tional capacity to promote the goals of the peace accords. The formal public closure of the Mission took place on 15 November. MINUGUA received Guatemala’s highest civilian honours, the Order of the Quetzal, in recognition of its work.

MINUGUA

The mandate of MINUGUA, which had been extended to 31 December 2004 by General Assembly resolution 58/238 [YUN 2003, p. 288], focused in 2004 on verification of two areas—human rights, and demilitarization and the strengthening of civilian power—as outlined in the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p.168].

Report of Secretary-General. In response to Assembly resolution 58/238, the Secretary-General submitted on 30 August [A/59/367] the ninth and final report on the implementation of the Guatemalan peace agreements, which summarized political developments during the previous year, and the status of the implementation of the peace accords. The Secretary-General said that the political environment had improved considerably since his last report [YUN 2003, p. 280] and that the electoral defeat of General Efrain Rios Montt [ibid., p. 279], under whose 1982-1983 rule the army committed some of the worst atrocities of the conflict, was a sign that Guatemalans were rejecting the past and looking towards the future.

Regarding the implementation of the peace accords (1996-2004), the Secretary-General said that it had been plagued by obstacles and setbacks, and the resistance of powerful groups that felt threatened by change. On 25 February, President Oscar Berger pledged to reinvigorate implementation of the peace accords with the support of a new National Peace Accords Commission.

In the area of human rights, the Secretary-General said that the overall assessment of progress was positive. Advances included: the creation of a new civilian police force, an independent Public Prosecutor’s Office and a Public Defender’s Institute; the enactment of a judicial career law which had improved the selection, training and evaluation of judges; improvements in technology and expansions in the physical infrastructure of the courts, as well as better access for indigenous people through the hiring of bilingual staff and interpreters; and the creation of five Justice Administration Centres in the country’s predominantly indigenous areas. The main challenge was to consolidate the rule of law amid a surge in crime and manifold evidence that key institutional reform processes launched under the accords had lost momentum or had regressed. The National Human Rights Movement reported 18 incidents of harassment during the first half of 2004, mainly threats to human rights organizations or others involved in judicial processes. A 2003 initiative, reached in agreement with the United Nations and the former Government to create the Commission for the Investigation of Illegal Groups and Clandestine Security Organizations (CICIGACS) to investigate clandestine groups, was withdrawn from Congress in May amid constitutional objections. Although several articles of the agreement were declared unconstitutional by the Constitutional Court, the new Government said it remained committed to creating CICIGACS and would propose modifications to the United Nations after consultations with human rights groups and other interested actors. Public security remained a major concern to Guatemalans, who were suffering under a surge of violent crime common to post-conflict societies. Guatemala’s location in the drug trafficking corridor made it vulnerable to organized crime groups, and the deplorable condition of the National Civilian Police had allowed crime to proliferate, resulting in increasing and serious abuse by its members, including kidnapping, social cleansing and torture. The naming of a well-regarded human rights activist, Frank Larue, to head the Presidential Commission on Human Rights had instilled new dynamism in that institution. Reparations to human rights abuse victims would be a test of Guatemala’s commitment to human rights. The Government provided initial funding for a National Reparations Programme for the victims of human rights violations, and named Rosalina Tuyuc, a respected indigenous leader and victims’ representative, to head the commission overseeing the programme. However, the programme still needed to be placed on firmer legal and financial footing. The Office of the Human Rights Ombudsman also needed to be strengthened, and international observation of and assistance for the human rights situation in Guatemala continued. The proposed office of the High Commissioner for Human Rights would make an important contribution in that regard.

In the area of identity and rights of indigenous peoples, reforms had taken place at the legal and institutional levels through the creation of special programmes and agencies, as envisaged in the peace accords. Debate was also taking place on the topics of racism and discrimination. However, the everyday reality for most indigenous people had changed little. Except for access to communications media from which it had been traditionally excluded, the indigenous population remained outside the mainstream of national life and the worst social indicators continued to be registered in predominantly indigenous areas.