, Huehuetenango and San Marcos have invested a total of 2.35 million dollars in 2010, specifically in the introduction and expansion of household drinking water. This investment is detailed in the graph below, in Table 3 and in Annex 3.

Figure 2
Investment in introduction and expansion of home drinking water in the departments of Huehuetenango, San Marcos, Sololá and Quiché



Source: Prepared from SNIP/MINFIN data.

Table 3
Amounts invested on introduction and expansion of home drinking water supply per department

Department	Investment (dollars)
Huehuetenango	633.940,50
San Marcos	656.016,50
Sololá	361.103,88
Quiché	700.920,50

Source: Prepared from SICOIN/MINFIN data.

5. Appropriate instruments for monitoring and preventing water pollution and appropriate treatment of polluted hydrographic basins

33. The 2010 Government report indicates that the Ministry of Health and Social Welfare and the Specialized Cabinet for Water are preparing a sectoral policy proposal for water and sanitation that defines the lines of action regarding the coverage of services, health monitoring, management systems, knowledge management and training of service providers.

6. Strengthening municipal capacity, modernization programmes, expansion of coverage and improvement of services

34. The Executive Coordination Secretariat of the Presidency of the Republic has implemented training processes for institutional strengthening, water and sanitation for 257 technicians from different Development Councils.

35. The Ministry of Environment and Natural Resources provided technical assistance and specific advice to municipalities on management plans for micro-regions, integrated solid waste management, and training, inter alia, on issues of climate change, water, watershed management, reforestation, mainly in the departments of Quetzaltenango, San Marcos, Totonicapán, Suchitepéquez, Retalhuleu, Zacapa, Progreso, Santa Rosa and Petén.

7. Provision of water and sanitation services

36. The institutions involved in this sector carried out a series of projects which include construction, expansion and improvement of water systems; drilling and equipping of mechanical wells; treatment plants and sanitary and storm sewers and latrines, in coordination with the Social Cohesion Council.

37. During 2010, the National Campaign for Water Chlorination was launched in order to prevent and reduce water-borne and food-borne diseases. The campaign made use of television broadcasts and trained 1,675 technicians from the Ministry of Health and Social Welfare, the development councils and municipal governments.

38. Also, as of the month of October, 116,202 instances of monitoring and chlorination of water supply systems and mechanical wells had been carried out. In addition, the Integrated Water Information System module for drinking water and sanitation was implemented; by this means, information has been gathered for 1,415 communities in order to know the status of their drinking water and sanitation systems. There has also been biweekly monitoring for 60 per cent of projects (of a total of 486 projects), implemented by the National Institute for Municipal Promotion.

39. It should be noted that the catalogue of projects in this sector have been pursued in municipalities prioritized by the Social Cohesion Council. To make the implementation of water supply and sanitation projects more robust, in January 2010 the Government signed the Financing Agreement on Non-reimbursable Investment with the Spanish Cooperation Fund for Water and Sanitation in Latin America and the Caribbean (GRT / WS -11 905-GU) for a total of 50 million dollars in order to partially implement Phase I of the Water for Human Development Programme. Additional funding for the remainder of this phase is slated to be covered with resources from the Inter-American Development Bank through the 2242/BL-GU loan agreement amounting to 50 million dollars, which is pending approval by the Guatemalan Congress.

40. During the emergency prompted by the storm Agatha, the National Institute of Municipal Development attended to the needs of 353 communities that suffered damage to their water supply systems, providing technical advice, materials and repairs.

41. There is currently a Multi-Year Sector Plan for the Environment and Water, 2011-2016, and a results-oriented management manual.

42. In 2010, the Ministry of the Environment and Natural Resources recorded 11 cases of alleged water pollution, listed below, in the departments of Huehuetenango, Quiché, Sololá and San Marcos.

Table 4

Total 2010 reported cases of water pollution received by the Legal Compliance Office of MARN

<i>Department</i>	<i>Total reported cases of water pollution</i>
Huehuetenango	6
Quiché	0
San Marcos	2

<i>Department</i>	<i>Total reported cases of water pollution</i>
Sololá	3
Total 2010	11

Source: MARN.

43. The Ministry of Environment and Natural Resources has processed 191 environmental impact statements in the departments of Sololá, San Marcos, Huehuetenango and Quiché related to projects for the introduction and expansion of water systems, introduction of sewers and drains, construction of waste water treatment systems, and construction and equipping of wells.

Table 5

Cases examined by MARN in connection with water resources, 2010

<i>Department</i>	<i>Cases</i>
San Marcos	59
Quiché	61
Huehuetenango	12
Sololá	59

Source: MARN.

44. The Ministry of the Environment and Natural Resources conducted the process of training and socialization through training workshops on socialization of the regulations governing discharges into receiving bodies of the Lake Atitlán basin and its surroundings, Governmental Agreement 51-2010 on Environmental Education Training with emphasis on Climate Change, with participation by members of the Municipal Development Councils and Community Development Councils of Sololá, and staff of the Municipal Planning Directorate.

8. Forest fires

45. The National Forestry Institute recorded 128 forest fires in the departments of San Marcos, Quiché, Huehuetenango and Sololá, which caused the loss of 1,181 hectares of forest as specified in Table 8, which contributes to the loss and degradation of resources within the watersheds. Also, the National Forestry Institute has recorded that 19,470 cubic meters were extracted from the Quiché forest under a timber license in an area of 129.323 hectares, 2,772.17 cubic meters were used for household consumption in an estimated area of 9.24 hectares, and 1,121.99 cubic meters were extracted in Huehuetenango under a timber license in an area of 41.63 hectares, while 3154.98 cubic meters went to household consumption in an estimated area of 10.17 hectares.

Table 6

Forest fires recorded in 2010 in the departments of San Marcos, Quiche, Huehuetenango y Sololá

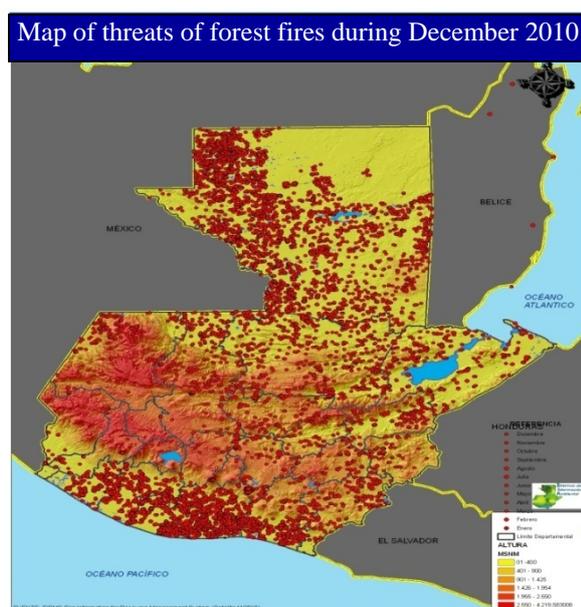
<i>Department</i>	<i>Fires recorded</i>	<i>Area affected (hectres)</i>
San Marcos	16	107,96
Quiché	74	910,2
Huehuetenango	22	92,97

Department	Fires recorded	Area affected (hectres)
Sololá	16	70

46. In 2010, the Ministry of the Environment and Natural Resources recorded 7,318 hot spots, as shown on the map below, which are recognized as fire hazards. There were 197 in Huehuetenango, one in Sololá, 27 in San Marcos and 277 in Quiché.

Figure 3

Map of hot spots recorded in 2010 in the Republic of Guatemala



9. Forest Incentive Programme

47. This programme is sponsored by the National Forestry Institute¹, and encourages the creation of regional forestry production centres of high productivity, to promote the competitive supply of forest products, reduce deforestation, enhance environmental services and generate employment in rural areas. The Forest Incentive Programme, a forest policy instrument, is fostering greater involvement in the forest sector by Guatemala's population.

48. The Forest Incentive Programme (PINFOR) encourages investment for the establishment and management of forest plantations, sustainable management of natural forests and forestry for environmental purposes². The programme objectives are:

- (a) Maintain and enhance sustainable forest production, incorporating natural forests into productive economic activity;
- (b) Incorporate un-wooded lands suitable for forests into the forest sector by establishment and maintenance of forest plantations and/or by natural regeneration;
- (c) Generate a critical mass of raw-materials producing forests for the development of the forestry industry;

¹ INAB is an autonomous, decentralized State entity with legal personality, its own assets, and administrative independence; it has authority to set policy in the public agricultural sector with regard to forest issues.

² PINFOR places Guatemala in the lead regionally for the production of environmental goods and services.

(d) Encourage the maintenance and creation of forests to generate environmental services.

Table 7

National Forestry Institute 2009-2010 Budget

<i>Year</i>	<i>Budget allocated (dollars)</i>	<i>Budget in force (dollarss)</i>	<i>Budget executed (dollars)</i>
2009	6.673.975,75	10.709.252,13	5.163.599,55
2010	6.941.798,00	6.941.798,00	3.560.131,14

Source: Information provided by INAB; data for October 2010.

49. The amount allocated for the management of the 105,870 hectares of natural forest is 5,100,000 dollars for production and protection and 14,350,000 dollars for establishment and maintenance of 53,151 hectares of forest plantations. The project is of nationwide scope, with a total of approximately 12,500 men and 3,500 women as direct beneficiaries. As of August 2010 the programme had certified a total of 102,953 hectares of natural forest under management, equivalent to 97 per cent of the estimated target for the year.

50. Based on the funds allocated and the results obtained, it is expected that the goal of 285,000 hectares of plantations will be reached during the programme period (1997-2016), together with bringing 650,000 hectares of natural forest under the sustainable forest management regime.

10. Strengthening municipal and community forests

51. This National Forestry Institute project promotes municipal forest management and community participation through training and technical assistance targeted to municipalities and rural communities. Decentralization in the management of natural resources is achieved through the creation, implementation and monitoring of Municipal Forestry Offices. These offices operate under a guiding instrument, usually a Municipal Forest Policy, whose preparation is entrusted to all stakeholders related to forestry and municipal issues.

52. It is developed jointly with government institutions, national projects and international organizations involved in natural resource management. Currently, work is proceeding on strengthening community organizations nationwide, strengthening local management and encouraging the system of payment for environmental services, management of natural forests for production and protection, land management, forest plantations and agro-forestry systems.

53. To support the creation, implementation and operation of 167 Municipal Forestry Offices, and to support community forest management in 1,215 communities organized into in 48 organizations at Levels I and II³, the National Forestry Institute in 2010 had a budget of 110,550 dollars.

54. The project will cover 167 municipalities and 1,215 community organizations, with a total of approximately 41,750 direct beneficiaries and 250,000 indirect beneficiaries, users of forest management services, provided by the Municipal Forestry Offices. A rough

³ The Community Development Councils (COCODES) exist on two levelsK one is the Council that is formed in each community; a second level is made up of representatives of 20 community councils, i.e. 20 communities within one municipality. See the manual "Manual para el proceso de gestion de los Consejos Comunitarios de Desarrollo," Fundacion Guillermo Toriello, December 2010. www.fgtoriello.org.gt/anterior/index.php?option=com_content&view=article&id=66:manual-proceso-de-gestion-de-cocodes&catid=35:articulos-desarrollo&Itemid=90.

estimate indicates that there are 120,700 direct beneficiaries, comprising men and women who participate in outreach, training, assistance and forestry activities.

55. Among the results are the design of a negotiation strategy with municipal councils for the possible opening of three Municipal Forestry Offices in the Department of Guatemala and ten Municipal Forestry Offices in the southern coastal departments; Maintenance and support of 38 existing agreements with municipalities for the extension of family consumption and the signing of an agreement between the National Forestry Institute and the Group to Promote Conservation and Management of Natural Resources in Community Lands; Development of the joint INAB-CONAP-MARN plan and the Network of Indigenous Authorities and Organizations of Guatemala.

56. The budget spent by the National Forestry Institute is not enough to meet the demand for activities aimed at strengthening municipal and communal forest management, as it is estimated that an adequate budget would be over 312,500 dollars for this component, and an equal amount for the Community Forest Management component.

11. Process of collecting cadastral information

57. This process is the responsibility of the Cadastral Information Registry (RIC⁴), an institution that in 2010 focused its work on a number of strategic areas such as: the establishment of a cadastral adjustment process under the Cadastre and cadastral surveys; cadastral information system and maintenance; generation of cadastral products and services and promotion of their use, especially policies on valuation. At the same time the focus is also on cross-cutting aspects, starting with education and training, social communication and public relations regarding the cadastral process, and inter-institutional coordination, among other actions. The budget allocated to the Registry in 2010 was equivalent to 14,080,919.88 dollars.

Table 8

Cadastral Information Registry Budget, 2009-2010

<i>Year</i>	<i>Budget allocated (dollars)</i>	<i>Budget in force (dollars)</i>	<i>Budget executed (dollars)</i>
2009	14.412.905,88	21.055.920,63	17.542.880,66
2010	14.080.919,88	18.800.858,75	16.970.316,39

Source: Prepared from information provided by RIC; data for December 2010.

12. Analysis of cadastral information

58. In carrying out the cadastral process, a very thorough analysis is done of the data obtained in measurements of properties, which consists of comparing the data obtained in this survey with property registry data associated with the properties. This comparison is crucial in identifying any inconsistencies of information obtained directly in the field at the time of measurement compared with the data for the property recorded with General Registry of Property or other sources of information registration.

59. The 2010 target was to analyze records of 51,967 properties. For this activity, the amount executed in December was 3,210,000 dollars, corresponding to a total of 13,040 beneficiaries, which accounts for 25.09 per cent of the target.

⁴ The Cadastral Information Registry (RIC), an autonomous, self-sustaining institution that generates and manages reliable cadastral information, is tasked with establishing, maintaining and updating the national cadastre in order to constitute a public registry that confers legal certainty on property, land ownership and uses of lands.

13. Declaration of properties listed

60. The cadastral process ends with the declaration of properties listed. The goal for 2010 was 25,650 properties, of which 6,738 are so far listed on the draft Declaration. With these declarations, property owners have the necessary information to register their properties with the General Registry of Property, when the irregularity affecting them is that of not being registered. The cadastral process leads to the construction of the public record of the Cadastral Information Registry. The amount executed as of December was 119,587.50 with a total of 11,760 beneficiaries, i.e. 45.84 per cent of the target.

14. Demarcation of protected areas

61. In 2010 demarcation was carried out on four protected areas in order accurately to define the metes and bounds, form and actual size of each protected area. The purpose was to contribute legal certainty to the following protected areas:

- (a) Naachtun Dos Lagunas Biotope;
- (b) El Zotz Biotope;
- (c) Yaxhá-Nakum-Naranjo National Park;
- (d) Tikal National Park.

62. The problems of protected areas are quite complex, due to a number of factors. In this context, knowing the exact boundaries and cadastral information about the areas is essential to promote and facilitate their effective management. Within the dynamics developed by the Cadastral Information Registry for purposes of land management of protected areas, geospatial and physical demarcation of these areas is vital. This work has been completed in the protected areas referred to above, with this year's total running to 23,750 dollars.

15. Environmental sustainability

63. The Peace Accords, in particular as regards socio-economic and agricultural aspects, assert that the natural wealth of Guatemala is a valuable asset of the country and of humanity, as well as a cultural and spiritual value of indigenous peoples, and that sustainable development is a process of change in human life that implies respect for cultural and ethnic diversity, and ensuring the quality of life for future generations. Hence the importance of implementing policies that support environmental management in accordance with the precepts of sustainable development.

64. The peace agreements are primarily aimed at introducing social and environmental content in educational curricula, linking land use planning policies with environmental protection and promoting the sustainable management of natural resources. Consistent with these agreements, priority actions are being implemented by Ministry of Environment and Natural Resources programmes: Environmental Management, Water Resources and Watersheds, and Knowledge Management and Social-environmental Responsibility.

16. Environmental management

65. This programme⁵ has national coverage and a budget of 3,924,310 dollars. It seeks to reconcile environmental improvement and sustainable use of natural resources with a

⁵ The programme is founded on the Policy of Protection, Conservation and Improvement of Natural Resources, Governmental Agreement AG 67- 2007, the National Policy on Climate Change of Government agreement 329-2009, and the Regulations on environmental evaluation, control and monitoring of Government agreement 431-2007.

transgenerational approach. It aims to reduce the country's environmental deterioration and loss of natural heritage without detriment to economic development; to verify and monitor national environmental policies; to ensure strict compliance with the legal regime concerning the conservation, protection, sustainability and improvement of environment and natural resources; and to promote the human right to a healthy and ecologically balanced environment. The programme has benefited 65,900 people per department and its main actions include:

(a) Participation in the operation of the Departmental Environment Committees in the 22 departments of Guatemala, while also influencing the allocation of financial resources for implementation of projects related to municipal environmental management;

(b) Impact on the processes of land use planning and integrated watershed management to give the "socio-environmental" and "climate change" themes a cross-cutting dimension in the municipalities of Guatemala;

(c) Strengthening of institutions through 22 workshops on topics such as: (i) climate change; (ii) environmental evaluation, control and monitoring; (iii) environmental education projects; (iv) environmental assessment tools; (v) integrated watershed management; (vi) solid wastes;

(d) In coordination with the Ministry of Education, implementation of the Environmental Education Policy and Law on Promotion of Environmental Education at the departmental level;

(e) Implementation of various environmental instruments described in Governmental Agreement 471-2007 applied within the country as part of the Integrated National Environmental Management System;

(f) Impact on departmental and municipal development plans in order for these to be integrated into the climate change variable at the national level;

(g) Impact on the Departmental Development Councils to strengthen the areas of: (i) integrated watershed management; (ii) adaptation to and mitigation of climate change; (iii) increase of forest cover in conjunction with the Departmental Environment Commissions; (iv) land and water management activities.

17. Water resources and basins

66. This programme has national coverage and a budget of 5,119,568 quetzales. It seeks to foster the use of natural goods and services for multipurpose uses. Its legal basis is the Regulation on Discharge and Reuse of Wastewater and Sludge Disposal, Ministerial Agreement 239-2005. Among the main actions of the programme this year are the following:

(a) 200 monitoring actions were performed for different industries nationwide on wastewater discharges, in order to ensure compliance with Ministerial Agreement 239-2005;

(b) 324 actions were conducted involving analysis, characterization and sampling of wastewater discharges at a national level;

(c) 125 sewage systems nationwide were examined and evaluated;

(d) Construction plans and projects nationwide were followed in order to include integrated management of water resources with emphasis on adaptation and mitigation of climate change.

18. Knowledge management and socio-environmental responsibility

67. The programme seeks to integrate and coordinate efforts to decentralize environmental management, creating mechanisms for participation and social organization regarding the environment and natural resources, promoting and coordinating events to foster thinking, research, discussion and analysis on the environment and natural resources, giving thematic and methodological shape to the proposal --in coordination with the Ministry of Education-- on levels of formal, non-formal and informal education, and promoting and monitoring the environmental component in education reform. This programme has benefited 15,136 people per department and among the major actions this year are the following:

(a) 480 community organizations were strengthened through the creation of mechanisms for social participation and organization with a view to developing people's capacities in socio-environmental management;

(b) Training activities were promoted at the national level to foster thinking, research and analysis on the environment and natural resources in order to generate consensus within the framework of environmental management;

(c) Mayors of indigenous communities were trained in environmental issues with a focus on multiculturalism and gender through departmental offices;

(d) Training and certification was provided for teachers of the national education system, leaders, NGOs, businesses and institutions on curriculum platforms to improve capacity in environmental issues and natural resources;

(e) Training workshops were held on the following topics: gender and multiculturalism policy and the socio-environmental agenda of indigenous peoples with a view to multi-ethnic and gender inclusion; applying the social participation and environment agenda;

(f) A registry was developed to structure the network of instructors certified by the Ministry of the Environment and Natural Resources and FLACSO (Facultad Latinoamericana de Ciencias Sociales – Latin-American Faculty of Social Sciences) to generate, promote and participate in cooperation and coordination mechanisms for national environment-related education, training, awareness, research and citizen participation;

(g) The proposal of the Ministry of the Environment and Natural Resources was developed for the Ministry of Education in order to integrate within the National Curriculum Base the variables of environmental education, multiculturalism and gender, and climate change⁶.

19. Adoption of legislation to ensure access to drinking water in all communities

68. Guatemala has within its State structure public policies on natural resources; there are also constitutional and ordinary laws that ensure optimal management among the actors involved. The following is the legal framework.

20. Legal framework for natural resources

69. The legal framework includes:

(a) Legal and institutional framework of the Multi-Year Sector Plan for the Environment and Water;

⁶ Secretariat for Peace, Office of the Presidency, "Report 2010: Advances in compliance with the Peace Agreements," pages 75-85.

- (b) Constitution of the Republic of Guatemala;
- (c) Law on Social Development;
- (d) Comprehensive Rural Development Policy;
- (e) Plan for Socio-Environmental Improvement;
- (f) National Water Plan;
- (g) National Climate Change Policy;
- (h) National Forest Policy;
- (i) Policy on Protected Areas and Biodiversity;
- (j) Marine and Coastal Resources Policy;
- (k) Policy for Cleaner Production;
- (l) National policy for integrated waste management and solid waste;
- (m) Health Code;
- (n) Municipal Code;
- (o) International agreements.

70. According to the Ministry of Environment and Natural Resources, there are 21 draft enactments related to climate change, solid waste, education, land use planning, biodiversity, biotechnology, protected areas, forestry incentives, forestry and land ownership, forest fire prevention and control, discharges and waste water resources, use and management of water resources and protection of different watersheds. All these initiatives are before different directorates and legislative committees of Congress; it should be noted that some of these initiatives are accompanied by favourable or unfavourable opinions as part of the legal process of approval, as indicated in Annex 4.

71. The main aims of applying the sectoral approach to environment and water sector are:

- (a) To ensure that the public bodies that have responsibilities for environment and water increase their effectiveness in achieving development results, by fostering a sense of ownership and by managing for results;
- (b) To ensure that the environment and water vision is fully incorporated into the design and implementation of all policies of the Government of Guatemala;
- (c) To advance towards alignment and harmonization of support from international cooperation in order to contribute to the achievement of national goals and targets regarding environment and water.

21. The water sector: legal basis and entities comprising it

72. The Environment and Water Sector and Sectoral Board are governed by a Ministerial Agreement (dated October 25, 2010, No. 399-2010). The organs of policy-making, representation and management that comprise it under the guidance of the Ministry of Environment and Natural Resources, Environment and Water Sectoral Board, are presented in the "Operation Manual of the Sectoral Board"; they are the Permanent Council of the Environment and Water Sector, chaired by the Minister of Environment and Natural Resources and including the Ministers of Finance and External Relations, and the Secretary of Planning and Programming of the Office of the Presidency, and members of the Secretariat of the Specialized Cabinet for Water or the member to be appointed in future by the Vice President of the Republic; and the Governance Committee of the Environment and

Water Sector, chaired by the Deputy Minister of Natural Resources, which includes all institutions in the sector.

73. The 2011-2013 Multi-Year Sector Plan for Environment and Water shows an analysis of the legal-institutional framework for implementation of policies relating to this field, to implement and enforce the rules concerning the conservation, protection, sustainability and improvement of the environment and natural resources of the country and human rights, based on the following institutions:

- (a) Ministry of the Environment and Natural Resources;
- (b) Lake Petén Itzá Basin Management and Sustainable Development Authority;
- (c) Lake Izabal and Río Dulce Management and Sustainable Development Authority;
- (d) Lake Amatitlan Basin Sustainable Management Authority (AMSA);
- (e) Authority for Sustainable Management of Lake Atitlan and its Environs;
- (f) National Forestry Institute;
- (g) National Council for Protected Areas.

22. National Water Plan

74. By Governmental Agreement 204-2008, the Specialized Cabinet for Water (Gabinete Específico del Agua (GEA)) was established in order to coordinate government efforts to design and manage policies, plans and budgets for water, to help achieve national development goals. It is chaired by the Vice President and comprises the following entities: Ministry of Agriculture, Livestock and Food, Ministry of the Environment and Natural Resources, Ministry of Infrastructure, Communications and Housing, Ministry of Culture and Sports, Ministry of the Economy, Ministry of Education, Ministry of Energy and Mines, Ministry of Finance, Ministry of External Relations, Ministry of Public Health and Social Welfare, the Executive Coordination Secretariat of the Presidency, Secretariat of Agrarian Affairs, Secretariat of Social Communication, National Coordinator for Disaster Reduction, National Council on Protected Areas and the Secretary for Planning and Programming of the Presidency

75. The National Integrated Water Resources Policy and Strategy were approved by the Specialized Cabinet for Water in 2008 and their contents updated and supplemented in 2009; they aim “to promote better conditions for effective water governance, institutionalizing the national system of integrated management of water resources, satisfying demand for the greatest number possible, anticipating future requirements and providing for risk management within a framework of environmental sustainability.” The activities derived from the National Integrated Water Resources Policy and its Strategy and the National Plan of Public Drinking Water and Sanitation for Human Development and the Presidential Water for Peace Programme are organized by the Specialized Cabinet for Water, by developing its 2009-2010 Work Plan comprising four programmes: (a) Water for Human Development, (b) Water Governance and Planning, (c) Forest, Soil and Water Quality Management in Basins, and (d) International Waters.

76. The Work Plan also defines priorities in municipal and hydrographic terms according to political, social and territorial criteria. The programmes contain a set of measures to: (a) create conditions that favour the creation of institutions for water, such as dialogue designed to foster, approve and implement policies, laws and specific plans; (b) strengthen the capacity to generate new information and draw on existing information, organized in a Water Information System for decision making at all levels; (c) increase the quality, coverage and production of services (e.g. drinking water and sanitation, irrigation,

energy, ecosystems, international waters and others); and (d) improve the quality and production of services for water management through an institutional system that integrates national efforts of central Government, municipalities, the Development Council system, the private sector and social organizations.

77. The four programmes of the Specialized Cabinet for Water Work Plan are formulated on the basis of a representation of how water behaves in the hydrologic cycle and in watersheds: firstly, the natural behaviour of water within the hydrological cycle (associated with the programme for management of forests, soil and water quality in basins) and artificial water behaviour, achieved by hydraulic regulation works that are constructed to access more water than that which flows naturally in order to meet more demands -- social, economic and environmental (link to the Governance and Hydrological Planning Programme, the Water and Sanitation Programme for Human Development and the International Waters Programme)-- and for water planning that will satisfy multipurpose demands. It has also been stressed that in international basins treating water issues is a matter of sovereignty and national interest, for which there is the International Waters Programme.

78. Thus, the Specialized Cabinet for Water seeks to contribute to national development by promoting together the four complementary programmes in question, which together constitute the proposed National Integrated Water Management Approach with a National Sovereignty Perspective.

79. In formulating the Multi-year Sectoral Plan for Environment and Water (2011-2013) special care was taken to include services provided by government institutions that are most closely related to the theme of water and are not part of the "core" of the water sector, including: Ministry of Health and Social Welfare, National Coordinator for Disaster Reduction, National Institute for Municipal Promotion, Ministry of Agriculture, Livestock and Food, Rivers and Canals Management Unit of Ministry of Infrastructure, Communications and Housing, and Directorate of Limits and International Waters of the Ministry of External Relations. In addition, in the definition of the Strategic Framework, the Technical Secretariat of the Specialized Cabinet for Water participated actively, and several elements of its four programmes are reflected in the results of the Sector. Finally, it is important to mention that valuable aspects of the Specialized Cabinet for Water's Work Plan have been incorporated into the Multi-year Sectoral Plan for Environment and Water as priority projects. A project of special importance is the development of the National Water Plan.

23. Situational analysis of legislation, water resources and drinking water in response to the Millennium Development Goals; analysis of public policies and their relation to sustainable development

80. In Guatemala, the current policy framework is composed of 43 sectoral and cross-sectoral policies, of which 23 per cent are policies whose main purpose is the protection and management of the environment and natural resources. Further, 65 per cent of the policy framework includes at least one line of action related to environmental issues, while 53 per cent include the environment within their principles.

81. In this regard, we note that most policies take environmental priorities into account for implementation, but only 9 per cent have specific goals related to environment and natural resources. Most lack a fixed budget for implementation. In fact, most only provide general guidelines for financial management. Among the policies that have specific targets and indicators related to the environment are: (a) National Forest Policy (1999); (b) Agricultural Policy for 2008-2012; (c) National Policy for Comprehensive Promotion and Advancement of Women, 2008-2023; and (d) National Policy and strategies for the development of the Guatemalan System of Protected Areas (1999).

82. While there are important advances in incorporating priorities conducive to the fulfilment of the goal, there are still limitations in the policy framework, inter alia for the following reasons:

(a) Limited policy coordination and sectoral unity where environmental issues are concerned: owing to the existence of various entities vested with government stewardship over a number of issues of environmental management, there is still fragmentation in the treatment of the subject. Efforts have been made to correct this in some policy frameworks; however, they are still not enough for the degree of integration that needed for proper handling of environmental issues;

(b) Duplication: the main instances of duplication in the application of the policy framework arise with respect to territorial spaces to which different normative instruments are applied, such as “protected areas,” “national reserve areas,” “special protection areas,” “volcanic cones,” and with regard to matters such as oil exploration and/or exploitation in protected areas, mining on lands of indigenous peoples and communities, and aspects relating to water rights. These duplications take the form, inter alia, of: (a) imprecision in defining the boundaries of geographic territories, as in the case of protected areas and areas of special protection; (b) lack of clarity of a general legal framework, such as regulatory aspects in regard to water resources; and (c) inadequate development of instruments, both economic and command-and-control, and in the area of management.

83. Other gaps in the policy framework refer to:

(a) Legal instruments for regulation and registration of water rights;

(b) Management tools geared to monitoring and evaluation of quality and quantity of water in basins;

(c) Instruments to regulate, guide or encourage the management of issues of access to genetic resources and safety of modern biotechnology. Additionally, aspects of bio-prospecting have not been developed in keeping with demand;

(d) The instruments provided by global guidelines with regard to national development, specifically for watershed management in land management strategies applied to larger basins, are insufficient. This gap does not occur only at the level of these territorial units but covers the whole country. The management tool provides guidelines for land planning and urban management, with their respective policies and regulations, to manage population dynamics and its impacts in the future. Therefore, it is a basic tool to guide development on a sustainable basis for the country;

(e) Especially important is the scant development of municipal ordinances aimed at reducing risks in the sectors of road infrastructure, housing, drinking water and sanitation.

III. Conclusions: challenges for the future

84. While there remains a fairly substantial unfinished agenda to eradicate racism and discrimination, particularly discrimination against the country's indigenous peoples, it is also true that changes are taking place daily in the public arena that reflect actions being pursued to reach that noble goal.

85. In the legal field, progress has been made towards approval of an addition to the criminal law concerning the criminalization of discrimination under article 202 bis, Decree 57-2002, in keeping with the International Convention on the Elimination of all Forms of Racial Discrimination.

86. Added to this, the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala is finalizing a proposed draft bill aimed at the prevention, punishment and eradication of racism and discrimination. This proposal refers to actions in the educational and judicial spheres and in promoting equity.

87. The State of Guatemala recognizes the leading role of human rights defenders, specifically for indigenous people, who individually or collectively promote and defend civil, political, economic, social and cultural rights. In that regard, public authorities (Ministry of the Interior, Public Prosecution Service, Office of the Human Rights Procurator, Judiciary, Supreme Court) entrusted with ensuring the physical and psychological integrity of those social activists have implemented protection mechanisms, notably the mechanism implemented by the National Police in this area under the name of Protection of Persons and Security.

88. In the field of water resources the State, through its institutions, has promoted action in regard to access to drinking water, prevention, monitoring and treatment of water pollution, as well as safeguarding of watersheds. A noteworthy development is the Specialized Cabinet for Water, which coordinates the work of different institutions, especially of the executive branch, with the aim of developing a model of comprehensive management of water resources for the country.

89. Finally, it is recognized that it is important to continue striving for coordination among public institutions with a view to consolidating a national agenda against racism that may enhance the actions taking place in different fora, such as those mentioned in this report.
