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### **Elections in Guatemala: A WOLA Memo on the Upcoming Presidential Vote**

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- Guatemalan officials have taken serious steps to ensure the vote is well-managed and to minimize chances for fraud or manipulation.
- An ambitious plan to create thousands of new voting stations in rural areas will make voting easier for many yet poses big logistical challenges.
- Given Guatemala's recent history of election-day problems, impartial national and international observation of the process will be critical.
- Guatemalans have a well-founded concern that many congressional and local candidates are funded by organized crime.
- Campaign violence has worsened, with at least 40 candidates or party members slain in recent months.

Almost 6 million Guatemalans are registered to vote in the country's federal and departmental elections on Sunday, September 9. WOLA staff has been monitoring the election process over the last six months and visited Guatemala in July to meet with representatives of the Supreme Electoral Tribunal (TSE, its acronym in Spanish), the U.S. government, national and international organizations carrying out electoral observation missions, and civil society and non-governmental organizations.

There are 21 registered political parties in Guatemala, and 14 parties have presented candidates for the presidential elections. To gain the presidency, the candidate must win one half of the popular vote. If no candidate achieves that, the top two candidates will compete in a run-off on November 4. Public opinion polls suggest that no presidential candidate is even close to winning 50% of the vote in the first round, making a run-off almost a certainty.



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**The 2007 election cycle has been marked by an alarming increase in political violence and allegations that criminal networks have been financing some candidates' campaigns.** While technical aspects of the voting process appear to be in place, factors including voter confusion under a new decentralization plan (detailed below), election-day violence and disruption of the vote tally in parts of the country could undermine the process. In this context, impartial national and international electoral observation will be essential to ensure a free and fair vote.

### **The candidates and party platforms**

Álvaro Colom from the National Unity for Hope (*Unidad Nacional de la Esperanza*, UNE) has led in nearly all opinion polls. Retired Gen. Otto Pérez Molina of the Patriot Party (*Partido Patriota*, PP) is in a close second. The margin between the two candidates has been narrowing. The other leading candidates are Alejandro Giammattei from the current ruling party, the Great National Alliance (*Gran Alianza Nacional*, GANA), Eduardo Suger from the Center for Social Action (*Centro de Acción Social*, CASA) and Nobel Peace Prize winner Rigoberta Menchú for Encounter for Guatemala- Winaq (*Encuentro por Guatemala*).

Former military dictator and 2003 presidential candidate Gen. Efraín Ríos Montt from the Guatemalan Republican Front (*Frente Republicano Guatemalteco*, FRG) is running again for a seat in Congress, four years after leaving Congress so he could run for president. As a registered political candidate, Ríos Montt holds immunity from pending criminal charges for war crimes and genocide committed under his rule in the early 1980s, during one of the bloodiest phases of Guatemala's internal armed conflict. If he is elected again to Congress, which seems likely, Ríos Montt will enjoy immunity for the duration of his four-year term.

In general there has been little space for debate amongst the parties and the population and between the candidates themselves. According to the national election monitoring coalition *Mirador Electoral 2007*, while the parties' plans and guidelines respond to the urgent needs expressed by the Guatemalan population, they are focused on the short-term. The various platforms presented by the parties seem aimed more at "attracting a larger number of potential voters in the party's favor in the current political campaign than at effectively providing in-depth proposals to solve the structural problems that affect the majority of the Guatemalans."<sup>1</sup>

### **Political violence and conflict**

The campaign period before the 2007 elections has been more violent than most previous cycles. At least 40 candidates or party members have been killed in the months leading



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up to the elections; three children of individuals linked to political parties have also been killed. By the end of July *Mirador Electoral* had registered 57 violent acts since the

campaigns started on May 2<sup>nd</sup>.<sup>ii</sup> Even before this period, there was a 50% increase in killings compared to the 2003 elections.<sup>iii</sup> Observers from the Electoral Observation Missions of the European Union and the Organization of American States (OAS) in the country have expressed deep concern over these violent acts.<sup>iv</sup> In a country with one of the highest murder rates in the Western Hemisphere -- it is estimated that 6,000 people were murdered in Guatemala last year -- it is hard to distinguish political violence from violence in general. An estimated 1 percent of murder cases in Guatemala result in conviction, and it would appear that this pattern of impunity is being repeated with political violence; little is known about the number of cases that have been investigated by the Public Ministry and their results. The parties themselves have not been very vocal in denouncing acts of political violence against their members.

It is evident that certain parties have been more affected by this violence than others. The UNE has been particularly hit, with 19 candidates and party members murdered, followed by GANA, PP and *Encuentro por Guatemala*. The Public Security Office of the Police has identified the departments of Guatemala, Jutiapa and Escuintla as the most dangerous areas for politicians.<sup>v</sup>

Apart from campaign violence, some areas of the country have a history of election-day violence and conflict and they may see it again this time. A study by the Human Rights Ombudsman (*Procurador de Derechos Humanos*, PDH) identified 117 municipalities, over 35% of the municipalities in the country, which are of particular concern for conflict in the context of the elections. The departments with the highest number of such municipalities are Izabal, Escuintla, Peten and Guatemala. These conflicts have many sources, but they can arise from intense opposition to the re-election of certain candidates; disagreement about the composition of staff at polling stations and municipal and departmental voting centers; problems with the voter registry and poor organization on voting day; threats and attacks between members of different political parties; the use of state resources for the electoral campaign; and the influence of organized crime and drug-trafficking elements on political organizations and the electoral process, among other issues.<sup>vi</sup>

### **Links to organized crime**

There is a well-founded belief in Guatemala that some candidates, particularly federal deputies and local politicians, are linked to and receive funds from organized crime. The PDH's report on electoral conflict affirms that officials from several parties have told the media that "organized crime and drug-trafficking have control over the northeastern part of the country, something which is already felt within the political parties, who find it



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almost impossible to propose candidates who do not have direct connections to these mafias or who are financed by them.”<sup>vii</sup>

While there are often suspicions that party members are linked to organized crime, in many cases there are no concrete accusations or the legal processes against them have been stalled. According to Guatemala’s election law, the TSE cannot prohibit someone from running for office if there is a lawsuit pending against the person, unless the suit has resulted in a conviction.

Such is the concern of the penetration of organized crime in political parties and candidates that the Guatemalan Bishops’ Conference issued a statement on August 10 affirming that “voting in favor of candidates that have suspected links to crime and drug-trafficking would be in itself a morally wrong action.” The group Guatemala Forum (*Foro Guatemala*), which includes the Bishops’ Conference and 14 other organizations including unions, business associations and indigenous groups, later launched a campaign calling on Guatemalans not to vote for candidates suspected of having ties to organized crime, using slogans such as “We will not let drug-trafficking and organized crime destroy democracy.”<sup>viii</sup>

### **Campaign financing and transparency**

**In an important step toward more transparency and the strengthening of democracy, the TSE established regulations for control and oversight of private and public campaign financing in January 2007.** These new regulations grant the TSE the power to review the financial resources that the parties receive and spend for their party activities and political campaigns. Among other requirements, the parties must name an accountant, open bank accounts, present their campaign budget (limited to \$42 million quetzals), and provide the TSE with information on the names and amounts of funds they receive from individual donors and companies. As of mid-August, 10 of the 14 parties with presidential candidates, including the five leading parties, had complied with these regulations. Several, however, declined to provide the names of their donors, who had asked to remain anonymous.

While important, these new requirements have their limits. The TSE is restricted to publishing only the information it receives and assuring that the reported amounts coincide with what has been spent by the parties in the elections. They are not empowered to investigate who is behind the different companies that are supporting the political parties or to ensure that the listed supporters are, in fact, financing a particular party. Moreover, the sanction for non-compliance is a fine from 100 to 1,000 quetzals (up to \$140), a trivial amount for parties to pay to conceal who is behind their campaigns.

### **Decentralization**



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One of the most important reforms to the Law for Elections and Political Parties approved by the Guatemalan congress in 2004 was the obligation to establish voting stations in any area of the country that has more than 500 registered voters. Previously,

citizens had to travel to the municipal seat to vote; this posed a particular hardship for voters in rural areas who sometimes had to travel over a hundred kilometers in order to vote.

Thanks to this decentralization, there will be over 1,000 Municipal Electoral Districts (*Circunscripciones Electorales Municipales*, CEM) in the country, 687 of them new and located in rural areas. Each CEM may contain more than one voting station; thus, there will be a total of 13,756 polling stations in all of Guatemala, about 5,000 more than in the 2003 elections.

The decentralization of voting stations should facilitate voter participation, yet it presents serious new logistical challenges to the TSE. The location of voting stations will be determined on the basis of how many voters are registered in a given location. But not all voters have updated their information in the voter registry; indeed, the TSE says it has correct information for less than 60 percent of voters.<sup>ix</sup> Only the people who have updated their information will be able to vote in the newly established voting stations; the rest will still need to travel to the municipal seat.

The TSE also faces the challenge of finding and training about 70,000 election-day officials to staff all voting stations, not including up to 200,000 *fiscales* (party observers) that are also supposed to be present at polling stations. Several parties, however, will not have enough *fiscales* to cover all sites.

There are also concerns about whether the TSE has an adequate communication strategy in place to ensure that voters know where to vote on election day. An ineffective communication strategy could result in confusion and the inability of many people to cast a ballot. A particular point of concern is Guatemala's indigenous communities. Many communities have not received sufficient information on the decentralization process, and what they have received has not been delivered in their own languages. Irregularities in the voter registry are also a concern, particularly as the TSE has not published the criteria it used to purge the old registry, and it refused *Mirador Electoral's* request for a sample of the registry in order to conduct an independent audit.

Preparing the voting stations, transporting voting materials, and collecting the election results present other logistical complications for the TSE. The elections will be held at the height of hurricane season. Bad weather and heavy rains could further complicate the elections and make it difficult for many people to vote or for the voting results to be adequately transmitted to authorities. The OAS and several national organizations have recommended that the TSE develop contingency plans in the case of bad weather and that



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they conduct a test-run of the transfer of the election results to make sure the process goes smoothly.

### **Media coverage**

While the media have given coverage to all candidates, monitoring carried out by the Guatemalan non-profit media research organization DOSES as part of *Mirador Electoral* indicated that coverage has been weighted toward the leading candidates. DOSES further reported that from June 1 to August 6, it counted 150 television “info-mercials” in favor of one candidate or another. These info-mercials are advertisements produced by the parties to resemble news reports. The parties then offer them to news channels, which show the spots under the justification that they do not have enough reporters to cover all of the parties. The risk with these info-mercials is that they are presented to the public as news when, in reality, they are free publicity for the parties that enables them to evade added campaign expenses.<sup>x</sup>

*Mirador Electoral* has also expressed concerns about campaign spending. In their monitoring of the parties’ airtime and space in the media and based on commercial rates for written media, radio and television, as well as billboards, they found that UNE, PP and GANA had already surpassed their campaign spending limits.<sup>xi</sup>

### **International support and election observation**

The U.S. government, through the U.S. Agency for International Development (USAID), is providing approximately \$1.5 million dollars to support the Guatemalan election as part of a multi-donor effort between the United States, Canada, Sweden, Norway, Denmark and the Netherlands. Part of this support will go to the OAS to provide technical assistance to the TSE. USAID also funds the National Democratic Institute (NDI), which supports observation efforts being undertaken by *Mirador Electoral*. In a joint effort with the European Union, the U.S. government also donated 100,000 copies of the brochure “Guatemala, the Power of Your Decision,” to Guatemala’s 2007 General Elections Partnership Commission, composed of representatives from the University of San Carlos in Guatemala City, the PDH and the Office of the Guatemalan Archbishop. This brochure is directed at Guatemalan youth to inform them about political institutions that participate in the electoral process and other civic issues.<sup>xii</sup>

Numerous national and international election observers will be monitoring the Guatemalan elections. The PDH, together with the Archbishop’s Office and the University of San Carlos, expect to have up to 8,000 national observers; *Mirador Electoral* will have 4,500 observers who will be doing a quick count of the election results; other election observation groups include the Indigenous Mission of Election Observation and the Coordinating Committee of Agricultural, Commercial, Industrial and



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Financial Associations (*Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras*, CACIF).

The OAS Election Observation Mission, led by former Peruvian Foreign Minister Diego García Sayán, has been working in Guatemala for the past few months. Including observers already in the country, the OAS expects to have 150 international observers as part of its mission. The European Union's Election Observation Mission, led by European Parliamentarian Wolfgang Kreissl-Dörfler, expects to have 110 observers in place on election day.

### **Recommendations**

**WOLA believes that the TSE and Guatemalan government should ensure that adequate security is in place for election day and during the vote-tallying to prevent any disruption of the process.**

**Prompt, thorough and impartial investigations should be carried out by the government into the murders and attacks against party members that have occurred in the months prior to the election.**

**While new campaign financing regulations promote transparency and accountability, the TSE's ability to sanction non-complying parties should be enhanced. Campaign financing should be monitored more effectively to make it harder for organized crime and drug traffickers to make substantial contributions to political candidates.**

**Given security concerns as well as uncertainties regarding the decentralization process and the transmission of election results, WOLA believes that national and international observers will need to devote considerable resources to the election. Such observation will be essential to guaranteeing free, fair and transparent elections.**

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<sup>i</sup> The members of Mirador Electoral are: FLACSO Guatemala, Instituto Centroamericano de Estudios Políticos (INCEP), Asociación Desarrollo, Organización, Servicios y Estudios socioculturales (DOSES), Acción Ciudadana and



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Centro de Estudios de la Cultura Maya (CECMA). *Mirador Electoral 2007*, "A 40 días de las votaciones," Fourth Report (from June 28-July 30), Guatemala, July 30, 2007, pg. 6.

<sup>ii</sup> Ibid, pg. 7.

<sup>iii</sup> Fundación Myrna Mack, "Debilidad institucional, pérdida de gobernabilidad y violencia en extremo: variables e un proceso electoral convulso," Guatemala, July 2007, pg. 8.

<sup>iv</sup> Reynoso, Conié, Francisco González Arrecis, "Observación directa sobre comicios," *Prensa Libre*, August 15, 2007.

<sup>v</sup> Seijo, Lorena, "Mapa evidencia riesgos," *Prensa Libre*, August 15, 2007.

<sup>vi</sup> "Conflictividad Electoral en el Proceso Electoral 2007," Procurador de los Derechos Humanos, Guatemala, June 2007, pgs. 12-15

<sup>vii</sup> Ibid. pgs. 37-38.

<sup>viii</sup> "Lanzan campaña para evitar voto a candidatos vinculados con crimen organizado," *Terra* online, August 16, 2007.

<sup>ix</sup> OAS, Press Release, "Misión de la OEA Presenta Reporte de Actividades de las Subsedes instaladas en los 22 Departamentos del País," August 14, 2007.

<sup>x</sup> Asociación DOSES, "Informe de observación de medios, Cobertura de Elecciones 2007: Cuando los medios engañan a sus audiencias: Los infomerciales," August 2007.

<sup>xi</sup> Estrada, Rodrigo, "La UNE, el PP y Gana sobrepasaron limite presupuestario, dice *Mirador Electoral*," *El Periódico*, July 31, 2007.

<sup>xii</sup> "U.S. Government Donates 100,000 Voter Brochures in Support of the Guatemalan Electoral Process," Press Release, Embassy of the United States in Guatemala, August 16, 2007.