

## Guatemala's Elections: Clean Polls, Dirty Politics

### I. OVERVIEW

Guatemalans go to the polls in September 2011 to elect a president, the Congress and local officials. The vote itself is likely to be reasonably free, but violence and unregulated campaign finance imperil the country's political institutions. Deteriorated security, drug traffickers' brutality and polarised politics leave candidates especially vulnerable to attacks. An exorbitant campaign, meanwhile, threatens to indebt office-holders to powerful financial interests, including organised crime, deepening corruption and widening the gulf between citizens and their politicians. State security agencies should redouble efforts to prevent bloodshed, especially in the most dangerous municipalities; politicians and parties must fully reveal who funds them, and the Public Prosecutor's office, electoral authorities and donors should press them to do so.

The presidential contest will probably pit Otto Pérez Molina, former head of military intelligence, against Sandra Torres, recently divorced wife of incumbent Álvaro Colom, though legal hurdles could still halt Torres's bid and leave the ruling party scrambling for a replacement. Pre-election violence has already claimed candidates, their families, party activists and electoral staff, mostly at the hands of unidentified gunmen. As drugs cartels battle over transit routes, competition in those areas for the local government posts whose collusion facilitates trafficking may be particularly fierce. Mudslinging and harsh rhetoric from both major parties have set the tone for an ugly campaign. Polarisation between the camps, in both the capital and some municipalities, raises the spectre of disputed results. A flawed registration exercise, while unlikely to seriously impact the quality of the elections, could give losers a pretext for challenges.

Unregulated political finance poses a threat more subtle than violence but as dangerous to political life. Reforms have required parties to limit campaign spending and reveal their financial backers, but politicians disregard the new rules with impunity. Recent election campaigns have been among the costliest, per capita, on the continent, and spending in 2011 looks set to outstrip even previous records, skewing the playing field and – worse still – leaving politicians beholden to shadowy business and criminal interests, many of which are vested in continued lawlessness and a weak state. Political parties provide no protection. Fragmented, disorderly, unrepresentative and largely ideology-free, they

offer little to link state and society beyond populism and patronage. Unrestrained money in politics contributes to a rotten and exclusive system that reasonably free voting every few years does little to hide, let alone reform.

Further recommendations are given throughout the briefing, but priorities ahead of the September polls are:

- ❑ politicians and the media must tone down inflammatory campaign rhetoric, with candidates instead articulating their policies and how they plan to reverse endemic violence, impunity and inequality;
- ❑ the electoral authority, the Tribunal Supremo Electoral (TSE), and security agencies should identify municipalities exposed to violence and bolster security measures in those areas. Local TSE branches should broker pacts in which mayoral candidates pledge to avoid violence, respect rules and use only legal, peaceful means to challenge results. Local electoral and other officials in municipalities most likely to have contested results should offer additional opportunities for dispute resolution;
- ❑ the TSE should clarify how citizens issued faulty new ID cards can vote and provide breakdowns of the number of voters in each municipality alongside data from 2007 to allay fears that inflated data may facilitate rigging;
- ❑ the TSE must publicise, ideally each week, its estimates of parties' campaign spending. Other government departments should cooperate with it to help reveal party finances. The Public Prosecutor's office should exploit new provisions in the penal code to force the main parties to reveal who has paid for their campaigns and prosecute those who fail to comply;
- ❑ international actors, in particular major donor nations, should press political leaders to reveal their spending and financial backers, as well as for more moderate campaign language, public articulation of their policies, acceptance of results and post-election reforms; and
- ❑ the Organisation of American States (OAS) should beef up its planned observation mission, especially as the European Union (EU) will not send observers. The U.S. and EU should complement the OAS mission by funding other international observers and supporting the extensive efforts of national monitors.

After the elections, the new legislature should reform the Law on Elections and Political Parties, in particular adding safeguards to better check the use of money in politics. The legislative agenda is already packed; indeed fiscal reform and laws governing the Public Prosecutor's appointment, public officials' immunity and injunction power (*amparo*) are priorities. But bolstering political finance rules is crucial. Much of the rot in Guatemalan politics enters through unregulated election campaigns, and the year after polls, before re-election concerns start to consume politicians' agendas, offers the best shot at closing those gaps.

## II. PRIVATISED POLITICS AND THE RISK OF VIOLENCE

### A. UNREPRESENTATIVE DEMOCRACY

Guatemalans vote on 11 September for a new president, lawmakers and local officials.<sup>1</sup> The elections are the fourth since the 1996 peace accords formally ended the 36-year civil war. The decade and a half since the accords, however, has been marked predominantly by failure to implement their provisions.<sup>2</sup> Tax collection is still the lowest in the Americas.<sup>3</sup> Inequality is among the world's worst. Malnutrition haunts both the indigenous highlands and increasingly marginalised urban slums. The police and judiciary are distrusted, porous and easily corrupted by business elites, drug traffickers and clandestine groups linked to ex-

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<sup>1</sup> The elections take place on 11 September 2011. The Guatemalan presidency is decided through a two-round system. The winning candidate needs more than 50 per cent of votes to avoid a run-off against the closest competitor. The run-off, if one is required – every Guatemalan election since the conflict has gone to a second round – will take place on 6 November. The 158 deputies in Congress are elected through proportional representation: 31 on the nationwide lists, the remainder on party lists from the 22 departments and the capital, which each send between two and nineteen deputies, depending on their population. Mayors in 333 municipalities are elected by plurality, or first-past-the-post, with no second round. Local councilors in those same municipalities are elected proportionally but on the same ticket as mayors. Elections for the Central American Parliament (*Parlacen*), will also take place on 11 September.

<sup>2</sup> For background to recent history, see Crisis Group Latin America Reports N°33, *Guatemala: Squeezed between Crime and Impunity*, 22 June 2010; and N°36, *Learning to Walk without a Crutch: The International Commission against Impunity in Guatemala*, 31 May 2011. While some advances have been made since the war, including establishment of the truth commission, the formal subordination of the military to civilian rule and the creation of a human rights ombudsman, the promises of the accords remain, for the most part, unfulfilled.

<sup>3</sup> See Crisis Group Report, *Guatemala: Squeezed between Crime and Impunity*, op. cit.

military and intelligence officials.<sup>4</sup> Violence has skyrocketed in a country awash with weapons. Impunity is pervasive, both for contemporary crime – only a tiny fraction of homicides are prosecuted – and with respect to reckoning with the past.<sup>5</sup>

The consolidation of electoral democracy though regular, competitive polls – in 1999, 2003 and 2007 – is, therefore, often portrayed as one of few post-war successes. Observers hail recent polls as credible and free from major fraud. Losers bow out gracefully. The electoral tribunal (TSE), especially its operational wing, is among Guatemala's better-trusted institutions.<sup>6</sup> The temporary appointment each election of a respected cadre of returning officers, together with thousands of observers and party agents, protect against blatant manipulation. Participation is lower than in Guatemala's neighbours, but not dramatically so, and has gradually increased.<sup>7</sup> In 2007 additional polling booths in rural areas encouraged politicians to appeal, at least during the campaign, to traditionally marginalised, often rural and indigenous, voters.<sup>8</sup> For the first time in history, ballots outside the capital decided who won.

But despite these valuable gains, repeated elections have not, as yet, yielded inclusive or responsive political institutions. Political parties are particularly weak and remote.<sup>9</sup>

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<sup>4</sup> Ibid. Also see Dinorah Azpuru, *Cultura Política de la Democracia en Guatemala, 2010*, Así Es, Latin American Public Opinion Project, Americas Barometer, Vanderbilt University, December 2010.

<sup>5</sup> Crisis Group Report, *Guatemala: Squeezed between Crime and Impunity*, op. cit. More than 200,000 died in the 36-year war, 83 per cent of them indigenous. At least 400 Mayan communities were destroyed. As yet, none of the main architects of wartime atrocities that, according to the UN-backed truth commission established as part of the peace accords, constituted acts of genocide have been brought to justice.

<sup>6</sup> See Section III, below.

<sup>7</sup> Turnout for the 1999 polls was around 40 per cent of registered voters; in 2003 it was 54 per cent; and in 2007 over 60 per cent (all figures for the first round of presidential elections, not the run-off). Some caution is needed, however, when assessing turnout on the basis of the voter register. While it is more accurate now, during earlier elections, especially in 1999, it contained the names of a large number of citizens who had emigrated or moved within the country. See Horacio Boneo and Edelberto Torres Rivas, "Por qué no votan los Guatemaltecos?", Tribunal Supremo Electoral (TSE), the UN Development Programme and International Institute for Democracy and Electoral Assistance, February 2001; and "Voter Turnout Data for Guatemala", International Institute for Democracy and Electoral Assistance, 8 November 2010. Also, Crisis Group interview, Torres Rivas, academic adviser to the UN Development Report, Guatemala City, 12 April 2011.

<sup>8</sup> See Section III, below.

<sup>9</sup> Some analysts trace the roots of political party weakness back to an inauspicious context for democratisation in the mid-1980s.

Rather than representing and aggregating popular interests, they act as personalised electoral vehicles, without strong social bases or stable constituencies. No major political party yet articulates, let alone aims to tackle, the grievances of the indigenous Maya, who make up more than half the population. Although more Mayans now vote, they remain marginalised, especially in national politics. President Álvaro Colom won office on the back of indigenous votes and pledged to govern with a “Mayan face” but appointed only one indigenous minister.<sup>10</sup> Of 158 deputies in Congress, only seventeen are Mayan. Women, too, are chronically underrepresented, with only nineteen congressional deputies and no members of the cabinet.<sup>11</sup>

Reflecting parties' lack of societal roots, electoral volatility – the extent to which voters switch allegiance each election – is one of the highest in the Americas. Parties' life-spans, moreover, are phenomenally short. Few endure much beyond their creators' presidential aspirations. Those that dominated wartime politics are now obsolete; only traces remain of those prominent in the first post-war polls in 1999.<sup>12</sup> No incumbent party has ever secured re-election

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Military and business elites restored civilian rule in 1985 to protect their own interests and clean up their international reputation, rather than in response to mass popular pressure. During the civil war, pliant governments – nominally civilian but closely managed by the military – rotated through office even as the security forces pursued a brutal counterinsurgency campaign. Three war-time elections took place alongside massive human rights violations, curtailed freedom of speech and assembly and the repression of any activists and social organisations that could threaten elite interests. Moreover no strong parties emerged from the war. The guerrilla movement's leadership was decimated, discredited or simply ill-suited to leading a democratic party, so the guerrillas' party, the Unidad Revolucionaria Nacional Guatemalteca (URNG), never became a major political force. Neither did the business elites form a stable party to represent their interests, instead preferring, like the military, to pull strings behind the scenes. The contrast with El Salvador, which now has a fairly stable two-party system, is striking. For analysis of the party system, see Omar Sánchez, “Guatemala's Party Universe: A Case Study in Underinstitutionalisation”, *Latin American Politics and Society*, vol 50, no. 1, Spring 2008.

<sup>10</sup> Jerónimo Lancerio was culture and sports minister between 2008 and 2010. He is now running for deputy and is fifth on the ruling party's list in Quiché department. The indigenous are better represented in local politics: about a third of mayors are Mayan.

<sup>11</sup> See *Ministerios en Guatemala*, [www.guatemala.gov.gt/entidades2.php](http://www.guatemala.gov.gt/entidades2.php), and “Guatemala, Congreso de la República”, Inter Parliamentary Union, [www.ipu.org/parline-e/reports/2129\\_E.htm](http://www.ipu.org/parline-e/reports/2129_E.htm).

<sup>12</sup> The Christian Democratic government of Vinicio Cerezo (1985-1990), Álvaro Arzú's Partido de Avanzada Nacional (PAN, 1996-1999), Alfonso Portillo's Frente Republicano Guatemalteco (FRG, 2000-2003) and Óscar Berger's Gran Alianza Nacional (GAN, 2004-2007) all failed dismally at re-election. In 2007 GANA's presidential candidate won only about 17 per

to the presidency. “Floor-crossing” (*transfugismo*) – switching from one party to another – is common across Latin America but rampant in Guatemala. The year after the 2007 elections saw more than one in five deputies defect from the party on whose ticket they had been elected.<sup>13</sup> During the last four years, an extraordinary 44 per cent of congressional deputies (70 of 158) have switched parties.<sup>14</sup> Two deputies have sat in four different legislative blocs during that period.<sup>15</sup> Deputies' behaviour in Congress, therefore, bears scant relationship to their popular mandate or party label, devaluing elections as opportunities for representation and accountability.<sup>16</sup>

Fluid, mutating parties make for a fractious Congress. Legislative coalitions are difficult to forge, unreliable and have hampered successive governments. The increasing influence of money, including illicit funds, further corrodes political institutions.<sup>17</sup> Unregulated financing, especially around elections, distorts politics to such an extent that it is – like much in Guatemala – in effect privatised. Though politicians craft popular messages to win elections, in power they tend to work for the financiers or local politicians who helped them get there. No politician has been able to mount a serious challenge to the business sector's preference for a weak, poorly-resourced state or the military's insistence on impunity for its wartime role.<sup>18</sup> Thus, elec-

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cent of the vote, missing out on the second round. All these former ruling parties are now marginal actors, despite GANA's electoral alliance with the ruling Unidad Nacional de Esperanza (UNE) in 2011.

<sup>13</sup> 35 of 158 deputies switched parties in 2008 alone. Although ten of those leaving UNE cited excessive meddling by the president's wife in legislative affairs, others link their move to either personal ambitions, pay offs or a clash between the interests of their financiers and some of the reforms proposed by the Colom government. See Ivan Briscoe and Martín Rodríguez Pellecer, “A State under Siege: Elites, Criminal Networks and Institutional Reform in Guatemala”, Clingendael Institute, September 2010.

<sup>14</sup> Enrique García, “Setenta diputados, de 158, han cambiado de partido en tres años”, *El Periódico*, 2 April 2011.

<sup>15</sup> *Ibid.*

<sup>16</sup> The political party Libertad Democrática Renovada (LIDER) provides a telling example. With 26 deputies, it is the third largest bloc in Congress. Its deputies tend to block new laws proposed by the Colom government, often invoking Congress's right to question ministers – *interpelaciones* – to prevent plenary debates. During the 2007 elections, however, voters cast not a single ballot for LIDER. The party was formed entirely through defections from others, mostly UNE, in the aftermath. Manuel Baldizón, its leader, was elected on the UNE ticket from Petén. There is, therefore, a lack of popular legitimacy for the bloc or its obstructive agenda.

<sup>17</sup> See Section IV, below.

<sup>18</sup> Draft legislation proposing small tax hikes was introduced to Congress unsuccessfully by both current President Colom and his predecessor, Óscar Berger.

tions change office holders but do little to affect political behaviour or redistribute power. Like wrapping paper, they alter the system's appearance without touching its core.<sup>19</sup> Even as more citizens vote, fewer trust politicians or parties. Cynicism and disillusionment with democracy is pervasive, and the degree of support for authoritarianism is among the highest on the continent.<sup>20</sup>

President Colom's term reflects these flaws. His victory in 2007, with the Unidad Nacional de Esperanza (UNE), marked the first time a candidate had taken the presidency without carrying Guatemala City. A self-proclaimed social democrat, Colom assumed office promising to tackle widespread crime and amid hope that his government would combat poverty and reverse impunity.<sup>21</sup> His term, however, has been disappointing, undermined not only by fierce opposition from a highly fragmented Congress, but also by instability and allegations of corruption. The bizarre Rosenberg scandal consumed much of it and illustrated just how little backing his administration enjoyed among important elite sectors in the capital.<sup>22</sup> Since then, reform initiatives, including very moderate tax hikes, have met stiff resistance and have, for the most part, fallen flat.

Colom's party, UNE, is nominally a coalition that includes forces from both left and right. In reality, however, cleavages within the party are based as much on competing business interests as ideology. His cabinet includes representatives of sectors that backed his bid for the presidency to win influence and concessions rather than because of a shared policy vision.<sup>23</sup> Only a handful of ministers

are believed to be committed to his agenda.<sup>24</sup> The UNE block in Congress is equally ill-disciplined. Defections after the elections slimmed it from 52 to about 35 deputies. Many joined the new block, Libertad Democrática Renovada (LIDER), whose obstructive role has further complicated the passage of legislation. But the primary loyalty even of those deputies who have stuck with UNE is not always to Colom or the party – let alone to voters – but rather to the diverse and often shady interests that fund their campaigns.

## B. PRESIDENTIAL CONTENDERS

Opinion polls give former General Otto Pérez Molina around 40 per cent support. His lead on Sandra Torres (UNE), whose support hovers between 15 and 20 per cent, appears to be widening.<sup>25</sup> Manuel Baldizón, of LIDER, whose populist promises include hanging criminals in the capital's main square and securing the Guatemalan football team's place in the World Cup, has around 5 per cent.<sup>26</sup> If Torres's candidacy is accepted, a run-off between her and Pérez Molina looks to be the most likely scenario.

Pérez Molina lost the second round narrowly to Colom in 2007, campaigning then as now on the pledge to strike crime with a *mano dura* (iron fist). His principle support base in 2007 was the capital and mostly *ladino* (mixed-blood) voters. The faction of his party, Partido Patriota (PP), is the second largest in Congress and its 30-odd deputies have, for the most part, opposed the government's various proposed reforms.<sup>27</sup> Established by Pérez Molina in 2001, PP is, however, like other parties, its creator's personal electoral vehicle rather than an organisation with a coherent policy platform or a stable base.

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<sup>19</sup> Hector Rosada, president of Centro de Estudios Estratégicos y de Seguridad para Centroamérica and consultant for the UN Development Programme, used the wrapping paper analogy in a Crisis Group interview, Guatemala City, 13 April 2011.

<sup>20</sup> Only 29 per cent of Guatemalans express confidence in political parties, making them the least trusted of all institutions; see Azpuru, *Cultura Política*, op. cit. Guatemalans' satisfaction with democracy dropped from 52.5 to 47.8 per cent between 2008 and 2010. The Latin American average is about 52 per cent. Guatemalans' support for a military coup, "in some conditions", is 46 per cent against a regional average of 33 per cent.

<sup>21</sup> Colom first entered politics with the URNG. In the 1990s, he led the National Fund for Peace (Fondo Nacional para la Paz), which was designed to foster development for poor and largely indigenous regions.

<sup>22</sup> For details of the Rosenberg case, in which a prominent conservative lawyer who had predicted that the president's office would orchestrate his murder, was revealed to have in fact plotted his own death, see Crisis Group Report, *Learning to Walk*, op. cit.; or David Gramm, "A Murder Foretold: Unravelling the Ultimate Political Conspiracy", *New Yorker*, 4 April 2011.

<sup>23</sup> Crisis Group interviews, political analysts, Facultad Latinoamericana de Ciencias Sociales (FLACSO) and Rafael Landívar University, including *Plaza Pública* (digital newspaper), Guatemala City, 11-12 April 2011. Also see Briscoe and Rodríguez Pellecer, "A State under Siege", op. cit.

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<sup>24</sup> Crisis Group interviews, political analysts, FLACSO, and Rafael Landívar University, *Plaza Pública*, Guatemala City, 11-12 April 2011.

<sup>25</sup> Opinion polls should be approached cautiously, especially as many disproportionately focus on urban areas and thus may miss Torres's key support base. But unpublicised polls conducted by international groups that have included indigenous and rural voters have produced similar results to mainstream polls. Crisis Group phone interview, political party expert, Guatemala City, 30 May 2011. For recent polls, see "Exmilitar Pérez se mantiene en primer lugar de intención voto en Guatemala", EFE, 6 June 2011.

<sup>26</sup> Other candidates include academic Eduardo Suger with Compromiso, Renovación y Orden (CREO), who came fourth in 2007; evangelical pastor Harold Caballeros (Visión con Valores-Encuentro por Guatemala); and Patricia Escobar de Arzú, wife of Álvaro Arzú, Guatemala City mayor and president between 1996 and 1999, from her husband's PAN.

<sup>27</sup> For example, laws on rural development and the Law against the Illegal Accumulation of Wealth and Budget Expansion, among others. See Óscar Ismatul, "Congreso no sesiona en dos semanas", *Prensa Libre*, 3 June 2011.

Despite his military history, Pérez Molina has a testy relationship with the armed forces, sweeping cuts in whose numbers and budget he oversaw as an adviser to Colom's predecessor, Óscar Berger.<sup>28</sup> During the latter years of the war he headed both the presidential guard, the feared and secretive Estado Mayor Presidencial (EMP), and the army's military intelligence and was, therefore, prominent in a counter-insurgency apparatus responsible for repression and human rights abuses.<sup>29</sup> This record has not yet featured notably in the campaign, though as in 2007, it may surface closer to election day or a run-off.<sup>30</sup> He publicly supports the work of the International Commission against Impunity in Guatemala (Comisión Internacional contra la Impunidad en Guatemala, CICIG), in particular backing its former head, Carlos Castresana, after his resignation. But given his ties to military intelligence, human rights groups question his commitment to dismantling the clandestine networks that emerged from that sector.<sup>31</sup>

Sandra Torres divorced President Colom in March 2011, in an attempt to duck constitutional restrictions on family

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<sup>28</sup> Pérez Molina was adviser to Berger in 2004.

<sup>29</sup> As the army's inspector general in 1996, he was also the military's representative during the peace talks that year. He therefore led efforts both to secure an amnesty for military officials and maintain military support for negotiations, even as many military leaders felt that they had already defeated the insurgency, so had little reason to compromise. See Crisis Group Report, *Guatemala: Squeezed between Crime and Impunity*, op. cit.

<sup>30</sup> In 2007 the run-off saw mudslinging between Colom and Pérez Molina, with widespread accusations of links to human rights abuses and organised crime. Thus far in 2011, however, Sandra Torres has avoided referring to Pérez Molina's military past. According to some analysts, even if he was implicated in human rights abuses during the war this would not necessarily turn voters against him, even in indigenous areas that suffered most, due to the popularity of a tough approach against crime. Crisis Group interviews, political analysts and international officials, Guatemala City, 13-15 April 2011. According to the U.S. embassy, the Colom campaign was unable in 2007 to dig up any evidence linking Pérez Molina to human rights abuses. See U.S. embassy Guatemala City, cable 10Guatemala49, 22 February 2010, as released by WikiLeaks.

<sup>31</sup> Crisis Group interviews, civil society representatives, Guatemala City, 8 April 2011. A widely-cited Washington Office of Latin America (WOLA) report in 2003 alleged that Pérez Molina was prominent in El Sindicato, a "network of internal allegiances" between reformist officers emerging from the Military Academy in 1969. The same report, referring to press accounts in the 1990s, argued that Pérez Molina was implicated in the murder of guerrilla leader Efraín Bamaca. Pérez Molina has always denied any involvement in human rights abuses. Susan C. Peacock and Adriana Beltrán, "Hidden Powers in Post-Conflict Guatemala", WOLA, 4 September 2003. For background, on CICIG, the independent investigating agency created by agreement between the Guatemalan government and the UN Secretary-General, see Crisis Group Report, *Learning to Walk*, op. cit.

members of incumbents contesting the presidency, which provoked an outcry from the press and opposition politicians. Torres is from Petén, in the far north, where her family owns a string of hotels and has been prominent in local politics. She has often been described as the power behind Colom's presidency and, though known to be abrasive, as the government's most competent senior manager.<sup>32</sup>

Her principle role over the last four years has been to head the Consejo de Cohesión Social (Council of Social Cohesion), an inter-ministerial coordination body that oversees the government's flagship social welfare programs, most notably Mi Familia Progresiva (My Family Progresses) under which monthly transfers of about \$40 are made to households in extreme poverty provided they send their children to school and have them vaccinated. These programs dominate her campaign, and detractors assert that her oversight of them amounts to blatant patronage, with households that benefit expected to vote for the UNE in September. Opposition politicians and press articles also accuse the government of shifting appropriated money from the already starved security and justice sectors to social programs from which Torres expects to see electoral gain.<sup>33</sup> However, critics have not uncovered evidence of graft in the transfer programs, which according to the government have distributed more than \$150 million to families in extreme poverty over Colom's term.<sup>34</sup>

Although Torres is widely regarded as more radical than her husband, UNE's weakness and incoherence, a fragmented legislature and her need for financial backing to compete for office are all likely to hamper any dramatic shift to the left. Indeed, fierce attacks against her in the metropolitan press appear driven more by snobbery and machismo than strong ideological differences between her and the business elites.<sup>35</sup> UNE in 2011 is contesting the

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<sup>32</sup> Crisis Group interviews, political analysts, Guatemala City, 5-15 April 2011. Also see U.S. embassy Guatemala City, cable 09Guatemala917, 28 September 2009, as released by WikiLeaks, in which the U.S. ambassador offered the same analysis.

<sup>33</sup> Crisis Group interviews, advisers on security sector reform and staff from the Public Prosecutor's office, Guatemala City, 10-20 April 2011. Otto Pérez Molina made this charge during the first presidential debate.

<sup>34</sup> Official figures put the total amount at 1,138,782,139 quetzals. See "Rendición de Cuentas 2010, Ejecución Presupuestaria Mi Familia Progresiva", [www.mifamiliaprogresiva.gob.gt/joomla/images/descargas/rendicionsepdic2010.pdf](http://www.mifamiliaprogresiva.gob.gt/joomla/images/descargas/rendicionsepdic2010.pdf).

<sup>35</sup> Crisis Group interviews, political analysts, including Hector Rosada, president of Centro de Estudios Estratégicos y de Seguridad para Centroamérica and consultant for the UN Development Programme, Guatemala City, 13 April 2011. Reasons given for the strong press reaction to Torres – *sandrafobia*, as one analyst dubs it – include that she comes from new money in Petén, an area where metropolitan elites have little leverage; that she was the power behind the Colom govern-

elections in an alliance with ex-President Óscar Berger's party, Gran Alianza Nacional (GANAN), known for its conservatism and ties to Guatemala's wealthiest groups. Torres has also exploited recent opportunities to allay fears among some members of the country's elite that her presidency would reflect the anti-oligarchy tone of the Portillo administration (2000-2003) or even the radicalism of Venezuela's Hugo Chávez.<sup>36</sup>

Although the Constitutional Court upheld Torres's divorce in May, the former first lady still faces legal hurdles.<sup>37</sup> Moreover, the TSE identified flaws in the paperwork of both the UNE and GANAN assemblies that approved Torres's candidacy. Both parties plan to reconvene their assemblies in early July, though with the deadline for submitting candidacy papers to the TSE only days later they appear to be cutting it fine.<sup>38</sup> If Torres cannot run, there is no obvious alternative to challenge Pérez Molina. One option within the party is reportedly Roberto Alejos, the leader of its congressional block.<sup>39</sup> UNE could also co-opt one of the other presidential candidates, probably either the populist Baldizón or Eduardo Suger, currently presidential aspirant for *Compromiso, Renovación y Orden* (CREO).<sup>40</sup>

### C. CAMPAIGN VIOLENCE

A presidential debate in May in which Pérez Molina and Torres blamed each other for burgeoning violence, offered little hope the campaign will focus on policy proposals rather than smears.<sup>41</sup> Parties pledged in an Ethical Pact (*Pacto Ético*) signed in January to avoid mudslinging,<sup>42</sup> but thus far they have done nothing to cool a deeply polarised

and tense campaign. Politicians exchange charges of corruption and links to crime and parallel networks almost daily.<sup>43</sup> Incendiary language from both main camps and the scathing condemnation of Torres in parts of the national press look more likely to provoke violence than prevent it.

The 2007 polls were the bloodiest in decades. Violence assumed various forms, but attacks during the campaign against candidates, party activists and their family members were prevalent. None of those behind more than 60 attacks, including at least 40 assassinations, have been held to account.<sup>44</sup> UNE suffered most, but victims included candidates of all major parties.<sup>45</sup> Violence overwhelmingly claimed mayoral and other local candidates, their staff and families, rather than national politicians.<sup>46</sup> Local results were more contentious too. While losers accepted national results peacefully, protests against the re-election of incumbent mayors soured in at least seventeen municipalities, with election materials destroyed and municipal buildings burnt or occupied.<sup>47</sup> Mayoral elections are first-past-the-post, winner-takes-all contests with no run-off – victors frequently receive less than 30 per cent of votes and often only a handful more than the runner-up – which can raise expectations and tensions. Increased municipal budgets that local officials control and can exploit also up the stakes.<sup>48</sup>

Impunity, divisive campaigning and the broader intensification of violence in society threaten an at least equally deadly election in 2011. Some estimates already link more

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ment; or simply that some find her too headstrong and difficult to deal with. In the words of one analyst, "they can't face four years of negotiating with Sandra". See also, U.S. embassy Guatemala City, cable 09Guatemala917, 28 September 2009, as released by WikiLeaks.

<sup>36</sup> Crisis Group interviews, political analysts, FLACSO, Rafael Landivar University, *Plaza Pública*, Guatemala City, 11-12 April 2011.

<sup>37</sup> Opposition parties still plan to challenge her divorce and candidacy as a violation of the spirit of the constitution. Crisis Group phone interviews, political analysts, Guatemala City, 14 June 2011.

<sup>38</sup> The deadline for submitting candidate nominations is 12 July 2011.

<sup>39</sup> Crisis Group email correspondence, political analyst, 13 June 2011. The Alejos family – Roberto's brother, Gustavo, is Colom's private secretary – is reportedly a major financier of UNE. See Enrique Naveda, "Gustavo Alejos, el omnimodo", *Plaza Pública*, 1 March 2011.

<sup>40</sup> Crisis Group email correspondence, political analyst, 13 June 2011.

<sup>41</sup> Julio Revolorio, "El debate: Sandra Torres contra Otto Pérez Molina", *El Periódico*, 18 May 2011.

<sup>42</sup> The *Pacto Ético* was brokered by the TSE. Parties also promised to respect the constitution, laws and political finance rules and support the electoral authorities' work. See [www.tse.org.gt/PDF/pacto\\_politico.pdf](http://www.tse.org.gt/PDF/pacto_politico.pdf).

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<sup>43</sup> On a single day in late May, for example, UNE accused PP's vice-presidential candidate, Roxana Baldetti, of having links to the owner of the farm in Petén where 27 workers had recently been massacred. PP in return pointed to links between UNE and Juancho Leon, a drug trafficker. See "La UNE acusa al PP de tener en sus filas a Salguero"; and Luis Castro, "MP Piden a UNE y Patriota que presenten denuncias", both *Siglo XXI*, 21 May 2011.

<sup>44</sup> "Situación de Derechos Humanos en Guatemala 2007", Procuraduría de Derechos Humano (PDH), 28 January 2008.

<sup>45</sup> *Ibid.*

<sup>46</sup> Crisis Group analysis of all violent incidents during the campaign. That the presidential run-off saw considerably less violence than the first round also indicates that much violence is related to local and congressional elections.

<sup>47</sup> "Situación de Derechos Humanos", *op. cit.* In Tukurú, Alta Verapaz, protesters burnt election materials and municipal buildings. In Lanquín, Alta Verapaz, the mayor's building and a local bank were torched. In Cerinal, Santa Rosa, police arrested nineteen protesters who had made off with ballot boxes. In Colotenango, Huehuetenango, a large group captured the municipal building, which they held for fifteen days, and named their own mayor.

<sup>48</sup> For local budget increases, see "Análisis del presupuesto 2011: enfocado a la niñez y la adolescencia", *¡Contamos! Boletín no. 2*, 2010.

than twenty killings to the campaign.<sup>49</sup> The UNE-GANA mayoral candidate for Moyuta, a municipality bordering El Salvador in Jutiapa department, was gunned down in a restaurant in February.<sup>50</sup> The son of UNE's likely mayoral candidate for San José, Escuintla, was killed in late February; his father accused an opposition politician of plotting the murder.<sup>51</sup> A UNE municipal secretary and campaign coordinator was killed in May in El Progreso.<sup>52</sup> The political party CREO lost two candidates in as many months.<sup>53</sup> In early June the mayoral candidate of Partido Unionista for San José Pinula, a middle class municipality in the capital's suburbs, and two of his campaign workers were shot dead.<sup>54</sup> A number of other candidates complain of intimidation.<sup>55</sup>

In February the human rights ombudsman's office identified at least 140 (of 333) municipalities in which electoral competition may aggravate social conflicts and pose risks of violence.<sup>56</sup> Clashes between PP and UNE supporters have, meanwhile, already resulted in multiple arrests and injuries and look set to increase in the months ahead.<sup>57</sup> Magistrates on the electoral tribunal have opted, for the first time,

for permanent police protection, citing mounting intimidation. In May, Chief Magistrate Maria Eugenia Villagrán denounced death threats against a TSE department head, whom anonymous callers warned against accepting the candidacy paper of the former first lady.<sup>58</sup> The murder of a local electoral official in January in Jutiapa was widely perceived as linked to his work for the TSE.<sup>59</sup>

Much of the violence in 2007, especially around local elections, was reportedly linked to the reach of organised crime into politics and, in particular, ties between some candidates and criminal groups.<sup>60</sup> By all estimates, the sway of criminal gangs is even more powerful in 2011.<sup>61</sup> The elections will also take place, for the first time, as traffickers, including the brutal Mexican Zetas, battle for control of the narcotics transit routes traversing Guatemala.<sup>62</sup> While their precise impact is uncertain, the increased criminal penetration and rivalry are likely to escalate violence during the campaign. Some criminal and drug trafficking groups will back associated politicians, especially mayors whose collusion facilitates both local impunity and control of territory, by killing or intimidating others to clear the field. Candidates who are themselves involved in criminal activities may exploit those same networks to attack opponents or fall victim to rivals. Contests between candidates backed by different criminal interests could be especially fierce.

Even if not directly supporting candidates, criminal gangs use violence to perpetuate fear, terrorise and paralyse local officials. The Zetas, unlike other groups, have traditionally confronted Guatemalan state actors rather than coexisted with them and are thus less likely to back candidates than to bully those who win office. They may also attack politicians with ties to other traffickers or whom they simply perceive as threatening their interests. The most pernicious

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<sup>49</sup> See Sandra Valdez, "Expertos señalan obstáculos que afectan proceso electoral", *Prensa Libre*, 10 June 2011.

<sup>50</sup> Mayra Verónica Lemus Pérez was the UNE-GANA coalition's likely candidate. See also Julio Revolorio, "Matan a precandidata a alcaldía de UNE-GANA de Moyuta, Jutiapa", *El Periodico*, 19 February 2011.

<sup>51</sup> Byron Corado Arana, the expected candidate and former chief of transit police in the department blamed PP's mayoral contender for the attack, saying that he had been warned that his son's death was planned. See "Matan al hijo de futuro candidato", *Siglo XXI*, 24 January 2011.

<sup>52</sup> Miguel Ángel Juárez Merlos was shot dead on 24 May 2011. See "Acribillan a coordinador de la UNE", *Siglo XXI*, 25 May 2011.

<sup>53</sup> Darwin Gallardo Recinos, mayoral candidate for Atescatempa, Jutiapa, was killed in May; Francisco Jocop, mayoral candidate for San Juan, Sacatepéquez, was killed in March. See Manuel Hernández, "En un mes matan a dos candidatos de CREO", *Prensa Libre*, 9 May 2011.

<sup>54</sup> See Rodrigo Perez, "Asesinan candidato que iba para alcalde del PU en Pinula", *Siglo XXI*, 12 June 2011.

<sup>55</sup> Manuel Baldizón, LIDER's presidential candidate, claimed, immediately after the Zetas massacred farm workers in Petén, that his family members were forced to move to the capital after receiving threats from the gang.

<sup>56</sup> Mariela Castañon, "Los 14 puntos de violencia con tinte electoral", *La Hora*, 21 March 2011. The PDH identified as departments most at risk Quiché, Guatemala, Sacatepéquez, Chimaltenango, Escuintla, Retalhuleu, Jalapa and Izabal, followed by Chiquimula, El Progreso, Quetzaltenango, Suchitepéquez, Jutiapa and Petén.

<sup>57</sup> In Chixocol, Zacaula, Quiché, in early March, when supporters of PP and UNE fought over where they would each paint their campaign slogans. See Óscar Ismatul and Óscar Figuera, "Simpatizantes del Partido Patriota y la UNE se enfrentan", *Prensa Libre*, 10 March 2011.

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<sup>58</sup> Crisis Group phone interviews, TSE staff, 1-10 June 2011. Also see "Guatemala: la presidenta del tribunal electoral denuncia amenazas de muerte", *Infolatam*, 31 March 2011.

<sup>59</sup> Some sources claimed his death was related to his decision to refuse a party's local registration papers; others argued he had links to criminal gangs. Crisis Group interviews, TSE senior staff, political analysts, diplomats, Guatemala City, 5-15 April 2011.

<sup>60</sup> For example, "Guatemala 2007: Final Report on the General Elections", the European Union Election Observation Mission.

<sup>61</sup> See Crisis Group Report, *Guatemala: Squeezed between Crime and Impunity*, op. cit.

<sup>62</sup> For details on the Zetas, see *Ibid.* On 15 May 2011, men allegedly linked to the Zetas massacred 27 workers on a farm in Petén owned by a rival. A month later, the dismembered body of an assistant prosecutor was found in downtown Cobán, capital of the neighboring department of Alta Verapaz along with a note signed by the same Zeta commander who claimed responsibility for the Petén massacre. See Benn Quinn, "Guatemalan massacre leaves at least 27 people dead", *The Guardian*, 16 May 2007; and "La ONU y organizaciones de DDHH condenan el asesinato de auxiliary fiscal en Guatemala", *Efe*, 24 May 2011.

effects of increasing criminality on the elections, however, are its contribution to broader disorder and its corrosion of already endangered rule of law institutions. With impunity pervasive, weapons plentiful and the market for violence thriving, killing, attacking or intimidating opponents is, in much of the country, easy, cheap and rarely punished.<sup>63</sup>

Violence in elections is, therefore, often symptomatic of the country's chronic insecurity. The institutions – especially police and courts – that fail to contain wider societal violence also struggle against conflict related to political competition. The sheer number of candidates – probably around 30,000, most of whom will contest local offices – also complicates their protection. But some bloodshed can be prevented, even amid the lawlessness, through the following measures:

- The TSE should replicate at local level the Ethical Pact it brokered between parties nationally, especially in those municipalities threatened by violence. Municipal electoral boards (*juntas electorales municipales*), once appointed, should convene all mayoral candidates in their jurisdiction to pledge, publicly and together, to avoid divisive language, respect rules, pursue grievances peacefully and calm their own supporters, especially in the event of close or contested results.<sup>64</sup>
- Departmental and municipal security coordination cells, comprised of state security agencies and the relevant electoral boards, and mirroring the national inter-agency committee chaired by the TSE, should meet regularly to plan and manage electoral security.<sup>65</sup> Cells should draw from the TSE's and civil society groups' mapping of departments and municipalities at risk and their monitoring of violent incidents.
- Special security measures should be afforded those areas identified as particularly exposed to violence. Observers too can be deployed based on risk analysis of violence, as in 2007, thus providing some deterrent against blatant thuggery.<sup>66</sup>
- The TSE and civil society groups should reinforce dispute resolution capacity, especially in municipalities where disputed results can be anticipated. Departmental

and municipal electoral boards could be offered additional training in dispute resolution. Options for dispute resolution should be widely publicised, including in regular forums with mayoral candidates.

### III. ELECTORAL AUTHORITIES AND VOTER ROLLS

#### A. THE TRIBUNAL AND DECENTRALISATION

The Tribunal Supremo Electoral (TSE) was established in the mid-1980s and has run a string of procedurally credible elections since the end of the armed conflict.<sup>67</sup> Its five magistrates, elected a by two-thirds majority of Congress, are nominally independent, although in 2011 even their own staff report that each has ties to one of the larger parties.<sup>68</sup> While still enjoying a higher level of trust than most institutions, confidence in the tribunal has dipped over the last decade.<sup>69</sup>

The TSE's organisational wing remains strong. Reforms before the 2007 polls initiated a decentralisation process, with thousands more polling facilities set up, many in rural areas. The previous concentration of polling facilities in municipal centres was justified by fears of fraud in outlying areas but perceived by many as a deliberate policy to disenfranchise indigenous and other poor voters who often had to travel long distances to vote.<sup>70</sup> Decentralisation resulted in dramatic increases in voting booths – 13,756 in 2007 compared with only 8,910 in 2003 – and in voter access.<sup>71</sup> Observers recognised the TSE's successful man-

<sup>63</sup> See also Crisis Group Report, *Learning to Walk*, op. cit.

<sup>64</sup> For details on the *juntas electorales*, see Section III, below.

<sup>65</sup> Although security coordination takes place at the national level, and the national police, the Policía Nacional Guatemalteca (PNG), do not have municipal branches, there are PNG delegates at departmental and municipal levels who can assist security planning.

<sup>66</sup> See "Informe de Diego García-Sayán, Jefe de la Misión de Observación Electoral de la OEA en Guatemala para las elecciones generales celebradas el 9 Septiembre de 2007", Organisation of American States (OAS), 26 September 2007.

<sup>67</sup> See, for example, "Final Report", EU Election Observation Mission, 2007, op. cit.

<sup>68</sup> Crisis Group interviews, TSE staff members, political analysts and civil society representatives, Guatemala City, 5-15 April 2011. The five magistrates, however, reportedly have ties to different parties, meaning the tribunal as a whole is not unduly biased. Magistrates are elected by Congress from a list of 40 candidates prepared by a specially-formed nominating commission (Comisión de Postulación). Five replacement magistrates (*suplentes*), who stand in for magistrates if they cannot perform their duties, are appointed under the same procedures as magistrates.

<sup>69</sup> The Latin American Public Opinion Project of Vanderbilt University (U.S.) in 2010 put Guatemalans trust in the TSE at 50 per cent. Dinorah Azpuru, *Cultura Política*, op. cit. See also the final reports of the EU Election Observation Missions for 2007 and 2003.

<sup>70</sup> Crisis Group interview, indigenous leader, Guatemala City, 14 April 2011.

<sup>71</sup> The decentralisation in 2007 required new voting booths wherever more than 500 voters were registered. Even more significant in terms of the distance voters had to travel, the number of voting centres – the buildings that contained the polling booths – also increased dramatically, from 1,262 in 2003 to



agement of this expansion, which involved allocating voters to new booths, training thousands of additional staff, a more complex distribution of electoral materials and an extensive public information campaign to explain where citizens should go to vote.<sup>72</sup> Computerised tallies introduced that year were more expensive but made for a quicker publication of results, which also increased confidence.

A principle source of the TSE's strength is the appointment each year of a cadre of returning officers, many of whom are trusted and experienced. Boards in each departmental and municipal centre (*juntas electorales departamentales* and *municipales*) consist of three officials, drawn mostly from civil society, who work for the months round each election. Most have performed these duties multiple times.<sup>73</sup> The TSE devolves considerable authority to both departmental and municipal levels, so that boards have broad discretion to determine how they run operations, relate to local candidates and even resolve disputes.<sup>74</sup> These returning officers partly explain why voting procedures are, for the most part, followed even in an environment marked by an extremely weak rule of law.

While elections are protected from obvious manipulation, the vote is often unduly influenced. Some incumbents, especially in local government, benefit from the illegal use of state resources for their campaigns, for which they are rarely held to account.<sup>75</sup> Parties bus voters to polling booths, a practice known as *acarreo*, common across Latin America but that can influence voters. Some mayoral candidates complain that their rivals encourage supporters to travel from neighbouring municipalities to register, vote and thus swing results. Richer parties and candidates benefit from many communities' expectations of patronage, making it almost impossible for parties that are not well-funded to compete equally.

## B. FLAWED CIVIL REGISTRATION

The 2007 reforms also established a new institution, the Registro Nacional de Personas (RENAP), to overhaul the

civil register and system of identification cards.<sup>76</sup> The existing register consisted of old, handwritten and often decaying registration books in each municipality, while no data was centralised in the capital. Obtaining multiple identity cards – then the *cédulas de vecindad* – was easy, and the register reportedly included the names of many deceased and foreigners.<sup>77</sup> RENAP aimed to re-register all Guatemalans, check new data against their original records retrieved from the municipalities and use biometric technology to identify any duplicate registrations.<sup>78</sup> Citizens would receive new ID cards, *documentos personales de identidad* (DPI), to replace their old *cédulas*. With the new data, RENAP intended to create an accurate central electronic database that included the names and details of all citizens to replace the handwritten registries in each municipality.<sup>79</sup>

The exercise was overambitious from the start. Planners misjudged the time required to retrieve and sort old data from municipalities and then collect and verify new data from around fourteen million Guatemalans.<sup>80</sup> The bad design was compounded by corruption. Deputies in Congress and RENAP's managers, who have since been replaced, reportedly awarded contracts inappropriately, or at least without sufficient transparency.<sup>81</sup> Ill-qualified cronies were appointed to key positions.<sup>82</sup> The combination of poor design, nepotism and incompetence led, unsurprisingly, to a deficient registration. The exercise has cost far more than originally projected but remains incomplete. Politicians, especially from opposition parties, and some in civil society

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2,060 in 2007. The number of voting booths in one department, Alta Verapaz, rose from seventeen to 117. See, for example, "Final Report", EU Election Observation Mission, 2007, op. cit.  
<sup>72</sup> Ibid.

<sup>73</sup> In the capital, for example, the same three returning officers on the departmental board will run their sixth consecutive election this September. Crisis Group interview, TSE officials, 8 April 2011. The Law on Elections and Political Parties (LEPP, Article 179) requires the TSE to appoint departmental boards three months ahead of elections. Departmental boards must appoint municipal boards in their departments two months ahead.

<sup>74</sup> Crisis Group interviews, senior electoral staff and civil society observers, Guatemala City, 5-15 April 2011.

<sup>75</sup> "Final Report", EU Election Observation Mission, 2007, op. cit.

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<sup>76</sup> See LEPP and the RENAP law, the Ley del Registro Nacional de Personas, Decreto Número 90-2005.

<sup>77</sup> See, for example, "Final Report", EU Election Observation Mission, 2007, op. cit.; also, Oscar Ismatul, "Renap denuncia en MP 400 casos de doble DPI", *Prensa Libre*, 1 May 2011.

<sup>78</sup> RENAP would collect fingerprints and facial photographs of each registrant and then run scans on both fingerprints and photographs to identify duplicates.

<sup>79</sup> Crisis Group interview, RENAP staff, Guatemala City, 6 April 2011. Also see the Ley del Registro Nacional de Personas, op. cit.

<sup>80</sup> Crisis Group interviews, RENAP staff and civil society experts, Guatemala City, 6-15 April 2011. Some point out that although similar full registration exercises have been undertaken in neighbouring countries, they did not include the retrieval of old data and verification of new data against it. Guatemala's population is also much larger than that of her neighbours.

<sup>81</sup> A lucrative contract to print millions of new ID cards was especially contentious. Crisis Group interviews, senior RENAP staff, Guatemala City, 6 April 2011.

<sup>82</sup> Crisis Group interviews, senior RENAP staff, Guatemala City, 6-15 April 2011. The entire senior management team of RENAP was replaced in 2010.

have accused RENAP of inflating registration numbers so as to benefit the ruling party.<sup>83</sup>

Despite the exercise's flaws, however, claims of fraud are not borne out by registration procedures or numerous safeguards around polling. Citizens must be included in the voter register – the *padrón electoral* – and not just RENAP's civil register if they want to vote. The voter register is linked to the civil register, in that citizens need their identity cards to cast ballots, and data from the civil register should be used to update it. But it is a separate database, managed by the TSE, not RENAP, and which international audits recently scored positively.<sup>84</sup> More important, however, is that exploiting bogus registration figures would require the collusion of not only the same returning officers who have bolstered confidence in previous polls, but also thousands of observers and the parties' own representatives in each polling station.<sup>85</sup> While voter registration figures have increased since 2007, and parties should remain vigilant, the system has sufficient checks to prevent mass fraud.<sup>86</sup> The clear deficiencies in RENAP's exercise are, therefore, unlikely to be part of a deliberate rigging strategy on the government's behalf.

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<sup>83</sup> Some also allege that registration is improperly linked to the cash transfers program run by Sandra Torres, in that poor families are forced to register before receiving those cash transfers, evoking an implicit assumption that many will then vote for UNE in September. See also Mariajosé España, "Guerra Roldan: TSE debio haberse hecho cargo del DPI", *La Hora*, 18 May 2011.

<sup>84</sup> Data of those citizens already in the *padrón* should be updated with new information from RENAP. But citizens who were not previously in the *padrón* – new voters who would account for any increases in voter registration figures – must register again with the TSE. The voter register has been audited by the OAS, which concluded that it was among the better registers in Latin America and had not been tainted by RENAP's problems. See Asier Andrés, "El Padrón Electoral es confiable y no ha sido contaminado por Renap", *El Periódico*, 3 December 2011.

<sup>85</sup> Estimates put the number of national observers from civil society groups and the various churches at around 6,000. Political parties can appoint representatives – party agents – to verify voting and counting in each polling station and the results tabulation in municipal and departmental capitals and Guatemala City. The larger parties will have agents in all polling stations. Crisis Group interviews and phone interviews, political parties expert, Guatemala City, 8 April, 28 May 2011.

<sup>86</sup> The total number of registered voters now stands at over 7 million, the highest in post-war history. The four years since 2007 have seen an increase of more than a million voters. There have been considerable efforts to register rural voters. See Marta Sandoval, "Al menos 7 millones estan listos para votar", *El Periódico*, 12 June 2011.

## C. RESTORING CONFIDENCE

RENAP's registration problems may, however, still prevent some Guatemalans from voting. Many do not yet have the new DPI card. Some simply did not collect them from RENAP offices. Others returned to find they were not ready and were reluctant to go back again. The cards of many of those who do have them include mistakes – misspelt names and wrong dates of birth, for example. For most these problems will not impede their right to vote. In October 2010, Congress amended the law governing RENAP, extending the validity of the old *cédulas* to January 2013 and allowing voters to use them to identify themselves to electoral staff at polling booths.<sup>87</sup>

But those without the *cédulas* – either because they only recently turned eighteen or simply did not retain their old cards – and who, at the same time, either have not yet received the DPI, or have received one with mistakes, may face problems on election day. Recent criticism of RENAP hinges on its inability to clean up its database and provide potentially thousands of young voters with correct cards.<sup>88</sup> The exact number of those affected is unclear. Over the last weeks, the TSE stepped up its public calls for voters to check the accuracy of their details on voter lists, which will have resolved some discrepancies. RENAP opened its offices over the weekends and attempted to deliver identity documents to registrants' homes. On 10 June RENAP officials reported that approximately 13,000 citizens who recently turned eighteen have not yet received their new identity cards. There are no indications that any particular geographic area – or the support base of any party – has been disproportionately disadvantaged.<sup>89</sup>

In a climate of general distrust of RENAP, however, politicians' claims of foul play resonate with voters and may give losers a pretext to challenge results. The following steps would help increase confidence ahead of the polls:

- To allay fears that the voter register is inaccurate or inflated, the TSE should display, as soon after the close of registration as possible, its voter rolls so that individuals and parties can verify their accuracy. In particular, the TSE should provide parties and observers registration

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<sup>87</sup> See Gustavo Villagrán, "Aprueban reformas a la ley del Renap y estipulan que cédula tendrá vigencia hasta enero de 2013", *Noticias Guatemala*, 7 October 2010.

<sup>88</sup> For example, see "Renap: una caja negra", editorial, *El Periódico*, 8 April 2011.

<sup>89</sup> See Asier Andrés, "Último día para inscribirse en el padrón electoral 2011", *El Periódico*, 11 June 2011. Furthermore, only a low proportion of those of the same age group who have received their new identity cards have then registered with the TSE to vote. Many who have not received the DPI thus may simply not intend to vote. Crisis Group phone interview, electoral expert, Guatemala City, 31 May 2011.

figures broken down by municipality alongside the same breakdowns from 2007, thus permitting them to identify any unusual upswings.

- The TSE should clarify and publicise widely how it will ensure those citizens issued faulty new ID cards will be able to vote. It can also take advantage of its regular forums with parties to explain how it has insulated the voter rolls from the problems in RENAP's civil register.
- Politicians, in turn, should base any complaints on their own observation of the voter rolls, and, if necessary, pursue them through regular legal channels rather than the media.

## IV. MONEY AND POLITICS

### A. INCOMPLETE NEW FINANCE RULES

Registration flaws, however, are dwarfed by chronic deficiencies in the enforcement of political finance and campaign rules that were, for the most part, introduced to the Electoral and Political Parties Law ahead of the 2007 polls. They increased state funding for parties; shortened the official campaign period; introduced new limits for campaign spending; regulated the cost of television promotions; and required parties to disclose both the source of all funding and their expenditures.<sup>90</sup> The TSE, which was legally mandated for the first time to enforce compliance with political finance rules, imposed reporting requirements on parties and empowered its auditor to investigate their campaign spending.<sup>91</sup>

Despite its new authority, in 2007 the TSE struggled, according to observers, to either monitor parties' spending or inspect and audit their financial records and bank accounts.<sup>92</sup> In 2011 the TSE – especially its auditor – has taken steps to bolster capacity. In June it signed information-sharing agreements with four government agencies to help verify parties' records.<sup>93</sup> A privately-contracted company will monitor the media for it, thus allowing it to estimate how much parties are spending.<sup>94</sup> But even if these meas-

ures reveal discrepancies, the TSE cannot meaningfully sanction parties. Reforms failed to match new rules with strong administrative or financial penalties for non-compliance, leaving it impotent. Its most potent coercive weapon is a \$125 fine, and the electoral law is ambiguous on whether even that can be wielded against parties that break finance rules.<sup>95</sup> Proposed amendments, published in January 2009 by the congressional committee on electoral affairs, would have imposed stiffer sanctions, but Congress did not adopt them, so many enforcement gaps identified by observers in 2007 remain for these polls.<sup>96</sup>

Lawmakers did include in the penal code in 2010 new crimes related to political finance and tougher penalties. Most significantly, conviction for the receipt of illicit funds carries a jail sentence of between four and twelve years and a maximum fine of about \$33,000; funds that parties cannot document or that are contributed anonymously count as illicit.<sup>97</sup> But these sanctions appear in the penal code, rather than the electoral law, and as such cannot be applied by the TSE.<sup>98</sup> Instead, an already overburdened Public Prosecutor's office must bring offenders to book through the regular court system. Thus far, however, it has shown little interest in pursuing parties even for flagrant breaches of campaign rules. It has also resisted pressure to appoint a special electoral prosecutor during election years who

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lish party spending, without the power to inflict meaningful punishment, sanctions will be "of a moral nature".

<sup>95</sup> Ibid. Electoral offences that the TSE can penalise with fines are defined in Article 90. They do not list specific crimes related to non-compliance with political finance rules.

<sup>96</sup> Proposed amendments to the Electoral and Political Parties Law, Commission on Electoral Affairs (Comisión Especifica de Asuntos Electorales), 9 January 2009. Article 27 of the amendments would have introduced new electoral crimes, including some specifically related to non-compliance with political finance rules. Crisis Group interviews, TSE staff and analysts, Guatemala City, 5-15 April 2011.

<sup>97</sup> Congreso de la Republica de Guatemala, Decreto Número 4-2010, Reformas al Decreto Número 17-73 del Congreso de la Republica, Código Penal. In addition, penalties for electioneering before the official campaign date by parties or candidates can include imprisonment for four to seven years, fines of \$2,600 to \$6,600 and disqualification from elections. Those blocking a TSE investigation into political financing, receiving foreign funds or obtaining more than 10 per cent of a party's campaign funding from a single source are liable to imprisonment for one to five years. Congress, however, did not make exceeding campaign spending limits an electoral crime.

<sup>98</sup> The regular judicial system, involving the Public Prosecutor's Office and courts, is responsible for those offences under the penal code. The TSE can mete out financial and administrative sanctions if the LEPP mandates it to do so.

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<sup>90</sup> Most of these reforms were included in the LEPP Article 21, which governs political finance.

<sup>91</sup> TSE, Acuerdo Número 019-2007.

<sup>92</sup> See "Final Report", EU Election Observation Mission, 2007, op. cit.

<sup>93</sup> The Contralora General de Cuentas (CGC), the Superintendente de Administración Tributaria (SAT), Superintendente de Telecomunicaciones (SIT) and the Superintendente de Bancos (SIB) agreed to share information with the TSE.

<sup>94</sup> Crisis Group interview, TSE auditor, 12 April 2011, and phone interview, 10 June 2011. The International Foundation for Election Systems (IFES), has contracted a private company to conduct media monitoring for the TSE and assess how much parties spend, but TSE staff admit that although they can pub-

could expedite action on electoral crimes using evidence prepared by the TSE or civil society monitors.<sup>99</sup>

## B. LONG AND COSTLY CAMPAIGNS

With the TSE toothless and the Public Prosecutor's office reluctant to act, politicians ignore or circumvent laws. The official campaign started on 2 May, when the TSE called elections, and ends 36 hours before polling. At nineteen weeks it is longer than the official periods of most of Guatemala's neighbours in a region that has very protracted campaigns.<sup>100</sup> In practice, however, parties initiate their electoral activity long beforehand. Already in the first half of 2010 there were television spots and billboards in the capital, large towns and along major roads proclaiming the parties' candidates and their campaign slogans.<sup>101</sup>

The TSE's attempts to curtail pre-campaign activities have proved, for the most part, fruitless. To its credit, it has tried to apply its maximum fine of \$125 for each billboard parties display before official campaign dates, presenting total fines to some parties of up to \$2,000.<sup>102</sup> But claiming ambiguity in the law, parties have refused to pay the vast majority of these.<sup>103</sup> Acción Ciudadana, the Guatemalan branch of Transparency International which monitors the media to assess how much parties spend on campaigning, estimated in May that during the six months before the campaign, between October 2010 and April 2011, PP had already spent about \$3 million and UNE about \$2.5

million.<sup>104</sup> The local observer umbrella group Mirador Electoral identified the impunity with which parties break rules on early campaigning as a major threat to elections.

The spending limit for a party's campaign is set at \$1 for each registered voter.<sup>105</sup> In 2007 this was \$5.5 million; this year it is about \$6.4 million.<sup>106</sup> But in reality the cap means little. In 2007 estimates by Acción Ciudadana put the two major parties' spending at about four times legal limits. PP's campaign cost about \$22 million and UNE's \$20 million.<sup>107</sup> Party insiders reportedly claim to have spent even more.<sup>108</sup> According to Acción Ciudadana, the total campaign expenses of all parties that year amounted to about \$90 million, making it, per capita, one of the Western hemisphere's most expensive campaigns ever.<sup>109</sup> Spending patterns in 2011 – with parties apparently spending half their legal limits even before the campaign's official start – suggest that figure will be surpassed.

Reformers have proposed increasing legal limits to better reflect campaign costs. Amendments offered by the congressional Electoral Affairs Committee, for example, suggest raising limits from \$1 to \$2 for each registered voter, with parties qualifying for the second round permit-

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<sup>99</sup> Crisis Group interviews, TSE auditor, 8 April 2011; and elections experts and civil society representatives, Guatemala City, 5-15 April 2011.

<sup>100</sup> Although the 2004-2007 reforms reduced the length of the official campaign from six months to just over four, Guatemalan campaigns are still comparatively long. In the region, only those of Mexico are longer. Campaigns in Costa Rica last three and half months; in Honduras three months; and in Nicaragua two and half months. Outside the region, Canadian campaigns last 35 days; Spanish campaigns fifteen to 21 days; French and Turkish campaigns three and two weeks respectively. "Informe del monitoreo de gasto de campana en el proceso electoral 2007 en Guatemala", Acción Ciudadana, March 2008.

<sup>101</sup> Ibid. The estimate is that parties started their electioneering in January 2010, almost eighteen months ahead of the official date, a pattern observers say has been repeated for 2011.

<sup>102</sup> See the TSE's website for details of fines, <http://tse.org.gt/documentos/sanciones.pdf>.

<sup>103</sup> Crisis Group interview, political parties expert, Guatemala City, 6 April 2011. Parties claim that they are not campaigning but proselytising, which they argue is legal even before the campaign. This seems, however, a spurious distinction given that their materials display candidates' photos, names and campaign slogans. See Enrique Naveda, "La desolación de Zury y los gastos de precampana", *Plaza Público*, 17 May 2011.

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<sup>104</sup> Ibid. The spending of UNE and PP dwarfed that of the other parties. The PU, for example, had already spent about 5 million quetzals (\$670,000), LIDER about 4 million (\$530,000), CREO 2 million (\$260,000).

<sup>105</sup> LEPP, Article 21.

<sup>106</sup> "Techo presupuestario para partidos políticos es de Q48 millones", Elecciones Guatemala, 2 May 2011. This year's spending limits are based on the number of registrants at the end of 2010. The law, however, does not specify how this limit relates to the different contests: presidential, congressional, mayoral, and elections for the Central American parliament. Nor does it specify whether campaign spending for a presidential run-off is included.

<sup>107</sup> The estimates were 165 million quetzals for PP and 148.6 million quetzals for UNE including total spending on presidential, legislative and local elections. "Informe del monitoreo", op. cit. Acción Ciudadana estimated costs by first analysing, through media monitoring, party spending on broadcasts during the official campaign. Comparative data from Mexico, Argentina and the U.S. showed that media coverage, on average, accounts for about 60 per cent of total campaign costs, so that figure was applied to Guatemalan parties' spending. Campaign spending of Patriota, which spent about 75 million quetzals (\$10 million) on its media campaign, was estimated at 124 million quetzals (about \$16.5 million) UNE spent about 71 million quetzals (\$9.4 million) on the media during the official campaign period, so its total spending was estimated at 117 million (\$15.6 million). Spending on media ahead of the campaign was then added to spending during the campaign to give final estimates.

<sup>108</sup> Briscoe and Rodriguez Pellecer, "A State under Siege", op. cit., cite the mandarin of one of the major parties in 2007 as claiming to have spent about \$60 million on those polls.

<sup>109</sup> See "Informe del monitoreo", Acción Ciudadana, op. cit.

ted to spend an additional dollar.<sup>110</sup> Clarifying how limits apply to the first round, the different contests and the run-off would be useful. But raising legal limits to meet parties' extravagance seems the wrong approach, given the high comparative cost of Guatemala's campaigns, the corrosive influence of money in its politics and the desperate poverty in much of the country. Better would be to hand regulators, especially the TSE, the tools with which to force parties to cut spending to within existing limits.

### C. WHO PAYS POLITICIANS?

Political parties receive \$2 from the state for each vote they win in elections.<sup>111</sup> These public funds, however, cover less than a tenth of their campaign expenses. The rest comes from private sources.<sup>112</sup> The identities of parties' and candidates' financial backers are obscure. As campaigns cost far more than legal limits, parties' financial reports tend to be works of fiction.<sup>113</sup> In 2007, PP and UNE both allegedly spent about \$15 million beyond what they reported.<sup>114</sup> As those millions do not appear on the parties' records, their source is unknown. But even money nominally accounted for often comes from sources that are undisclosed, either entirely or in part. The campaign budgets parties present to the TSE, for example, are single-line statements of total

estimated costs.<sup>115</sup> Their financial submissions do not always reveal fully the sources of funds.<sup>116</sup>

Who pays politicians and who they represent is, therefore, unclear. Voters can only guess at the interests behind candidates – especially as deputies' behaviour in Congress is not usually made public.<sup>117</sup> Because of the high costs of campaigning, parties tend to sell places on their candidate lists, especially for regionally-elected deputies, to the highest bidder.<sup>118</sup> Shared ideology or genuine links to voters matter less than how much money candidates can contribute.<sup>119</sup> Candidates need, therefore, to mobilise considerable sums. They must either be independently wealthy or rely on financiers who expect returns on their investment in public rents, influence over policy or jobs for cronies. Deputies elected regionally, in particular, can influence contracts and spending in their departments once they are on the right congressional committee. The complete lack of transparency in the awarding of public contracts increases opportunities for graft. Weak financial regulation, therefore, perpetuates a corrupt political system that attracts those motivated by

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<sup>110</sup> Proposed amendments to the Electoral and Political Parties Law, op. cit.

<sup>111</sup> LEPP, Article 21. The last set of reforms increased state funding from about \$0.25 (two quetzals) to \$2 for each vote. Parties are entitled to \$2 for each vote received in either the presidential or the national list election, whichever is the higher number. Parties with over 5 per cent of votes or at least one seat in Congress are entitled to funds that they receive in annual payments each July in the four years following the election. The law does not specify whether these funds should cover regular party activities or electoral campaigns. As parties receive them annually, the larger ones tend to use them for regular activities. See "Informe del monitoreo", op. cit.

<sup>112</sup> In 2003, state funds made up less than 1 per cent of parties' campaign spending. The 2004 reforms, which kicked in only after the 2007 polls, will raise this to about 8 per cent. See "Informe del monitoreo", Acción Ciudadana, op. cit.; also Crisis Group interview, political parties expert, Guatemala City, 6 April 2011. A recent article claimed that many candidates are linked to private security companies, or are even their direct owners or employees. See also Renzo Rosal, "Por el mero hecho de exhibirse", *Plaza Pública*, June 2011.

<sup>113</sup> Crisis Group interviews, TSE staff, Guatemala City, 8 April 2011. Also see LEPP, Article 21; and Tribunal Supremo Electoral, Acuerdo Número 019-2007.

<sup>114</sup> "Informe del monitoreo", Acción Ciudadana, op. cit.

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<sup>115</sup> Crisis Group interview, TSE auditor, Guatemala City, 12 April 2011. The law does not require that parties submit detailed budgets ahead of the campaign.

<sup>116</sup> Ibid. For example, PAN's statement of donors included only two: Managements Solutions Inc and Rolando Pineda Lam donated 100,000 quetzals (about \$13,300) and 50,000 quetzals (about \$6,650) respectively. LIDER's statement included 50 donors but did not specify how much each gave. About half are businesses whose owners were not disclosed in the publicly available financial report.

<sup>117</sup> In April 2011, Congress passed a regulation introducing electronic voting that may lead to greater transparency in deputies' behaviour. See *Análisis Mensual*, Asociación de Investigación y Estudios Sociales, April 2011.

<sup>118</sup> By law parties should involve their sub-national branches in determining candidates: departmental assemblies should select those for departmental lists and municipal assemblies those who run for local office. Most parties, however, have only a skeletal presence outside the capital. They can compete for office even in the many departments and municipalities where they do not have local offices, and in those areas central committees – not departmental or municipal assemblies – decide who appears on the ballot. Even where parties have a presence, their assemblies tend to rubber stamp decisions made centrally. The TSE, which can monitor internal party selection processes, rarely enforces rules and, in any case, lacks strong measures with which to penalise non-compliance.

<sup>119</sup> Crisis Group interviews, Guatemala City, 5-15 April 2011. Indeed, the cost of a prominent position on the list of a major party is repeatedly quoted at about 1 million quetzals (about \$130,000). The 22 departments each send between two and nineteen members to Congress. The number of positions at the top of party lists that are considered "safe" depends, therefore, on both the party's popularity in a department and the number of seats available.

prospects of enrichment or influence peddling rather than the public good.

It also leaves political institutions vulnerable to the penetration of illicit funds. By law anyone contributing more than \$10,000 to a campaign must show that the money is from legitimate sources.<sup>120</sup> In practice, however, bigger financiers tend to split contributions into smaller sums, circumventing this requirement. Withdrawing from the presidential contest in May, FRG candidate Zury Ríos Montt, a deputy for sixteen years, argued that criminal gangs launder money through donations to political parties that are then recuperated in the form of favours, strengthening links between criminal interests and politicians and entrenching impunity for illegal groups. The political finance system, she said, presented opportunities to organised crime on a “silver platter”.<sup>121</sup>

While Guatemalans and Western officials alike warn that traffickers control both geographical and institutional chunks of the state, and accusations of politicians' links to criminal groups abound, assessing the sway of illicit money is difficult, especially considering the murky quality of the political finance system.<sup>122</sup> Some regionally-elected deputies and local officials almost certainly enjoy connections to drug traffickers and benefit from their profits and protection, even as some national politicians exploit similar links to clandestine and parallel groups involved in illegal activities.<sup>123</sup> Furthermore, many analysts argue that laundered money is so entrenched in the economy that any politician will struggle to remain entirely untainted.<sup>124</sup> A newspaper editor argued that the penetration of illicit money into politics is now so commonplace that it no longer constitutes a story.<sup>125</sup> What is clear, however,

is that the weak regulation of political finance makes Guatemala's political institutions easy prey for penetration by illegal interests. The door is wide open.

#### D. CHANCES FOR REFORM

Closing gaps in finance rules would not eliminate corruption. Funding politicians' election campaigns is not the only entry point for dubious interests to capture political institutions: politicians can be bought before, during or after elections. But patrolling the entry and use of money during campaigns better and forcing politicians to declare whose money greases their path to power would be a vital start in cleaning up Guatemala's politics. Though legal changes in the three months before the 2011 elections are neither feasible nor advisable, the following would at least expose current bad practices and prepare the ground for post-election reforms:

- ❑ The TSE should publish each week the results of its media monitoring and discrepancies between parties' reported and actual campaign spending. Although its ability to impose sanctions on parties is limited, the TSE can at least inform voters how much parties spend to win office and how much comes from anonymous sources. Money from businesses whose owners are undisclosed should count as anonymous.
- ❑ The TSE should present to the Public Prosecutor's office evidence of parties' non-compliance with political finance rules collected during its investigations, including both the conclusions of its media monitoring and information provided by other government agencies, especially where evidence suggests parties have received and spent money from anonymous sources.
- ❑ The Public Prosecutor's office should use this evidence, as well as that collected by civil society groups like Acción Ciudadana, to prosecute the major parties for non-compliance. That the penal code now includes a specific offence related to the receipt of illicit funding and regards as illicit any funds parties cannot account for provides an obvious window for it to do so.

After the elections, the TSE and donors should press Congress to reform the Electoral and Political Parties Law. Changes proposed by its Electoral Affairs Committee provide a good start but need to be bolstered with more significant reforms, including:

- ❑ The TSE's arsenal of coercive measure to enforce rules must be strengthened by empowering it to administer first financial and then administrative sanctions.

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<sup>120</sup> TSE, Acuerdo Número 019-2007, op. cit.

<sup>121</sup> Mario Cordero Ávila, “Pistocracia y propuestas políticas”, *La Hora*, 18 May 2011. See also *Plaza Pública*, “La desolación de Zury”, op. cit. As yet no politician has publicly repudiated her allegations.

<sup>122</sup> In late March, the head of the UN Development Programme (UNDP) and a group of donors expressed concern over the entry of money from organised crime through the elections. “Diplomáticos temen por criminalidad durante el proceso electoral”, *Prensa Libre*, 26 May 2011.

<sup>123</sup> For an account of links between local politicians and suspected drug traffickers, see Luis Angel Sas, “El Rey Tesucún”, *Plaza Pública*, 7 June 2012.

<sup>124</sup> Crisis Group interview, civil society representatives, Guatemala City, 5-15 April 2011.

<sup>125</sup> Crisis Group interview, editor of a major daily newspaper, Guatemala City, 15 April 2011. The editor argued: “When a journalist submits a piece that says illicit money is entering politics, I tell them that is no longer a story. Everyone knows that. Drug money is everywhere. Of course it enters politics. The question is what does that money do? How much has been paid and to which candidates? What do those candidates do in

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return for the money? Those are, of course, much more difficult questions to answer”.

Sanctions for parties or candidates who fail to comply with campaign spending rules or who campaign before the official start dates should be clearly defined, and stiffer. Campaign spending limits also need to be clearly defined, with a distinction made between the different contests and the first round and run-off.

- Public funding to political parties should be increased to diminish their dependence on private financiers.<sup>126</sup> The law should also define what public funding can be spent on regular party activities and what on electoral campaigns.
- Legislators could also consider reducing spending by further limiting the television and radio time permitted each political party during the campaign.<sup>127</sup> Congress might also consider reducing the length of what is comparatively a very long campaign.
- Pervasive impunity means that civil society and donors must reinforce reforms by supporting the regulating agencies and pressuring them to follow through.

## V. CONCLUSION

Fifteen years and four electoral cycles after the peace accords, Guatemala's political institutions remain fragile and exclusive. A legacy of eroded social trust, especially among the divided and traumatised indigenous majority, after decades of war, authoritarianism and violent repression, undoubtedly stalled the emergence of representative politics. But powerful business and military elites have also benefited from a post-war settlement that for years has served their narrow interests at the expense of the majority. Though the collapse in the rule of law dominates headlines, the grossly unequal distribution of power and resources – itself a root cause of the war – is as pernicious for many citizens as insecurity. Politicians have rarely challenged this highly skewed status quo. Amid ballooning perceptions of corruption, few inspire public confidence, many enjoy cosy relations with the wealthy, and none have built parties with stable social bases.

Institutions' weakness and porosity, traditionally exploited by the country's richest, make them easy prey for criminal interests. Political violence is certainly not new, but its recent surge, especially around local elections, strongly suggests the hands of drug traffickers in local politics and ties

between them and municipal officials. Defending political institutions – indeed, defending the state – against rich and powerful cartels is difficult given the weakness of the police and courts. Colombia, which has had some recent success in uncovering links between politicians and criminals and reducing the resultant violence, has done so through a robust and for the most part independent judiciary, aligned with civil society groups and reformist politicians.<sup>128</sup> A similar alliance in Guatemala seems remote.

But there are glimmers of hope. The TSE appears to be making some effort in 2011, despite the very limited tools at its disposal, to stick to rules and expose who pays for parties' campaigns. Ideally its evidence can be used for prosecutions by the Public Prosecutor's office. After the polls, political finance rules must be strengthened and the regulators, especially the TSE, empowered to enforce them properly. It will not be easy – deputies who benefit from gaps in laws will resist closing them – and will require sustained pressure from civil society and donors. However, it is imperative. Though political finance rules are rarely seen as central to electoral integrity in developing democracies, in Guatemala they are paramount. Penetration by transnational crime is one of the gravest threats facing its politics. Reasonably free votes count for little if criminals or others who want the state weak have already bought those running for office.

**Bogotá/Brussels, 16 June 2011**

<sup>126</sup> A current proposal would raise state funding of parties from \$2 to \$6 for each vote won. See *Análisis Mensual*, op. cit.

<sup>127</sup> Television spots comprise a significant proportion of parties' campaign spending. Some Latin American countries – Chile and Brazil, for example – limit the airtime parties can purchase and have dramatically less expensive campaigns.

<sup>128</sup> See forthcoming Crisis Group Latin America briefing on Colombian local elections.

## APPENDIX A

### MAP OF GUATEMALA





## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

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June 2011

## APPENDIX C

### CRISIS GROUP REPORTS AND BRIEFINGS ON LATIN AMERICA AND THE CARIBBEAN SINCE 2008

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- Latin American Drugs I: Losing the Fight*, Latin America Report N°25, 14 March 2008 (also available in Spanish).
- Latin American Drugs II: Improving Policy and Reducing Harm*, Latin America Report N°26, 14 March 2008 (also available in Spanish).
- Colombia: Making Military Progress Pay Off*, Latin America Briefing N°17, 29 April 2008 (also available in Spanish).
- Bolivia: Rescuing the New Constitution and Democratic Stability*, Latin America Briefing N°18, 19 June 2008 (also available in Spanish).
- Venezuela: Political Reform or Regime Demise?*, Latin America Report N°27, 23 July 2008 (also available in Spanish).
- Reforming Haiti's Security Sector*, Latin America/Caribbean Report N°28, 18 September 2008.
- Correcting Course: Victims and the Justice and Peace Law in Colombia*, Latin America Report N°29, 30 October 2008 (also available in Spanish).
- Haiti 2009: Stability at Risk*, Latin America/Caribbean Briefing N°19, 3 March 2009.
- Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report N°30, 26 March 2009 (also available in Spanish).
- Haiti: Saving the Environment, Preventing Instability and Conflict*, Latin America/Caribbean Briefing N°20, 28 April 2009.
- The Virtuous Twins: Protecting Human Rights and Improving Security in Colombia*, Latin America Briefing N°21, 25 May 2009 (also available in Spanish).
- Venezuela: Accelerating the Bolivarian Revolution*, Latin America Briefing N°22, 5 November 2009 (also available in Spanish).
- Uribe's Possible Third Term and Conflict Resolution in Colombia*, Latin America Report N°31, 18 December 2009 (also available in Spanish).
- Haiti: Stabilisation and Reconstruction after the Quake*, Latin America/Caribbean Report N°32, 31 March 2010.
- Guatemala: Squeezed Between Crime and Impunity*, Latin America Report N°33, 22 June 2010 (also available in Spanish).
- Improving Security Policy in Colombia*, Latin America Briefing N°23, 29 June 2010 (also available in Spanish).
- Colombia: President Santos's Conflict Resolution Opportunity*, Latin America Report N°34, 13 October 2010 (also available in Spanish).
- Haiti: The Stakes of the Post-Quake Elections*, Latin America/Caribbean Report N°35, 27 October 2010.
- Learning to Walk without a Crutch: The International Commission Against Impunity in Guatemala*, Latin America Report N°36, 31 May 2011.



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