

EUROPEAN PARLIAMENT

AD HOC DELEGATION

TO OBSERVE THE GENERAL ELECTIONS

IN GUATEMALA

(9 November 2003)

REPORT

by Mr José Javier Pomés Ruiz
Delegation Chairman

Introduction

At its meeting of 4 September 2003, the Conference of Presidents authorised the setting up of a five-member delegation to observe the Guatemalan elections, to be held in two rounds, on 9 November and 28 December. Using the d'Hondt system, the delegation was made up as follows:

Javier POMÉS RUIZ, PPE-DE
Fernando FERNÁNDEZ MARTÍN, PPE-DE
Ana MIRANDA de LAGE, PSE
Giovanni Claudio FAVA, PSE
Roberto Felice BIGLIARDO, UEN

The delegation was formally constituted on 30 September and held a second preparatory meeting on 21 October, attended by the chairman of the Electoral Observation Mission (EOM) of the EU, Jannis Sakellariou, MEP. At these meetings, it was decided to appoint Javier Pomés Ruiz chairman, and issues concerning the programme for the visit, the meetings to be held and relations between the EU EOM and the EP delegation were discussed. Mr Sakellariou reported on the situation in Guatemala and said that it was almost certain that there would be a second round in December, which would present greater complications than were expected for the first round.

Domestic situation

The Esquipulas II Accords (7 August 1987) and the peace agreements signed with the guerrilla forces on 29 December 1997, under the Presidency of Álvaro ARZÚ (National Advance Party, NAP) put an end to over 30 years of civil war which had left some 150 000 dead, and ushered in a period in which the priorities of the government of ARZÚ and his successor Alfonso Portillo of the Guatemalan Revolutionary Front (GRF) have been - over and above implementing the peace agreements and democratising the country - fighting corruption and the poverty in which over 80% of the population lives.

Hurricane Mitch, combined with the slump in prices of Guatemala's primary products and exports, such as cotton and coffee (200 000 jobs have been lost in the latter sector), had extremely deleterious effects.

The Portillo's government macroeconomics have been positive, with economic growth running at 2.3% in 2002 as against 1.8% in 2001; inflation running at 6.3% as against 8.7% in 2002 and external debt standing at 28.3% of GDP. However, these positive macroeconomic results have not led to a more equitable distribution of wealth within Guatemalan society.

Corruption, and above all impunity, in conjunction with rising civilian insecurity largely fuelled by the large number of firearms in private hands, are two problems which the outgoing government has been unable to resolve.

General elections:

In the 9 November elections, the Guatemalans voted for their President and Vice-President; the 158 members of Congress (31 for the national list and 127 on a constituency basis); mayor, syndics; councillors; and the 20 members of the Central American Parliament (Parlacen). The 2002 census having shown that there are now 11.6 Guatemalan citizens, the number of MPs was to rise from 113 to 158. Should none of the 11 presidential candidates obtain more than 50%, the second round was to be held on 28 December.

The 5 073 290 voters voted in 1245 polling centres and a total of 8885 polling stations. In each polling station, there were 600 ballot papers for each vote, 3 of them reserved for blind people.

The EU EOM comprised 22 long-term observers, 68 short-term observers, 10 ambassadors and the Core Team. The EP EOM members and their five assistants coordinated their work with the EU EOM.

The Constitutional Court's decision to accept the candidacy of General Efraín Ríos Montt, despite the provisions of the Constitution, aroused much criticism, since the self same Court had in the past ruled against his standing as a candidate, since this infringed the Constitution. (Article 186 of the Constitution expressly prohibited his candidacy, and had been thus interpreted both in 1990 and in 1995). On 24 and 25 July there had been clashes between his supporters and the forces of law and order. On 22 August the Council of the EU issued a statement calling on the Guatemalan political authorities and all the political parties involved to take all requisite measures to ensure genuine, free and transparent elections.

The rest of the electoral campaign was not marred by any further incidents of this kind.

Presidential candidates

- **Cambio Nacional (CN)** Candidatos: Manuel CONDE y Estuardo MENESES
- **Democracia Cristiana Guatemalteca (DCG)** Candidatos: Jacobo ARBENZ y Rolando CASTRO
- **Desarrollo Integral Auténtico (DIA)** Candidatos: Eduardo SUGER y Maritza R de VIELMAN
- **Democracia Social Participativa (DSP)** Candidatos: José A. LEE y Américo CIFUENTES
- **Frente Revolucionario Guatemalteco (FRG)** Candidatos Efraín RÍOS MONTT y Edín BARRIENTOS
- **Coalición Gran Alianza Nacional (GANAN)** Candidatos: Oscar BERGER y Eduardo STEIN
- **Partido de Avanzada Nacional (PAN)** Candidatos: León LÓPEZ RODAS y Rubén RAMÍREZ
- **Partido Unionista (PU)** Candidatos: Fritz GARCÍA-GALLONT y Héctor CIFUENTES
- **Unión Nacional de la Esperanza (UNE)** Candidatos Álvaro COLOM y Fernando ANDRADE.
- **Unión Nacional (UN)** Candidatos: Francisco ARREDONDO y Jorge CANALE
- **Unidad Revolucionaria Nacional Guatemalteca (UNRG)** Candidatos Rodrigo ASTURIAS y Pablo CETO

The electoral campaign

The following should be highlighted:

- the electoral roll: throughout the campaign, contradictory figures were produced as to the number of registered electors who were already dead or absent, and thus constituted a risk of vote manipulation. The electoral authorities made serious efforts to clarify the facts, and to update the roll, something which was expected to cause problems on polling day. Some 1.7 million Guatemalans apparently updated their details. Days before the election, there was a media report claiming that 1.8 million Guatemalans would not be able to vote. (At a meeting with members of our delegation, the electoral authorities denied these figures, saying the number affected was a few thousand). The electoral authorities had made provision for voters not on the roll on polling day to be able to turn to the Supreme Electoral Court or embassies and consulates to obtain a certificate which would enable them to vote.
- debates: during the campaign, there was virtually no debating of political projects or programmes. Tax reform, for example, was not mentioned.
- violence: there was fear throughout the campaign that violence would occur, given Guatemala's high level of endemic violence. Incidents on polling day, however, were minimal, the sole noteworthy event being the attack on a GANA candidate. However, during the campaign itself, some 20 political activists were murdered. Koenig, the MINUGUA representative, spoke of unusual violence in this campaign, although he said that only five of the deaths were directly linked with the campaign.
- opinion polls: throughout the campaign, polls were published, but were unreliable because they were mainly sampled in towns. Certain parties asked not to be included in the opinion polls.
- payments to former civil self-defence patrols (ex-CSDP): the outgoing government had promised, during the previous presidential campaign, to pay damages to the ex-CSDP, but it was only at the end of the Portillo mandate that a partial payment was made to some of the potential beneficiaries. During the campaign, there were fears of incidents involving them, with a view to demanding guarantees that the rest of the payments would be made, independent of the outcome of the election. During the campaign, the ex-CSDP were involved in certain incidents, particularly cutting off ground communications. The EOM described the government's action with regard to the CSDP as bad electoral practice. The number of ex-CSDP is estimated at half a million, and the total payments promised are supposed to be some \$500 per combatant.
- media behaviour: television access is by payment only. TV coverage of the elections was open to much mediatised 'insofar as broadcasts on government activities were often actually surreptitious election propaganda for the FRG. The printed media, owned by a few individuals, was openly opposed to the party in government, and in favour of the GANA candidate. Although there was more TV coverage of Ríos Montt and President Portillo than of Berger or the other candidates, it was the latter whose image came across most positively. In percentage terms, TV publicity slots ran, in descending order, as follows: Berger, Colom, Portillo, López Rodas y Arredondo

Meetings with candidates:

The delegation met various presidential candidates; the meeting with Álvaro COLOM de UNE had to be cancelled due to his being unwell.

The GANA presidential and vice-presidential candidates, **Oscar BERGER** and **Eduardo STEIN** provided details of the election campaign, and also spoke about possible post-election alliances. They stressed the need to implement certain points on the national agenda - fiscal discipline, the fight against corruption and impunity - as part of a government programme. They also brought up aspects of the implementation of the Peace Agreements, particularly with regard to land-holding, which remained conditional on the drawing up of a land registry.

With the FRG candidate, **Efraín RÍOS MONTT**, various issues concerning respect for human rights and the implementation of the peace agreements were discussed. He referred to the fact that the Esquipulas II Accord of 29.12.96 was signed between the government and the guerrilla forces, and that the former did not invite the other political parties to join the agreement. Despite this, the FRG had fulfilled a large part of the undertakings given while it was in power. He also spoke about the anti-FRG campaign in the press both during its time in government, and during the election campaign; he attributed this to the fact that the press was owned by an economic sector openly critical of the party. He finally said, with regard to the AFTA, that the negotiations needed to be carried out bilaterally, and not at regional level.

The delegation also met the UNRG candidate, **Rodrigo ASTURIAS**, and here, the shortcomings in the implementation of the peace agreements were discussed, particularly as regards electoral legislation, which inter alia, will establish the framework for funding political parties and limit campaign expenditure.

Other meetings:

At the meeting with the EU Ambassadors, the cleanness and transparency of the previous election campaign was highlighted. Some of the Ambassadors mentioned that the FRG was the only party which had a real nation-wide organisation, and the fact that although RÍOS MONTT had agreed to accept the outcome of the elections, there were doubts as to the potential reaction of certain members of the FRG.

With regard to the army's role in the electoral process, the Ambassadors said that the army was now fully professional, and had shown no sign of supporting any candidate. Members of the armed forces were candidates on various lists. During the elections, the sole role of the forces of law and order was to guarantee access to voting centres, but they had no authorisation to enter the polling stations, and were under an obligation to keep to the external perimeters.

The delegation met Foreign Minister **Edgar GUTIÉRREZ**, who said that the Congress's failure to vote for the reform law made it difficult to establish genuine political parties. He also mentioned the way in which the population had accepted the RÍOS MONTT's candidacy, despite the initial criticism of the ruling of the Constitutional Court. With regard to the technical organisation of the elections, he mentioned the major effort made by the election authorities to achieve a reliable electoral roll, which had forced it to have 800 more polling stations than initially envisaged.

Finally, he mentioned his government's difficulties in introducing the reforms planned in its programme. Sixty appeals had been lodged against tax reform, for instance. This, he observed, had made it difficult to implement the peace agreements.

Adolfo REYES CALDERÓN, the Deputy Governance Minister, told us about the role of the forces of law and order in the organisation of the elections. They would purely be ensuring the security of strategic points like bridges, communication centres, power stations and water treatment plants, and guaranteeing access to polling stations. Security and order within the polling stations would be handled by private security services, whose representatives would not be armed. A total of 48 000 men would be in service; 27 000 soldiers and 21 000 policemen. He also mentioned the various recent rumours about the mass arrival of voters from El Salvador or Honduras, and the arrival of members of Honduran 'maras' mobs, or that prisoners were going to be let out of jail so as to increase the climate of insecurity.

The delegation had a working meeting with the President of the Supreme Electoral Court, **Oscar BOLAÑOS**, and various of his Vice-Presidents, who provided various details of how the elections were organised. The delegation suggested that the results of possible rapid counts should not be released immediately, since they would largely stem from polling stations in towns, and therefore give an unreal picture of the possible final result.

Election results:

Presidential:

1. GANA 34.48%
2. UNE 26.48%
3. FRG 19.21%
4. PAN 8.33%
5. PU 3.04%

Parliamentary (national list):

1. GANA 25.58%
2. FRG 20.3%
3. UNE 18.38%
4. PAN 10.8%
5. URNG 5.26%

Municipal elections (235 local councils):

1. FRG 87
2. GANA 60
3. UNE 27
4. PAN 24
5. Civilian committees 19
6. URNG 6

Since no candidate had obtained an absolute majority, the two front-runners would stand in the second round on 28 December. On 13 November, the Conference of Presidents authorised the sending of observers to the second round of the presidential elections.

The observation process:

The EP EOM spread out along three different routes from Guatemala city, independent of but in coordination with the EU EOM. The EP EOM chairman and the EU EOM chairman attended the opening of the polling stations and the first stages of the poll in various stations in Guatemala city and Quetzaltenango.

Later, towards 1 p.m., a joint press information meeting was held, attended by the EU Ambassadors, reviewing the way the first few hours of voting had unfolded.

On the following day, 10 November, there was a press conference which drew enormous interest from all the media.

Voting day passed off normally, with a high level of participation and above all with a tremendous display of civic spirit and responsibility on the part of the voters, who in some cases had to queue for up to four hours in the sun. The Supreme Electoral Court authorised the polling stations to stay open after official closing time until those queuing had voted. The main reason for the hold-up was the fact that each voter had to vote five times, secondly, there were up to 600 voters per station, and finally, voting was impeded or held up by the presence of voters who were not on the electoral roll or whose details were not properly updated, and who therefore could not vote.

Although the elderly and handicapped were entitled to queue separately, so as to have a shorter wait, they had not always been fully informed of this fact.

During the day, there were the following regrettable incidents:

- the dawn attack on the UNE candidate and secretary, MORALES
- two people were crushed to death at a polling station in Xajul, Quiché,
- three polling stations were burnt in Coatepeque de Chimaltenango, El Quetzal de San Marcos and Cuyotenango de Suchitepéquez.
- a very small number of identity card forgeries were detected.

From a technical point of view, it was regrettable that a number of voters were unable to cast their vote since their details were not updated, and the fact that in some cases, the so-called 'indelible' ink vanished shortly after votes had been cast. This fact was of no significance as far as the result was concerned, since it was an additional guarantee so as to avoid having to issue another ballot paper, but it made the fairness of the system less credible among certain sectors of the population.

Conclusion:

For all the pessimistic expectations which surrounded the Guatemalan general elections from the outset of the campaign, the deep-rooted climate of violence prevailing in the country and the fact that the elections had been called, constitutionally, to replace a government which had disappointed voters' hopes, the fact is that the first round of voting took place in a wholly acceptable manner.

The Constitutional Court's decision to allow General Ríos Montt to stand for President, and the events of 24 and 25 July, had presaged elections marred by incidents and altercations.

But, to a large extent thanks to the measures taken by the government and the electoral authorities, and above all thanks to the behaviour of the voters, the elections took place quite acceptably, with a higher rate of participation than on previous occasions, namely 58%.

With regard to the second round, it is hoped that there will be no deterioration of the 'electoral atmosphere' and that some of the problems noted above will be resolved to some extent. Some of them will be resolved by the fact that this is a simpler election process, with only one election taking place and only two candidates standing. Others will be resolved by the recommendations made by the national and international observers, which will undoubtedly be very much taken into account by the electoral authorities, who demonstrated their goodwill and readiness to listen at all times.

The unknown factor is what General Ríos Montt and his party's supporters will do in terms of deciding the election. We should not forget that what happened on 24 and 25 July was a warning of what could happen again, above all in a situation which is less stable than the conditions which obtained during the first round.