Guatemala: Can Berger Break the Cycle?

John W. Graham

EXECUTIVE SUMMARY

In terms of ‘free and fair’ the Guatemalan first and second round of elections in November and December 2003 were probably the best in 60 years. The paper discusses the key roles played by the international community, Guatemalan election staff and domestic observers in overcoming threats to the process. The elections are viewed within the overall political, social and economic context of Guatemala. If rhetoric were bankable, Oscar Berger, would be beginning his presidency with a very favourable balance. Good appointments to economic portfolios join a few symbolically important gestures to indigenous and human rights communities. Berger has committed his government to implementation of the 1996 Peace Accord’s political, economic and cultural objectives. However, formidable obstacles stand in his path. He inherits an empty treasury from his predecessor Alfonso Portillo and confronts a public service environment of endemic corruption. His political coalition Gran Alianza Nacional (GANA) occupies a minority position in the legislature. Traditional discrimination against the generally impoverished Maya is changing, but too slowly to satisfy the indigenous population and the international community. The paper forecasts that Berger’s administration will be unable to substantially correct systemic weaknesses and cultural prejudice, but may lay the foundations for more lasting change by successor governments.

RÉSUMÉ

l'administration publique. Sa coalition politique Gran Alianza Nacional (GANA) occupe une position de minorité dans la législature. La discrimination traditionnelle à l’égard des Mayas généralement appauvris est en train de changer, mais ce changement est trop lent au goût de la population indigène et de la communauté internationale. Ce document prévoit que l’administration Berger ne pourra pas corriger sensiblement les faiblesses systémiques et le préjudice culturel, mais il pourrait créer les bases d’un changement plus durable pour les gouvernements qui lui succèderont.

RESUMEN

Si de “libres y justas” se trata, la primera y segunda rondas de elecciones en Guatemala en noviembre y diciembre de 2003 probablemente han sido las mejores de los últimos 60 años. El presente trabajo aborda el papel clave que desempeñaron la comunidad internacional, los funcionarios guatemaltecos encargados de las elecciones y los observadores locales para disipar los peligros que acechaban al proceso; y se hace un análisis de las elecciones dentro del contexto político, social y económico general del país. Si las palabras fueran contables, Oscar Berger estaría comenzando su mandato presidencial con un crédito bastante favorable. La designación atinada de los titulares para las carteras económicas se suma a otros gestos simbólicos importantes en favor de los defensores de los derechos humanos y de los indígenas. Berger ha prometido que su gobierno dará cumplimiento a los objetivos políticos, económicos y culturales de los Acuerdos de Paz de 1996. Sin embargo, en su camino se interponen grandes dificultades. Berger hereda de parte de su predecesor, Alfonso Portillo, un tesoro público vacío y un ambiente de corrupción endémica en el sector estatal y la coalición política que encabeza (Gran Alianza Nacional - GANA) sólo cuenta con una minoría en la legislatura. La discriminación contra las minorías pobres mayas va cambiando, pero a un ritmo muy lento para el gusto de las poblaciones indígenas y de la comunidad internacional. Este trabajo augura que la administración Berger será incapaz de alterar significativamente el lastre de males sistémicos y los prejuicios culturales que aquejan a la nación; pero servirá de base para el logro de cambios más duraderos por parte de gobiernos futuros.
POLITICS AND PEACE ACCORDS

Twenty years on, and thanks in part to the energy of the international community, Guatemala has had a good election—better than Cerezo's and probably the best election in 60 years. The programme of the new President, Oscar Berger, bears some functional resemblance to that of President Juan Jose Arevelo, who in 1945 boldly tackled issues of health, water, education, labour law, and land tenure. But then Arevalo and his successor Jacobo Arbenz took on too much too fast for the political paranoia of the times. Arbenz was famously dislodged by the United Fruit Company (also known as el pulpo) and the Eisenhower administration, in close collaboration with the army and the elite.

If rhetoric counts — a good beginning

Berger has tried to balance his designation of business approved ministers to the key positions of Minister of the Economy, Foreign Minister and Finance Minister, by reaching out to the indigenous and human rights community with a number of appointments. Nobel laureate Rigoberta Menchú has not been given a substantive job, but her designation as Goodwill Ambassador carries symbolic importance. Menchú accepted over the grumbling of some of her supporters on the grounds that 'inside' she would have a better chance of pushing for the implementation of the slumbering Peace Accords. The appointment of Frank Larue as head of the Presidential Human Rights Committee may validate the government's commitment to more assertive human rights policing. A prominent Mayan anthropologist, Victor Montejo, has been made head of the Peace Secretariat. Very high on the list of smart moves was Berger's decision to invite Eduardo Stein to be his Vice-Presidential running mate. Foreign Minister for President Arzú and whistle blower for the Organization of American States (OAS) on President Fujimori's electoral manipulations in 2000, Stein brings to the administration proven skills on the international scene plus a personal commitment to cultural diversity and national healing.

For someone located at the 'centre-right' of Guatemalan politics, and a member of the business elite, Berger has also engaged in 'reformist' rhetoric. Clearly sensitive to the failure of his predecessor, President Alfonso Portillo, to comply with the Peace Accord objectives of 1996, Berger outlined a comprehensive approach to the Peace Accords and national reconciliation in the speech, which he gave February 25 on the fifth anniversary of the release of the Peace Commission Report. In an address that may have surprised some of the deep-pocketed financial backers of his Presidential campaign, Berger committed his government to uncompromising efforts to implement the Peace Agenda.

He acknowledged the country's 'sinister' past, rebuked his predecessors because work toward many of the Peace Accord goals had "scarcely even begun", noted the criticisms of the United Nations Verification Mission in Guatemala (MINUGUA) and, most recently, the scorching report of the MINUGUA Truth Commission. Berger gave priority to compensation for victims of the war and to the Commission for the Investigation of Illegal Organizations and Clandestine Security Apparatus (CICIACS)—a UN funded body. CICIACS terms include enforcement teeth, but at present it is hamstrung by a debate on whether it should be targeting politicized thugs sheltering within state institutions or organized crime in general. CICIACS is to be given a two-year time frame.

Berger has made commitments to 'restructure' the army—which means compressing the size and

“...every time the lid is lifted from four centuries of injustice, the social ferment begins to bubble over and a further wave of brutality is the only way to restore ‘order.' Guatemala allows the grass roots to sprout and then mows the lawn”

Ronald Wright wrote this dismal epitaph in his classic study of Guatemala, Belize and Chiapas, “Time among the Maya” (1989). At the time he was writing, in the mid-eighties, Vinicio Cerezo's democratically elected government had put an end to brutal procession of military governments, notably those of Lucas and Rios Montt, but the military, in league with the old money elite, was still keeping the grass short.
reforming the culture of the military establishment. It is difficult to underestimate this undertaking in a country where a privileged and intransigent military has long intimidated civil authority and slaughtered non-combatants with impunity. The Truth Commission reminds the country that between 1962 and 1996 approximately 200,000 people were killed or ‘disappeared’ and of that number 92% were dispatched by government forces, including the paramilitary. The Commission also points out that 83% of the victims of the conflict were indigenous people, specifying that in five departments of Mayan concentration the army was responsible for “acts of genocide”. The military are only lightly tethered to their barracks and remain an inhibiting spectre for civilian government.

While noting that the present government has achieved a higher participation by indigenous persons, the Commission recalls that “since the independence of the country, only two indigenous persons have occupied positions of Minister and Vice-Minister”. Conscious of these failures and a multitude of other injustices suffered by the Mayan population, the President promised to fulfill obligations to recognize the cultural rights and identity of the indigenous peoples (as set out in the International Labor Organization Convention), and to combat racism and discrimination, particularly where it exists within the structure of government. So forthright was this remarkable prescription for atonement and national reconciliation from a politician not blessed with visionary leadership skills, that questions have arisen about the identity of the speech writer. Still, not a bad beginning.

Rhetoric and reality: economic and political constraints

Less forthright was the end of his speech in which he promised to “search for solutions” to the long-standing problems of land tenure. Perhaps recalling what followed Arbenz’s very specific agrarian action plan, Berger’s language was woolly. He also emphasized that the key to achievement of the Peace Accord goals lies in the generation of economic prosperity for the nation as a whole, setting as a “crucial” target an annual growth rate of 6%. With a low GDP of 2.1% in 2003, the worst performance since 1986 and a forecast of only 3% in 2004, well below the poverty reduction target, his ability to move forward on this and other government agendas is severely constrained. In this speech and in others, the President also made it clear that upon arrival in the National Palace, he found that the cupboards were bare. An empty treasury ($1.2 billion U.S. deficit), has compromised even his ability to keep some of the basic wheels of government turning over, much less strike out effectively in the new directions he has set for himself. In headlines reminiscent of some of those appearing recently in Canada, the Guatemalan media have produced a succession of fulminating captions about alleged large-scale embezzlement by members of the Portillo government and secret Panamanian and Miami bank accounts. Portillo himself has skulked rapidly across the border into Mexico where he is being sought for extradition.

So far, the bad news on the exchequer has not dampened all spirits. The majority of Guatemalans are exhilarated to see the back of Portillo and his Frente Revolucionario Guatemalteco (FRG) cronies. After years of abrasion and disappointment with the previous government, the international community, especially the United States, is welcoming Berger. Hopes are also pinned on CAFTA, the Central American Free Trade Agreement with the US, which is expected to lift exports and the GDP. Although an American election year may make for a choppy ride, CAFTA is scheduled for signature by Guatemala later this year. But good times are still a long way off. Berger will need a divining rod to find fresh funds. Within two weeks of coming to power the Constitutional Court removed the ‘corporation tax’ which was expected to generate over US$300 million in 2004. Guatemala is reckoned to have one of the least effective tax regimes in Latin America and, as elsewhere in the region, corruption is pervasive, endemic and corrosive. The government will be seeking a renewal of its stand-by agreement with the IMF.

The new government’s political afflictions now appear, if anything, to be more daunting than those on the economic and fiscal side. Unlike his predecessors, Berger’s coalition party, the Gran Alianza Nacional (GANA), does not have a majority in the chamber of deputies. With only 47 of 158 seats and alarmed at the prospect of being undermined by the Frente Republicano Guatemalteco (FRG) with 43 seats, he negotiated an alliance with the centrist
party, the Union Nacional de Esperanza (UNE, with 31 seats) and the party of his principal opponent, Álvaro Colom) and with the centre-right Partido de Avanzada Nacional (PAN, with 17 seats). But the pact rapidly came unglued, leaving Berger to cast around for other forms of leverage. For short-term leverage he is turning to patronage appointments, but this is usually at long-term cost. The outlook for FRG cohesion and popular appeal will also be a factor. The party is more disciplined than its competitors. In the first round of elections in November 2003 the FRG led both GANA and UNE in several departments, sinking behind mainly in the densely populated metropolitan area around the capital. Its strength in the countryside is undisputed—winning 110 of 331 municipalities against 69 for GANA. Paradoxically, given its founding connection with former dictator Rios Montt, a significant proportion of the FRG's support comes from the indigenous community. The great unknown is party leadership. With a third place finish and aged 77, it is unlikely that Rios Montt can continue to exert authority and it is uncertain whether his daughter, Zury Rios Sosa, will assume the legacy. So far no Guatemalan party has survived for long without a strong national leader.

The indigenous conundrum and the scale of the challenge

The scale of the challenge cannot be underestimated. Guatemala has one of the hemisphere's most lopsided distributions of wealth and poverty. The disequilibrium of land tenure has not changed significantly since the massive appropriations of peasant and indigenous land by Liberal party dictator Justo Rufino Barrios and his successors in the last quarter of the nineteenth century. Although small parcels of land have been redistributed by succeeding administrations, including Portillo, 2% of the population continues to control about 65% of the land. The ratio rises when applied to the fertile coastal plantation regions. Infant mortality is over twice the average and illiteracy is three times the average for Latin America and the Caribbean—-with the statistics moving up or down for rural indigenous inhabitants, depending which end of the scale is worse. United Nations Human Development figures illustrate this disparity. For 2002 the percentage of non-indigenous persons in extreme poverty was 12.9% against 30.8% for indigenous persons. While there is no longer a civil war and murder is decreasingly politicized, criminal violence is escalating. The number of violent deaths has increased significantly over the past five years. Equally disturbing are MINUGUA's figures for other categories of human rights violations which more than doubled between 1997 and 2002—the most significant category being denial of legal process. Over the same period the number of human rights denunciations to the Grupo de Apoyo Mutuo rose from 850 to 5826, a figure that is paradoxically both alarming and reassuring—reassuring because the numbers signify growing confidence to actually make denunciations. The Grupo de Apoyo Mutuo is a respected civil society organization based on victims' rights.

Life in the highlands of the North West, particularly the Departments of Quetzaltenango, Huehuetenango, San Marcos and Quiche, where the heaviest concentration of indigenous peoples is to be found, is still characterized by the separation of male teenagers and adults from their families for seasonal labour in the coastal plantations. What could be a difficult, but still acceptable dislocation, remains in most cases a demeaning burden. Conditions are generally poor and wages almost invariably fall well below the minimum scale set by the government. (Portillo actually raised the minimum wage, but this was dismissed as shallow political opportunism as his government totally neglected enforcement). The women are left behind to plant and care for the children. A typical, and unfortunately photogenic, image of the highlands is that of a prematurely aged woman, not much more than four and a half feet in height, beautifully dressed in 'corte' and 'huitel' doubled over with an enormous load of firewood. Generations ago, before the plantations, this would have been the chore of her husband or eldest son. Guatemala remains one of the least urbanized of societies in the hemisphere at 31% against 68% for Latin America as a whole. For one quarter of adult Guatemalans, as in many other parts of Latin America, the hand that lifts them from poverty and malnutrition is that of the family member that mails or wires a remittance cheque, from the United States, Mexico, Europe or Canada (over 90% from the US). For 2003 it was forecast by the International Migration Organization that approximately $1.9 billion US would be remitted to families in Guatemala from abroad. This is the figure after fees averaging at about 6% have been deduct-
ed for money transfers. In El Salvador, with comparable percentages of the population receiving remittances, it has been estimated that if the cost of fees could be cut in half, national GDP would rise by 1\%\textsuperscript{5}. Policies to limit exorbitant fees for the Americas as a whole were pressed by the Hemispheric Summit in Monterrey in January. Development organizations are beginning to work with families in depressed regions to facilitate more productive management of remittances. For large numbers of people, the burgeoning narcotics transhipment business also carries them well above the poverty line.

The pessimism trap

The catalogue of grievances gives the impression that Guatemala is still caught in the relentless cycle of racism, discrimination and repression. Indeed there are criticisms that fundamentally nothing has changed. Not nearly enough has changed, and, without question, problems were exacerbated by the Portillo administration, but charges that the cultural divide and its practical consequences are as bad as they were twenty years ago are overstated. While World Bank and the United Nations Development Program (UNDP) statistics do not adequately break out distinctions between the overall population and the indigenous share, the figures show gradual upward movement in areas such as life expectancy and illiteracy.\textsuperscript{6} Over a period of two decades the physical perils of involvement in political or labour activity have declined. The study by Beckett and Pedley indicates a net improvement in ‘economic well-being’ between 1987 and 1995.\textsuperscript{7} Discussions in November and December with a spectrum of Guatemalans, including indigenous persons, involved in development, education and human rights indicate that forms of discrimination are beginning slightly to moderate. They also suggest that the cultural lens through which some in the well-nourished ladino population traditionally see the indigenous people, either as an asset for exploitation or as a threat to their security, is beginning to change. The walls of discrimination, especially the indirect ones, are still high but they are now being scaled by small numbers of enterprising individuals.

However, these changes must also be seen in the context of how the indigenous population has fared in relation to the ladino counterpart. As the window to this data opens, alarm bells can be heard. Beckett and Pedley demonstrate that while there is overall statistical improvement, the distance between the quality of life for the rural ladino household and the rural indigenous household is widening.\textsuperscript{8} In other words, as in the region as a whole, one effect of national economic advance can be to enlarge disparities.

The media

A fearless investigative media is one of the engines which keep democracies intact and accountable. Until recently, Guatemala has not tolerated a strong, independent press unafraid to criticize government and government institutions. Even now, editorial freedom comes at a heavy cost as evidenced by the narrow escape of El Periodico’s publisher, Rubén Zamora. However, the past year has seen a new boldness, particularly by Prensa Libre, El Periodico and a number of independent radio stations. Of course, it could be better if these enterprises would devote as much time to holding the present government to account as the preceding one.

Cultural diversity and civil society

Ronald Wright remarked that “Latin Americans have enormous trouble with the idea that cultural diversity and national unity need not be incompatible.”\textsuperscript{9} This remains especially true in Guatemala where cultural sclerosis and exclusion are undergoing very slow generational change. Up to now progress along this road has depended too much on nudging from the international community to overcome institutional resistance. Pressure from within, in the form of mobilized civil society, is a new and still not fully matured phenomenon. As recently as 1999, President Arzú admonished the General Assembly of the OAS meeting in Antigua that while civil society in some countries might be ‘civil’, in Guatemala it remained ‘uncivil’—leaving his foreign minister, Eduardo Stein, rushing about for the next three days attempting to put the flowers back in a broken vase.

Prospects

Keys to long-term success will be effective compliance with the central provisions of the Peace Accord
and the political support required to obtain the necessary constitutional amendments—hence the importance attached to President Berger’s commitment of February 25. Guatemala’s political culture has been so fractured for centuries that the foundations of the Peace Accord do not rest on one cornerstone but on a whole floor of interlocking political masonry: a uniform and enforceable rule of law; respect for cultural diversity and gender equality; access to health facilities; equal work opportunity; and education. Education is of course vital and progress has been painfully slow. The statistics cited above on illiteracy illuminate the pace of change and the distance still to be traveled. International development agency support for initiatives such as EDUCAMAYA help to pry open doors to higher education, providing ladders for professional growth and also precedents for intercultural acceptance. So far the numbers who have made it past the first few rungs are absurdly small.

History in Guatemala is not a natural ally in this process. At present Berger and Stein have a cushion of patience, but it is not unlimited and without prosperity and the necessary income to deliver on promises, patience will begin to fray. There is not yet an open road to change.

THE ELECTIONS OF 2003

Despite all the qualifiers, it can still be said that Guatemalans are looking through a new window. It should also be emphasized that they would not have reached this point without a successful election. This essay makes the point that there would not have been a successful election without the international spotlight directed on Guatemala and the specific contributions of the international community. FOCAL was invited by the Organization of American States (OAS) to participate in the elections. FOCAL personnel took part as observers in both the first and second rounds—policy analyst, Claudia Paguaga in Chiquimula, and I in San Marcos. This paper is shaped in part by that experience.

As prescribed by the Constitution, elections for President, Vice-President, municipal, departmental and national legislative representatives are scheduled in four-year cycles. This past year, they were held Sunday, November 9, and as required when no Presidential candidate obtains 50% plus 1 of the vote, a second round was held Sunday December 28. On April 11, 2003, well in advance of the first round, the Government of Guatemala invited the Secretary General of the OAS to mount an observation mission. At about the same time, a similar invitation was issued to the European Community. Neither the OAS nor any other organization enjoys an automatic right to observe and can respond only to a formal invitation. In accepting this invitation, the OAS was following a well-worn groove, having observed 9 elections and a referendum in Guatemala since 1970.

Looking at the FRG’s botched legacy and little chance of winning another term if it played according to the rules, the question arises as to why the FRG government of President Portillo would seek to have international observation. The answer is in part wishful thinking that Rios Montt could win, coupled with the view that, if he did win, it would be important, as in past elections, to have the international validation and legitimacy that an OAS observation can confer. The government would also be aware that regimes with dodgy governance records in Latin America often need the blessing of the OAS to secure and maintain development assistance from the Bretton Woods institutions.

Preparing for an election: the Supreme Electoral Tribunal and international observation

The UPD (Unit for the Promotion of Democracy), which is the branch of the OAS mandated to administer election support and observation, had seven months lead time to prepare for the first round in November, but not much in the way of financial commitment. No funds are available for elections from the OAS regular budget. The OAS must solicit contributions from the donor community for each election observation. As concern grew through the summer of 2003 that a mix of sophisticated manipulation, dirty tricks and raw intimidation could unsettle the Guatemalan electoral landscape, the OAS and the European Union recognized that a major effort would be required. Election infrastructure is always huge. In Guatemala, the voters list ran to over 5 million eligible citizens, representing a 30% increase over the numbers for 1999. The Supreme Electoral Tribunal (TSE) was responsible for organizing the logistics, ballots for five distinct elections (President and Vice-President,
Mayor, Congress-National List, Congress-Metropolitan list and Central American Parliament), training and personnel for 8885 voting tables distributed over 1245 voting centres in each municipality of Guatemala’s 22 Departments.

A comprehensive observation in a potentially delicate and unstable election requires scrutiny of all the major election functions and a presence, if possible, in all the departments—an expensive undertaking and a difficult one in an environment of hemispheric parsimony. Short on donor funding, the observer mission under its head, Dr. Valentin Paniagua, the former President of Peru, chose to put its primary investment in a group of long-term observers and sectoral experts. With proportionally less money to spend on short-term observers to blanket the country on election day, the OAS could only bring in a small number from outside Guatemala. In these circumstances and following a relatively new pattern of election deployment, the UPD recruited the majority of its short-term observers from expatriates resident in Guatemala. Drawn from embassies, international organizations, NGOs and professional associations, 175 persons were assembled for briefings and dispatched around the country. A similar number was fielded by the European Union.

Canadian input

The Canadian Embassy played a significant and energetic part in this process from the beginning. Canadians made up almost one quarter of the OAS observation team. The Ambassador, James Lambert, also lobbied hard and successfully to obtain Canadian funding to help underpin the OAS mission. In an important departure from several years of niggardly support for election observation missions, the Canadian International Development Agency and the Foreign Affairs Department contributed $102,000 Canadian Dollars for the observation process and a further $130,000 was channelled through the OAS to strengthen Guatemalan electoral institutions and observation groups drawn from civil society.

Rising problems and accelerated observer deployment

The core planning group from the OAS began arriving in Guatemala July 10. By the end of September, experts had been assigned to monitor voter education, voter registry, vote counting procedures, logistics, the training of election officials and to organize a quick count. Long-term observers had been deployed to all Departments and were reporting on a regular basis to mission headquarters in Guatemala City.

The Portillo government’s support for the candidacy of Rios Montt in the face of a constitutional provision barring former dictatorial rulers was a major vexation to election planners. The decision by the FRG-packed Supreme Court to allow Rios Montt to run, followed by the Black Thursday riots of July 24 organized to demonstrate FRG strength and intimidating muscle, escalated concerns about the environment in which campaigning would take place and the integrity of the process itself. The FRG government did not hesitate to support Rios Montt’s presidential ambitions with state funding. One example was the doubling of the number of former members of the para-military Civil Defense Patrols entitled to pensions. These rural patrols had been employed by the Lucas and Rios Montt regimes to secure villages and combat guerrillas. Often reinforced by press-ganged Maya, the Civic Patrols became part of the control apparatus that systematically violated human rights.

In early November, a former Civic Patrol group in Huehuetenango kidnapped several local journalists. By the end of the campaign, there had been a flood of death threats and some 20 party activists had died in incidents related to the campaign.

Distressed by the prospects of increasingly turbulent elections, Dr. Paniagua of the OAS mission and Dr. Jannis Sakellariou, head of the European Union mission, joined other international demarches, including that of Canadian Foreign Minister Bill Graham, to press the government to increase its security measures. The government was receptive, but initially there was apprehension about how increased security would be applied. The contamination of police forces by narcotics traffickers has been rising in frontier municipalities. In the course of the Portillo administration, the police had become more corrupt and less competent. Much more competent, but greatly feared in many areas, is the army. Indigenous and opposition leaders wanted the army kept on a tight leash.
In this climate, both OAS and EU missions accelerated the assignment of long-term observers throughout the country. The OAS sent 34 and the EU 14. OAS long-term observers spent between six weeks and two months in their departments prior to election day—with more time and usually a team of two persons in conflictive regions. The use of long-term observers is an increasingly vital tool of election missions. Complaints that election observation is “too narrowly focused on election day itself” is shifting from accounts of what is happening at the polling station to “pre-identified weak spots in the process—such as abusive government control of the media, election transport, election financing, intimidation, lack of transparency in the computer registration of voters and improper security of ballots.” Identifying the deficiencies in advance and then discreetly encouraging national electoral authorities, in this case, the Supreme Electoral Tribunal (TSE) to address the problems requires skill, diplomacy and adequate lead time.

Elections in hot local cauldrons and long-term observation

Although it was always assumed that a second round between the runoff Presidential candidates would be necessary, the activities of the OAS mission (including long-term observers) and its expenditures were focused primarily on the first round of the elections where most of the serious difficulties were expected. Past elections had shown that the elections for mayor, which are decided in the first round, generate more potential for violence and irregularities than any other. The interest level and hence voter turnout for the first round is uniformly higher than the second round. Especially in rural communities, the mayor is the local ‘cacique’ dispensing patronage, controlling the municipal registry of citizens, and determining who is assigned the best (and worst) stalls in the local market. For FRG mayors, power was enhanced by an FRG government in Guatemala City. The Police in an FRG ruled municipality had no incentive to look closely at the political or other abuses of the municipal administration.

The job of the long-term observer was to enter these political cauldrons and find a way, in collaboration with the TSE, local authorities and civil society groups, to lower tensions and increase the prospects of a reasonably fair election. It is difficult to underestimate the impact of well-selected and well-motivated observers who are sensitive to local culture and knowledgeable about recent history. I was not a long-term observer, but had enough exposure in a tough and volatile Department to assess the work of those who were—and to know that this work was mirrored in many of the Departments where tensions were high and where there were suspected deficiencies in the process. Combined with discreet prodding of the government and TSE by the OAS headquarters mission, the work of the long-term observers in helping to defuse problems, proved critical to the success and ‘relative’ tranquility of election day November 9.

The case of San Marcos

The experience of the observers in San Marcos, one of the four most conflictive Departments in Guatemala, illustrates the variety of problems facing these observers. Of San Marcos’s 29 municipalities, the TSE identified eleven with problems ranging from medium to high. The most common issue was intimidation. In the remote highland town of San Miguel Ixtahuacan, the FRG mayor, who was running for re-election, scarcely troubled to mask his machinations. A nearby hamlet which favoured the opposition was warned in writing to support the mayor or face nasty consequences. A number of persons approached the OAS from this and other municipalities alleging death threats. In San Miguel Ixtahuacan, on the basis of flimsy pretexts, about 900 citizens (almost 10% of the municipal electorate) had been disenfranchised through the citizens’ neighbourhood registry controlled by the mayor—the same mayor whose personal protection was a pair of ferocious and startlingly white-furred and blue-eyed huskies.

In these circumstances, the observers must decide what course to follow—who to speak to: the police, the local party leaders and/or the TSE—and in what terms. The OAS provides general guidance but no prescriptions. More often than not, there is little opportunity to check with headquarters, especially when the connection is a capricious satellite telephone. While certainly not always welcome, in Guatemala the observers generally enjoyed the advantage of respect as representatives of the international community. The point was often made that
we were the ‘eyes of the outside world’. Fortunately, this view still has resonance. Wearing vests and caps with identifying insignia of the OAS was not only fairly safe, it had a positive impact. Visibility is a key function of all observers. It magnifies the deterrent effect that is a vital component of all election observation. The visibility factor also underscored the need for observers to project their messages to thousands more by speaking on local radio and TV. Being careful to avoid any remotely partisan comment, in San Marcos the three of us (OAS observers) gave about a dozen media interviews in the last week before the November elections. To counter the intimidators, whose threats tend to be more effective with the illiterate, we emphasized the secrecy of the ballot. We spoke encouragingly, if not always honestly, about our confidence that the process would be fair and peaceful.

In addition to the representatives of the TSE, with whom we were in regular contact, we called on party leaders, including mayors, the Bishop, the military commander, and the Department Governor. At a meeting facilitated by the Governor, we were able to make a presentation to a specially assembled meeting of police chiefs from all 29 municipalities. Briefing sessions were held with as many representatives of civil society observer organizations as we and the TSE could round up. Traditionally, there has not been much dialogue between civil society and government at the municipal level.

Domestic observation

National observer organizations played an important part in these elections. As self-confidence and political maturity advances, these organizations should render international observation superfluous. The elections of 2003 mark the first major participation by Guatemalan civil society in election observation. The largest domestic observer organization was MIRADOR, a coalition of four human rights and humanitarian organizations, which fielded many thousands of registered and sometimes haphazardly trained observers. The business association CACIF also participated with a small distribution of observers. In my case, I was fortunate to share time on both election days with a member of the group of indigenous women observers—a tiny group of only 40 for the entire country, but another beginning.

November 9 in the highlands and down to the Pacific: better than expected

By the end of the day, November 9, police swat squads had been deployed to five municipalities in the San Marcos Department to deal with disturbances. In one town, rioters broke into the voting centre and burned all the ballots. Lynchings were threatened, vehicles burned, votes were bought and four municipalities rang with accusations that names had been removed from the voters list. Crowd control was almost non-existent and a child was asphyxiated in one highland voting centre. Yet, the news in San Marcos was not all bad. The majority of problem prone municipalities had an orderly election day—far better than forecast early in the campaign. Even troubled San Miguel Ixtahuacan had a good election. Despite disenfranchisement of many, enough voters found the self-confidence to defeat the mayor. In San Marcos, and in many of the other municipalities, much credit goes to the international observers. With portents of serious problems in so many municipalities, army units were deployed to back up the police where necessary. In the end, the army was not needed and the soldiers remained discreetly invisible.

CONCLUSION

Against a background of turbulent election history, the multiple incidents in Quiche, Huehuetenango, Esquintla and San Marcos could not spoil the sense of relief felt throughout the country that the process had survived more or less intact. With a few exceptions where reruns were necessary, the combustible local elections were over. By comparison, the second round on December 28 was a cakewalk. These elections were a success in almost all phases except turnout, which was 45%. A significant improvement over those of the preceding 60 years, the elections conferred unquestioned legitimacy on the new Berger government. For the OAS, the EU, the Carter Center and other smaller missions it was a very satisfying experience. For the bilateral donors, including Canada, it was money well spent.

“Can Berger break the cycle?” The title question of this essay was not entirely rhetorical. And the answer is probably ‘no’. Even with solid application of the Peace Agenda priorities (which is by no means assured), four years is not enough time to significantly modify deeply entrenched cultural patterns.
However, with consistent effort along the path charted by Berger, Stein and others a vital framework could be consolidated by a successor government.

ENDNOTES

1. The number is now less than 43 due to defections.
2. Traditional skirt and blouse.
3. Beckett and Pedley, RAND.
4. Inter-American Development Bank (IDB).
7. Beckett and Pedley.
8. ibid.

BIBLIOGRAPHY

ASIES (Asociación de Investigación y Estudios Sociales), ‘Seminario Permanente sobre Realidad Nacional - La Paz es el Camino’, 2002


Acknowledgements
Deborah Airey, Judy Graham, Paul Haslam, James Lambert, Louise Lavigne, Ginette Martin, Domingo Mateos, Allan Oliver, Claudia Paguaga, Msgr. Álvaro Ramazzini, Gloria Ramos, Irma Raquel Zelaya. (Acknowledgement does not necessarily signify agreement with the views expressed.)

About the Author
John W. Graham is Chair of the FOCAL Board of Directors.
May 2004


Publications Mail Agreement: 40012931

The Canadian Foundation for the Americas (FOCAL) is an independent, non-governmental organization that fosters informed and timely debate and dialogue on issues of importance to decision-makers and opinion leaders in Canada and throughout the western hemisphere. Established in 1990, FOCAL's mission is to develop a greater understanding of important hemispheric issues and help to build a stronger community of the Americas.

The preparation and printing of this paper has been made possible thanks to support from the Department of Foreign Affairs and International Trade and the Canadian International Development Agency.

Additional copies of this policy paper may be obtained from the FOCAL web site (www.focal.ca)