

Communication to the State of Guatemala
from the
Expert Members of the UN Permanent Forum on Indigenous Issues
Guatemala City, Guatemala
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The UN Permanent Forum on Indigenous Issues expresses its gratitude to the State of Guatemala, the Ministry of Foreign Affairs, members of the Congress of Guatemala, United Nations Agencies, Funds and Programs, and Indigenous peoples' organizations, especially Organismo Naleb', for the support provided to host our pre-sessional meeting in Guatemala City from April 10-16, 2016.

Our visit to this country cannot go without acknowledgement and an expression of deep gratitude for the life and contributions of the late Augusto Williamson Diaz. His extraordinary intellectual capacity and compassionate devotion to the cause of Indigenous peoples in Guatemala and across the globe are reflected in the substantive and voluminous Study of the Problem of Discrimination Against Indigenous Populations of which he was the principal author. His significant influence and involvement across decades has been invaluable to the collective, worldwide Indigenous movement to advance, promote and protect their fundamental human rights within the United Nations, the OAS and numerous other national and international fora. For this we are grateful.

During the meetings held this week, with stakeholders, we have observed that a root cause of many, if not most of the problems facing Guatemala's Indigenous peoples, is the concentration of land ownership, especially fertile farmlands, in few hands. According to recent National Agricultural Census, Guatemala's Gini coefficient for land distribution is 0.84. This condition has left Indigenous peoples excluded from effective access to their homelands and one of the key means of production of the country. According to a current World Bank country overview, Guatemala is one of the few countries in the region where despite a growing economy, poverty has increased in recent years, from 51 percent in 2006 to 59.3 percent in 2014. Most affected by this are Guatemala's Indigenous peoples. This poverty trap generates critical consequences on their quality of life, such as, low life expectancy and an 80% malnutrition rate among Indigenous children, and limited access to quality education.

Staggering differences in socio-economic indicators shown in Guatemala between indigenous and non-indigenous populations, including a 13-year gap in life expectancy, are difficult to understand in the 21st century. While Indigenous peoples are denied their rights to lands, territories and resources, the private sector, namely the extractive industries, hydropower and agribusiness are provided easy access to these resources, leading to further marginalization, environmental, and health problems for Indigenous peoples.

We therefore express reservations about the current view of the World Bank that prioritizes for Guatemala more rapid GDP growth over "pro-poor policy reforms", which allegedly can only "yield marginal improvements". We believe this to be an ideologically driven argument ignoring the empirical evidence from the past few years where moderate economic growth in Guatemala has resulted in even faster growth of poverty.

We therefore urge both the Guatemalan State and private sector, as well as the World Bank and other international economic institutions to realize that serious efforts to reverse the growing poverty among Guatemala's Indigenous peoples, with all of its disastrous consequences, require not more rapid GDP growth, but structural economic and social reforms. Such crucial reforms must ensure more equitable distribution and access to traditional lands for Guatemala's Indigenous peoples, based on respect for and legal recognition of their collective rights, including their self-determined development. These objectives are consistent with the rights of the Indigenous peoples of Guatemala as affirmed in the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169.

The Permanent Forum would like to acknowledge the State representatives working on the issues of Indigenous peoples and the creation of the Guatemalan Cabinet for Indigenous Affairs. In addition, it is important to acknowledge the presence of 20 Indigenous members of the national Congress. Such Indigenous representation and participation should be increased. Furthermore, it is highly significant that the International Commission against Impunity in Guatemala, known as CICIG, is working with state institutions and the Guatemalan society to strengthen their capacity to reduce corruption and levels of impunity. We welcome all of these positive developments and trust that each institution will open lines of communication in order to maintain a direct and meaningful dialogue with the Indigenous peoples of Guatemala.

With these observations in mind, we urgently recommend the following:

- The initiation of a national dialogue to discuss and identify the best pathway to achieve key reforms, particularly Constitutional reform in order to respect and recognize the rights of Indigenous peoples throughout Guatemala. This must also include economic reforms as well as social and political reforms, with full, direct and meaningful participation and representation of Indigenous in all phases of such reforms.
- Regulate the private sector, particularly the extractive industry, hydropower and agribusiness to ensure the integration of responsible international standards related to economic and social development as well as the human rights of Indigenous peoples and in particular, the right to free, prior and informed consent and environmental safeguards, in the planning and implementation of their projects affecting Indigenous peoples and their lands, territories and resources.
- Adopt and implement special measures to eliminate racial discrimination and reduce inequality; acknowledge diversity and the need to promote respect for all peoples and cultures of Guatemala. Such special measures must include the respect for and recognition of the diverse languages of the Indigenous peoples throughout Guatemala.
- The Permanent Forum calls upon the State of Guatemala to initiate the comprehensive, effective and full implementation of the Peace Accord, in collaboration with Indigenous peoples, to ensure the fulfillment of their right to access their traditional lands, territories, waters, and other resources, which are intimately tied to their economic, social, cultural and spiritual security and integrity, including the important element of food security. The implementation of the Peace Accord must also ensure and enhance the status and role of the ancestral authorities of the Indigenous peoples of Guatemala.

- The Permanent Forum calls for the immediate release of the Indigenous leaders and activists presently incarcerated and to ensure their access to due process, justice as well as impartial defense. This request is the only way to ensure the equal application of the rule of law. All Indigenous individuals and peoples must have specific measures for their personal security and access to justice.
- The Permanent Forum calls for measures to promote and support education and dialogue to eliminate violence against Indigenous women, especially sexual violence against girls and adolescents as well as measures to ensure their personal safety and security. Such measures must include an increase in investment and specific allocations in the national budget for Indigenous girls and adolescents, to give them the capacity and opportunity to transform their lives.
- The Permanent Forum calls for an overall increase in financial and other resources for the Indigenous peoples of Guatemala, and in particular Indigenous children, women and persons with disability.
- The Permanent Forums calls upon the State of Guatemala to address the need for free and equal access to “community radio” frequencies and the right to freedom of expression. Furthermore, we request that Indigenous peoples not be criminalized in their attempts to exercise their right to access to the media, including radio frequencies.
- The Permanent Forum fully acknowledges and appreciates the contributions of UN agencies, funds and programmes towards improving the conditions, welfare and well-being of indigenous peoples of Guatemala. We encourage them to step up their efforts and strengthen their collaboration with indigenous peoples. We call upon the State of Guatemala to strengthen its cooperation with UN agencies, funds and programmes in addressing the needs rights and priorities of indigenous peoples.

In conclusion, we stand in solidarity with the Indigenous peoples of Guatemala, including those that are “Walking Under the Sun.” We wish to continue with the constructive dialogue and look forward to hearing of your progress on the comprehensive reforms that are needed to guarantee the principles of justice, democracy, respect for human rights, equality, non-discrimination, and good governance for the whole of Guatemala and in particular, the Indigenous peoples.