THE CARTER CENTER

The Carter Center

Guatemala
Election Observation
2003

Final Report

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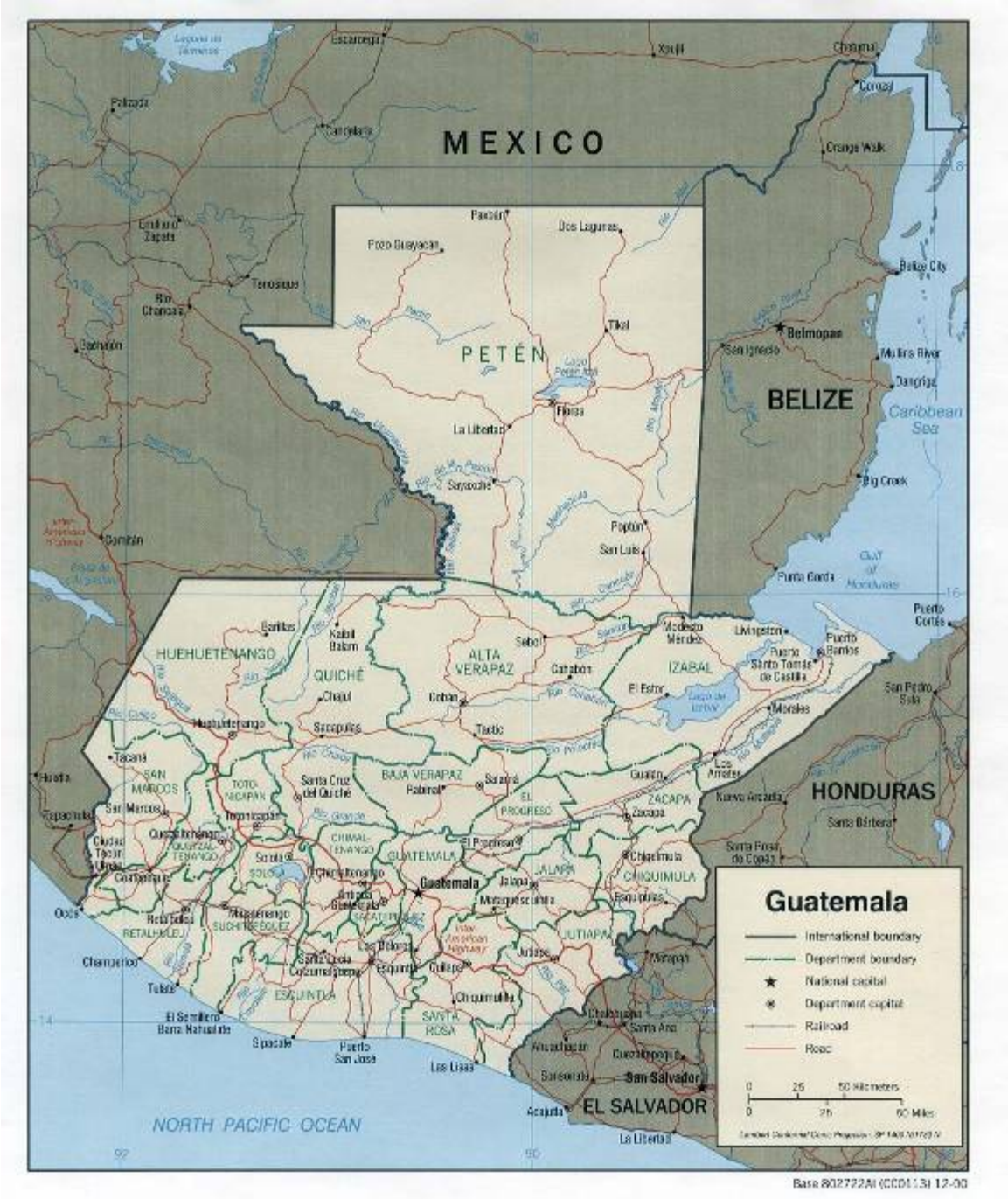
MAP OF GUATEMALA



EXECUTIVE SUMMARY

On Nov. 9, 2003, Guatemalans voted in the fifth presidential, congressional, and municipal elections since the end of military rule in 1985. When no presidential candidate won a simple majority in the first round, a second round took place between Oscar Berger Perdomo and Álvaro Colom Caballeros on Dec. 28, 2003. Berger emerged the victor of the second round to become Guatemala's new president. While polling during the first and second rounds was generally peaceful, The Carter Center documented many cases of intimidation, vote buying, and improper use of public funds during the campaign period.

During a pre-election assessment trip in August 2003, Guatemalan electoral authorities, political parties, and the human rights community encouraged The Carter Center to monitor the upcoming elections. Following a formal invitation to observe, The Carter Center opened a field office in Guatemala City on Oct. 21. The Center's work in Guatemala differed from traditional election observation in several ways:

1. The Center did not attempt to observe the elections across the nation as a whole, so the findings of the mission should be considered in this context. Instead, four observers toured selected departments in the northwestern highlands and combined their observations with reports from voters, government officials, and other international observation teams.

2. The Center's observation mission focused on human rights and political finance issues as they related to both the election and to sustainable peace through justice and national reconciliation. The Center's delegation included four human rights monitors, a human rights expert, and an expert on political and campaign finance. The Carter Center's observation mission, therefore, played a complementary role to the traditional election monitoring missions of the Organization of American States (OAS) and the European Union (EU).

3. Carter Center observers also hosted meetings between government representatives and members of civil society who were conducting or monitoring the electoral process (referred to as inter-institutional meetings).

This report concentrates on the human rights situation during and after the campaign, including issues surrounding pre-election intimidation and violence, and accountability for past and present abuses, protection of human rights defenders, and inclusive civic dialogue. The detailed findings on political finance are the subject of a separate report released by the Center and can be found on the Carter Center website[1] and a summary of the key findings is provided on page 17 of this report.

Summary of Findings

1. Human Rights

Under the Alfonso Portillo administration, respect for human rights deteriorated, and the result was evident in the 2003 election process. Acts of intimidation and violence against voters and election officials were carried out in an environment of impunity. Political parties feared no consequence for manipulating voters, often using promises of material goods to secure favorable votes. Victims of violence and intimidation did not turn to the legal system for protection because they felt their complaints would go unanswered. In such an environment,

1 http://www.cartercenter.org/documents/1674.pdf

disregard for the electoral law and human rights was common.

2. Personal security and intimidation

On Nov. 3, the Center released a statement expressing its concern over lack of personal security affecting citizens in some areas of the country, the role of former militia, and the illegal use of public funds. To guarantee the security of citizens, the government of Guatemala deployed police and the armed forces, a practice common in many other Latin American elections. The Center called for the armed forces to demonstrate sensitivity toward the feelings and rights of communities still grappling with the process of reconciliation.

The Carter Center statement also expressed concerns over the safety of thousands of volunteer Guatemalan election observers, organized by the Procuraduría de los Derechos Humanos (Office of the Human Rights Ombudsman, PDH), the Mirador Electoral coalition, and other local organizations. Threats were made against the members of these organizations. Mirador Electoral reported to the Center that it had documented more than 1,000 cases of violence, threats, and intimidation since elections were called in May 2003. Although The Carter Center had not independently verified these claims and considering the possibility that some could be instances of the ordinarily high level of crime in Guatemala, Carter Center reports indicated that the prevailing feeling of election-related intimidation was having a significant negative impact on voter confidence.

In some instances, the Center received reliable information about widespread intimidation targeted at specific communities. In El Quiché, for example, numerous personnel of the Tribunal Supremo Electoral (TSE) and other monitors and civil servants reported threats of violence against those who did not support the Frente Republicano Guatemalteco (Guatemalan Republican Front, FRG).

3. The role of ex-PACs

The Center's Nov. 3 statement also reported that the government's policy of paying former members of the armed militia, the Patrullas de Autodefensa Civil (Civil Defense Patrols, PAC), for their service during the armed conflict provoked fear and polarization and hampered efforts to achieve justice and reconciliation. Human rights groups and victims from the armed conflict condemned the policy, which angered former PACs who wanted to be paid. There were reports of threats by ex-PACs against representatives of the PDH and municipal electoral boards, as well as the kidnapping of four journalists in La Libertad, Huehuetenango. This department and San Marcos accounted for most of the ex-PAC related complaints. Carter Center observers received reports that payments to ex-PACs were routinely tied to affiliation with the incumbent FRG and often used to secure votes for the ruling party.

Former PAC members wait to collect payment for their service to the Guatemalan state during the counter-insurgency campaigns of the early 1980s.

4. Illegal use of public funds

The Carter Center's statement also reported illegal and irregular uses of public funds for campaign purposes as well as distribution of government resources to buy political favor in some areas. Additionally, Carter Center observers received reports that major political parties monopolized public transportation in an attempt to reduce voters' access to distant poll locations. These acts of vote buying were a blatant violation of the Ethics Accord signed by all parties on July 10.

4. National observers

Mirador Electoral, the Segunda Misión de Observación Indígena (Second Indigenous Observation Mission), and the Human Rights Ombudsman's office deployed hundreds of observers throughout the country to raise awareness about the election and increase voter confidence. They played a significant part in documenting cases of intimidation and evaluating the pre-election conditions. This unprecedented participation is evidence of a growing civil society that is capable of holding politicians more accountable to their constituents.

5. Polling

First Round: Nov. 9
Despite security and campaign finance concerns, the elections on Nov. 9 were peaceful, largely due to the efforts of governmental institutions and non-governmental organizations. The TSE reported that 55.91 percent of registered voters exercised the right to vote. This marked a consistent trend of increased participation since elections in 1995 and 1999. The western highlands areas where Carter Center observers were deployed exhibited similar patterns, which contrasted with widely varying levels of participation in local elections ranging from 25 to 90 percent.

Some encouraging developments were the greater participation of women voters and the unprecedented frequency of vote splitting between different political parties. Citizens were more willing and better prepared to differentiate among candidates at the municipal, district, and national levels and to split their votes between parties, as permitted by law.

Following the first round of elections, The Carter Center established a presence in the western highland departments of Quetzaltenango and Solola, regions characterized by high levels of poverty, a weak justice institution, and the ongoing impact of past internal armed conflict. The Center also conducted interinstitutional meetings to share evaluations and recommendations related to the electoral process.

Second Round: Dec. 28
The Center's observers reported that election preparations for the run-off presidential election on Dec. 28 showed improvements. Reports of vote buying and coercion were also fewer than in the first round. In fact, political parties as well as public and private institutions made fewer efforts to encourage participation. The voting process was much more efficient and peaceful, though voter turnout decreased by more than ten percent compared to the first round in November.

Case Studies

In order to be able to offer a perspective on the issues above, The Carter Center conducted two in-depth case studies that included follow-up meetings with national election observers, electoral authorities, and political parties. In Totonicapán department the Center's case study focused on the roles of traditional Mayan systems of governance and their effect on electioneering tactics. In El Quiché department the Center's case

study focused on the intimidation of voters in a department that has historically been the scene of violence and human rights violations committed by the security forces of previous governments.

Recommendations

To strengthen democratic standards and protect Guatemalan citizens' freedom to vote in lawful elections, The Carter Center recommends:

- The government should implement the Peace Accords and reinitiate the process of national reconciliation.

- Political parties and the government should create a national human rights plan that prioritizes resolving past conflicts.

- The TSE should prosecute those accused of electoral crimes to fight the impunity with which party members and government officials are able to violate the law.

- The government should tackle corruption and crime by strengthening the Public Prosecutor's Office and the Human Rights Ombudsman, as well as supporting civil society initiatives like Mirador Electoral.

- Future electoral reforms should include simplifying the voter registry to guarantee equal participation by marginalized populations and increasing training for polling officials.

- Political parties and civil society should develop an agenda to overcome the patron-client culture that inhibits free voting.

- The government and civil society should consolidate and strengthen indigenous forms of government and develop mechanisms to oversee the conduct of political parties in line with indigenous authorities.

POLITICAL BACKGROUND

Guatemala's history from 1950 onward is marked by a violent civil war, a long peace process, and difficult transition to democratic governance. The effects of the 36-year civil war are still felt today, as Guatemala faces the challenges of reconciliation and rebuilding.

Guatemala's descent into civil war began in 1954, when the democratically elected president, Jacobo Arbenz, was ousted by a CIA-supported military coup and replaced by Carlos Castillo Armas. Left-wing resistance armies angered by his administration and persistent inequality began forming during his term (1954-1958). Under Castillo's successor, Miguel Ramon Ydígoras (1958-1963), a group of junior military officers rebelled, joining the resistance armies and forming the core guerrilla movement that was to fight against the government for the next 36 years. It is this event in 1960 that marks the official start of Guatemala's civil war.

During the 36 years of conflict that followed, over 200,000 Guatemalans lost their lives, and over one million people were displaced. More than 440 villages populated by Guatemala's indigenous Mayan population were burnt to the ground during military counterinsurgency operations.

The areas most affected by the political violence were areas of extreme poverty in the indigenous northwestern highlands where, the guerrillas' rural insurgency operations were based, in particular the departments of El Quiché, Huehuetenango, Chimaltenango, and Alta and Baja Verapaz. According to the Comisión de Esclarecimiento Histórico (Historical Clarification Commission, CEH), the Guatemalan military was responsible for over 80 percent of all human rights violations carried out during the internal armed conflict.

Guatemala's Indigenous People

According to the United Nations Development Program, 41.7 percent of Guatemala's population is indigenous and 55.7 percent *ladino* (or non-indigenous, which can include indigenous people who no longer practice indigenous customs or speak indigenous languages).

Guatemala's indigenous population is made up of Maya, Garífuna and Xinca peoples, the latter two groups populating the Caribbean and Eastern parts of Guatemala respectively, and the Maya concentrated in the highland regions. The Maya population includes 22 ethnic groups and constitutes over 90 percent of the indigenous population, while it is estimated that only approximately 70 people speak Xinca.

The military sought successfully to turn civil society against itself, particularly along ethnic and religious lines and through the establishment of PACs. Participation in the PAC, formed under military dictate with the purpose of protecting rural communities from the guerrillas, was obligatory for Guatemalan males. Notably, the PAC participated in many of the gravest human rights violations at the behest of the military.

Some of the most egregious human rights violations were carried out under the administration of General Romeo Lucas García (1978-1982) and the de facto military government of General Efraín Ríos Montt (1982-1983). Both were under investigation by the *Ministerio Público* (Public Prosecutor's Office, MP) for genocide, crimes against humanity, and war crimes.

Notably, Efraín Ríos Montt was selected as presidential candidate in the 2003 elections for the FRG.

The causes and consequences of the armed conflict represented serious obstacles to the construction of democracy and peace in Guatemala. However, the concerted efforts of Guatemalans and the support of the international community gradually generated the conditions under which democratic rule could be established.

Democratization and Peace in Guatemala

Democratization in Guatemala was characterized by two distinct phases: the transition to electoral democracy and the peace process. The military-led political transition began in 1982 and ended in 1985 with the election of President Vinicio Cerezo of *Democracia Cristiana Guatemalteca* (Guatemalan Christian Democracy, DCG). The transition phase was concluded with the approval of a new constitution, which included measures to protect human rights, most notably the establishment of three new government institutions: the PDH, the TSE, and Corte Suprema de Justicia (Supreme Court of Justice, CSJ). The Constituent Assembly also drafted the Law on Elections and Political Parties.

The second phase of democratization in Guatemala occurred between 1987 and 1996 as the internationally monitored peace process got underway. This stage was characterized both by indirect negotiations (1987-1990) and direct negotiations (1991-1996).

Despite continued human rights violations under President Cerezo, the first steps toward formal peace negotiations took place in August 1987 with the signing of *Esquipulas II*, the Framework Agreement for a Firm and Lasting Peace in Central America. Under the guidance of Costa Rica President Oscar Arias, this initiative created an institutional framework for the promotion of peace and national reconciliation, in both Guatemala and Central America. Cerezo's government also established the *Comisión Nacional de Reconciliación* (National Reconciliation Commission, CNR) and ended his term in 1990 by announcing that his government would enter into dialogue with the guerrillas without their prior disarmament.

During the period of direct negotiations, 13 peace accords were signed, the contents of which were strengthened and legitimized considerably by citizen input to the *Asamblea de Sociedad Civil* (Civil Society Assembly, ASC). The peace accords were ambitious in scope and established the blueprint for a structurally and conceptually transformed nation state. The accords contemplated socioeconomic and agrarian reform, constitutional reform, recognition of the specific rights of indigenous peoples, strengthening of civilian government, military reform, the demobilization of the guerilla army of the *Unidad Revolucionaria Nacional Guatemalteca* (Guatemalan National Revolutionary Unit, URNG), and the resettlement of displaced peoples and refugees. Several of the accords were weak and attracted criticism, such as the National Reconciliation Law, which offered blanket amnesty for political crimes carried out by the military and the guerrillas during the armed conflict.

Elections Since 1985

Four national elections have been conducted since Guatemala's return to civilian rule in 1986. The commitment of elected leaders to enacting the peace accords and ruling democratically has varied considerably between administrations.

In December 1985, Vinicio Cerezo was elected to office, winning 70 percent of

votes cast in the second round. About half of all eligible voters participated in that election (49.9 percent), representing 69.3 percent of registered voters, in spite of the fact that voting had been made compulsory. While competition was free in theory (no political party was formally banned from taking part in the elections), the elections took place in a repressive environment marked by ongoing insurgency and counterinsurgency operations.

As with the 1985 elections, however, the 1990 elections were shrouded by acts of violence and intimidation. Of those eligible to vote in the 1990 elections, only 14.1 percent participated (representing 56.4 percent of registered voters). Jorge Serrano of the *Movimiento de Acción Solidaria* (Movement of Solidarity Action, MAS) was elected to the presidency with 68 percent of votes cast in the second round. Serrano's inauguration in January 1991 marked the second transfer of power between civilian governments in Guatemalan history, the first having taken place when Jacobo Arbenz (1952-54) succeeded José Arévalo.

Under Serrano's administration, the first meeting between the government and the URNG took place on April 26, 1991, in Mexico, ending with the signing of the *Agreement on the Procedure for the Search for Peace by Political Means*. Despite advances on the road to peace, the democratic transition suffered a temporary blow under Serrano. On May 25, 1993, leading an administration without popular legitimacy and facing charges of corruption, Serrano orchestrated an *auto-golpe* (self-coup) and suspended Congress, the constitution, and key democratic government institutions.

The response of civil society to the political crisis was swift and effective, resulting in the overturning of the coup and the subsequent election by Congress of former PDH Ramiro de León Carpio to the presidency. Under De León Carpio's short presidential term, the process of democratization continued, and the peace negotiations were recognised by his government as national policy.

At the end of 1995, one-third of eligible voters participated (46.7 percent of those registered) in general elections that brought the *Partido de Avanzada Nacional* (National Advancement Party, PAN) candidate, Alvaro Arzú, to the presidency. Arzú defeated Alfonso Portillo of the FRG in the second round of the election by only two percent (37,000 votes). Overwhelming support for Arzú in the capital city, in contrast with strong support for the FRG in the countryside, was decisive in this electoral result. President Arzú, along with all other political parties, recognized the peace accords as formal commitments. His government oversaw the final negotiations that brought the armed conflict formally to an end with the signing of the peace accords on Dec. 29, 1996.

The 1995 elections were characterized by the participation of a popular left-wing party, the *Frente Democrático Nueva Guatemala* (New Guatemalan Democratic Front, FDNG), and the unprecedented support for the electoral process of both the URNG and Guatemalan indigenous Nobel Peace Laureate Rigoberta Menchú. These developments gave credibility and legitimacy to the electoral process and demonstrated the left's willingness to participate formally in the political system. The FDNG gained 8 percent of the vote and six congressional seats, consolidating an important space for the popular movement and political left in Congress.

President Arzú's government left office in January 2000 after losing the 1999 election to Alfonso Portillo of the FRG. During Portillo's administration (2000-2004), former dictator and co-founder of the FRG, ex-General Efraín Ríos Montt, held the

position of president of Congress. Ríos Montt was widely believed to have been the real power broker in the FRG, over and above President Portillo.

Analysts cite the Portillo administration as one of the most corrupt in Guatemalan history. The administration was responsible for severe deterioration in citizen security, reversals in the establishment of human rights protections, and failure to implement the peace accords. The escalating wave of attacks against human rights defenders, journalists, and judicial officials between 2001 and the end of 2003 was accompanied by a weakening of the justice system and the police, further consolidating institutionalized impunity. Unapproved public funds were transferred to the military, most notably the *Estado Mayor Presidencial* (Presidential Guard, EMP), a unit implicated in the assassination of anthropologist Myrna Mack Chang in 1990 and the murder of Bishop Juan Gerardi in 1998.

In spite of the very real dangers that faced them, many Guatemalans continued to struggle for their human rights and the rule of law during the peace process and in its aftermath. As a result, the rights that were won and the incremental increase in political consciousness that such activity achieved gradually consolidated political space for civil participation and a strengthened democratic society.

Police provide security inside the polling place.

OBSERVATION FRAMEWORK AND METHODOLOGY

Following a formal invitation, The Carter Center deployed a limited observation mission to the 2003 elections in Guatemala, focused primarily on human rights issues and secondarily on campaign finance.* The Center's election project sought to draw domestic and international attention to a range of critical human rights issues, including concerns about voters' access to the polls, the media, and public resources for all political parties and significant pre-electoral intimidation and violence. Center observers examined the broader human rights environment, such as the lack of accountability for past and present abuses, persistent attacks against human rights defenders, and systemic discrimination against the indigenous population.

The Carter Center core team included four observers, a human rights expert, and a campaign finance expert. The Center established an office in Guatemala City in October 2003 and monitored the presidential, congressional, and municipal electoral process until the end of January 2004. The team's overall objective was to monitor and publicly highlight human rights and political finance issues. The Center issued eight public statements, including two special reports on campaign finance, two statements from President Carter at key moments in the process, and three longer reports analyzing the electoral process.

The Carter Center collaborated closely during this project with the Mirador Electoral observer group, which deployed hundreds of observers early in the electoral process; the *Segunda Misión de Observación Indígena*; and the PDH. All of these volunteer national electoral observer delegations played a critical role in the election process, particularly given the climate of uncertainty and insecurity that prevailed prior to the first round of national elections when General Ríos Montt was a presidential candidate. For both the first and second rounds, The Carter Center focused its attention on the western highlands of Guatemala, a region with a majority indigenous Mayan population and high indices of poverty and social exclusion.

Meeting of the Junta Departamental Electoral (Departmental Electoral Board)

An important dimension of the Center's fieldwork methodology consisted of convening and facilitating interinstitutional meetings with government officials and representatives from civil society organizations involved in election monitoring. The aims of the meetings were to permit an exchange of observations and recommendations specifically related to human rights in the electoral context and to catalyze continuing cooperation between governmental and nongovernmental actors. A series of meetings were organized in each of the departments of El Quiché, Baja

*Due to the limited size and scope of the mission, The Carter Center was unable to provide conclusions about the overall electoral process on a national level.

Verapaz, Chimaltenango, Solola, Quetzaltenango, San Marcos, Totonicapán, and Huehuetenango. Participants included representatives of the TSE, officials and observers of the PDH, representatives of the MP and national observation groups, including *Mirador Electoral*, the *Segunda Misión de Observación Indígena*, San Carlos University, and Rafael Landivar University.

These interinstitutional meetings, combined with individual interviews conducted between November 2003 and January 2004, revealed agreement on a series of evaluative criteria as well as conclusions regarding the comparative level and quality of voter participation. They also led participants to urge The Carter Center to host additional meetings and to remain engaged in promoting democracy and human rights in Guatemala in the long term.

PRE-ELECTION OBSERVATION

Even before the official start of the election period, two complicated issues posed challenges: payment to former PACs and the proposed candidacy of former general Efraín Ríos Montt. Voter education and national observation groups worked to counter the confusion surrounding payments for ex-PACs and the fear generated by Ríos Montt's candidacy.

Payment of former PACs

A policy decision by the Portillo government of crucial importance for the 2003 electoral process related to the PACs, the military's 'voluntary' civilian adjuncts active during the armed conflict and an important component of FRG's rural support base. In 2002, organized groups of thousands of ex-PACs demanded payment for their services to the government during the internal armed conflict. Payment to PACs was controversial because many PAC members participated in some of the worst massacres against civilian populations, as documented by national and international human rights groups and the United Nations.

By 2003, President Portillo had publicly promised the ex-PACs compensation payments. This decision received fierce national and international criticism, particularly because the CEH recommended reparation programs for victims that were not being implemented. National human rights groups that opposed the payments, including the office of the PDH, were publicly threatened by ex-PACs. During the elections, the FRG would use President Portillo's promise to repay the PACs as a way to secure votes (see case studies in this report).

Efraín Ríos Montt candidacy

During the re-emergence of the PACs, and prior to the calling of the 2003 elections, the FRG began a campaign to register ex-General Ríos Montt as its presidential candidate. Political parties, civil society, human rights groups, and the international community voiced serious concern over his possible candidacy, based both on Ríos Montt's human rights record during the internal armed conflict and the legal basis of his claim for candidacy. Article 186 of Guatemala's constitution explicitly prohibits those who participated in a coup, as Ríos Montt did in March 1982, from running for president or vice president.

Ríos Montt had sought registration as a presidential candidate in the previous two elections. On both occasions, the Constitutional Court rejected his legal arguments and ruled that the constitution clearly prohibited his candidacy. In 1991, Ríos Montt's appeal to the Inter-American Commission on Human Rights (IACHR) was ruled inadmissible.

Despite these precedents, in July 2003, the Constitutional Court ruled that the constitutional prohibition of 1985 could not be applied retroactively to events occurring in 1982, opening the door to the Ríos Montt candidacy. Among the issues at stake in this decision was Ríos Montt's immunity as president of congress from pending criminal charges related to crimes against humanity and war crimes, a protective legal status that would be lost with a change of government unless he was elected President. Political parties and civil society opponents claim that some constitutional court judges, who were either FRG supporters or victims of intimidation, did not rule objectively. Ríos Montt's campaign for presidential candidacy was accompanied by violence and

intimidation. The attention of the international media was drawn to Guatemala when, on July 24, after a judicial decision temporarily suspended the Ríos Montt candidacy (later to be rescinded), trucks from the countryside carrying thousands of farmers, many of them reportedly ex-PACs and government employees, converged on Guatemala City. During 'Black Thursday' and 'Friday of Mourning', as the events are known, FRG officials, including congressional deputies enjoying immunity from prosecutions, allegedly gave individuals weapons, gasoline, and food and orchestrated the mob violence that followed.

The masked protestors targeted institutions and groups that were perceived to be leading the opposition to Ríos Montt's candidacy, including the Supreme Court, the Constitutional Court, the Supreme Electoral Tribunal and the offices of the newspaper *El Periódico* and other media groups. A crowd of protestors attempted to lynch photographer Juan Carlos Torres of *El Periódico*, who managed to escape. Tragically, journalist Héctor Ramírez from *Radio Sonora* died of a heart attack after being chased by the mob. Residential areas, including those where embassies are located, were also targeted. All human rights organizations and many schools closed down during the crisis.

The contradictory and slow response of the executive and the accompanying complete absence of public security were widely criticized. Investigations by government authorities into the incidents were fruitless, although Ríos Montt was placed under house arrest, and other FRG officials were subject to investigation pending judicial inquiries.

Ríos Montt's candidacy increased tension and fear, calling to mind memories of violence and intimidation and greatly influencing the pre-election climate. His

Campaign poster for presidential candidate Ríos Montt

candidacy continued to affect voter behavior throughout the campaign period and on election day.

Main Presidential Candidates

Oscar Jose Rafael Berger Perdomo
Alliance: Grand National Alliance (GANA)*
Alvaro Colom Caballeros
Party: National Unity for Hope (UNE)
Jose Efrain Rios Montt
Party: Guatemalan Republic Front (FRG)
Leonel Eliseo Lopez Rodas
Party: National Advancement Party (PAN)
Friederich Garcia-Gallont Bischof
Party: Unionista Party
Rodrigo Asturias Amado
Party: Guatemalan National Revolutionary Unity (URNG)
Jose Eduardo Suger Cofiño
Party: Authentic Integral Development (DIA)
Manuel Eduardo Conde Orellana
Party: Movimiento Social y Politico Cambio Nacional

*GANA included Partido Patriota, Movimiento Reformador, Partido Solidardidad Nacional

Voter Education

Voter education and national election observation initiatives played mutually reinforcing roles in the electoral process. In departments visited by The Carter Center, national observers highlighted the importance of these voter education efforts in improving the breadth and quality of voter participation.

A key message of many education efforts was that receipt of handouts from political parties ought not to make the beneficiary feel compelled to vote for that party, a message that contradicts a fundamental principle of reciprocity in Mayan culture. In departments such as Chimaltenango, San Marcos, and Totonicapán, for example, this message was delivered by both church and local community organizations. The message appears to have had a significant impact according to Carter Center interviews, and is also reflected in the frequency with which voters, in spite of widespread exposure to vote buying tactics, split their votes among different parties at the municipal, district, and national level in an unprecedented manner.

The role of the community radio station of the Catholic parish in Momostenango is illustrative of these efforts (see Totonicapán case study). The station provided an unusually frank public forum in a relatively highly populated municipality for critical debate and for voter education. The station's impact was reflected in part by anonymous threats it received from supporters of the incumbent FRG party. The radio station also facilitated communication between national volunteer observers dispersed in often-remote locations on election day.

While similar initiatives were undertaken in El Quiché, national observers suggested that messages were overshadowed by the enduring culture of fear that such vote buying played upon.

In addition to the public disturbances in Guatemala City in July 2003, the mobilization of civil society groups as election observers and providers of voter education was also prompted by a national teacher's strike, which demonstrated the potential for success of popular mobilization against perceived undemocratic practices. These events galvanized civil society groups, local and national, against the evident willingness of at least some factions of the FRG to use violence for political ends.

Vote Buying and Voter Intimidation

The Carter Center was concerned about attempts by political parties, particularly the FRG, to influence voting through unethical practices, including vote buying and intimidation. These practices sought to make political advantage out of the endemic poverty and the marginalization of much of the rural population and undermined citizen participation in the electoral process.

FINANCING DEMOCRACY IN GUATEMALA

In addition to observing the human rights situation in Guatemala during and after the 2003 elections, The Carter Center's election observation mission also focused on political finance law and practice to promote a process of discussion concerning possible reform. The full report on the Political Finance Project in Guatemala, excerpted below, can be found on the Carter Center website.*

Political Representation in Guatemala

Guatemala's political parties by and large exist mainly at election time and are headed by prominent or aspiring leaders, many of whom have changed party affiliation several times during their careers. In addition, the party and electoral system exists in a society characterized by severe poverty, extreme inequality, and gross social exclusion rooted in an ethnic divide between indigenous and nonindigenous Guatemalans. The sense of citizenship is weak and the possession of political resources unequal, creating ideal conditions for clientelistic practices that manifest around election day in the bussing of voters by parties and vote buying. The legacy of 36 years of armed conflict still exercises profound effects and facilitates the intimidation of voters in certain areas of the country.

The Guatemalan System of Political Finance

Problems with representation are exacerbated by political finance rules. The system provides for a combination of public and private financing of party and campaign activities in theory, but the public component provides such a small contribution that it is of negligible importance. Although Guatemalan public radio and television are obligated to grant each political party 30 minutes of airtime weekly during election campaigns, their range is so limited that political parties rarely use them. Parties may spend without limitation on campaign advertising, and the private media is under no obligation to provide specific amounts of airtime to political parties during election campaigns.

Rules for the disclosure of parties' campaign contributions are nonexistent, and there are no bans on the receipt of foreign donations or contributions from anonymous sources. This lack of control over donations maximizes the potential both for large financiers to dominate the political finance system and money of illicit origin to penetrate parties and campaigns.

The Supreme Electoral Commission (TSE) cannot effectively enforce prohibitions on using state resources for partisan propaganda during campaigns and on public officials using their influence or authority in favor of or against a candidate. In a country characterized by an extremely unequal distribution of income and wealth, this system maximizes the potential for those with money to determine the outcomes of election contests and shape policy to their own advantage, disregarding the will of the voters.

* http://www.cartercenter.org/documents/1674.pdf

Parties and Political Finance in Guatemala: The 2003 Experience

The 2003 election campaign generated a highly unequal pattern of campaign spending and media access, charges of government favoritism toward the incumbent party, and a finance scandal that highlighted the deficiencies of the regulatory system and apparatus. Data collected by a civil society group, Citizen Action (*Acción Ciudadana*), indicated not only a high level of media spending but also the disparity in overall media spending between the five largest parties and the rest, as well as a general lack of transparency regarding campaign finance.

In addition, allegations were rife that public resources were being used to buy votes for the incumbent FRG party. Additionally, in direct violation of election law forbidding public officials from using their influence in favor of or against any particular candidate, incumbent president Alfonso Portillo delivered a public speech urging Guatemalans to vote for FRG candidate Efraín Rios Montt. An exposé in a Guatemalan newspaper charged that the government had also funneled money to two smaller parties in order to deprive its major competitor, the GANA, of votes.

Proposals for Reform

One objective of the Carter Center's electoral mission to Guatemala was to contribute to informed debate about issues of party and campaign finance. The Carter Center report focuses mainly on the practical implications of the 2001 reform of the Law on Elections and Political Parties, which formed the basis for the debate on reform.

The reform bill proposes raising the state's contribution to campaigns, limiting total campaign spending, limiting media advertising during campaigns, providing free public media access, preventing favoritism by private media, publicizing registers of donors to political parties and candidates, limiting individual contributions to 10 percent of the campaign-spending total, and providing sanctions for noncompliance. However, lack of clarity and specificity about how its provisions will be applied poses questions about the bill's overall impact, and even whether certain clauses could be implemented at all. In light of this, The Carter Center offers the following recommendations for action:

- Reassess whether it is cost-effective to impose ceilings on overall campaign expenditures, and if the decision is to proceed with such ceilings, specify clearly the limits that apply to each party and each election.
- Eliminate any discretion in the setting of limits.
- Consider a further shortening of the election campaign.
- Reassess the idea of imposing a maximum limit on media spending that is equal for all parties.
- Require candidates and parties to maintain registers of their campaign donations
- Specify the types of information concerning donations that must be reported and the time frames for such reporting.
- Rethink the 10 percent limit on individual donations to make implementation easier.
- Strengthen the oversight powers of the TSE, in particular by granting it the official authority to investigate abuses of campaign finance rules.

POLLING AND RESULTS

The range of issues that engaged voters in the 2003 elections was relatively narrow and indicative of the historic weakness of political parties, the continuing dominance of political, economic, and military elites, and the lack of interest that political parties show in the daily realities of the electorate, particularly in rural areas. It is also indicative of the ongoing influence of militarization and of a deeply entrenched political culture of patron-client relations nurtured by discrimination, impunity, and profound inequality.

In district and municipal electoral races in the Western Highlands, debate between contending parties on substantive themes was often overshadowed by vote-buying strategies that played on widespread poverty, marginalization, and fear. The single issue of retired General Ríos Montt's candidacy also tended to dominate political strategies and discourse, leaving little room for serious discussion of the needs and aspirations of voters.

In spite of these trends, national monitors and electoral authorities also noted that these elections broke new ground in the extent of media coverage, civil society electoral observation, voter education initiatives, and the convening of candidates for debate in town hall meetings. These are all positive indications of democratic "deepening."

In a number of regions, town hall meetings generated commitments to substantive policy positions, although local election monitors noted the frequent abstention of the FRG candidates from these activities. Nationally, political parties also signed a series of commitments, including a *Shared National Agenda* ranging across most of the key substantive policy areas. The agenda included a commitment to ethical political conduct, which was largely ignored in practice by many parties, and importantly, a commitment to implementation of the Peace Accords.

First Round: Nov. 9, 2003

Observers from The Carter Center and other international organizations, including the Organization of American States (OAS) and the European Union (EU), declared both rounds of elections to be generally free and fair but noted serious technical problems in the first round. Carter Center observers monitored first-round voting in El Quiché and in Alta and Baja Verapaz and confirmed both regions had a high level of participation but long delays in processing voters. Observations and complaints registered by the TSE and electoral observers showed that errors in the voter rolls and laborious polling procedures undermined the fairness of voting for many citizens.

Election officials check voter identification.

The TSE eventually attributed most of the voting delay to a lack of capacity by local polling officials, while other institutions, including *Mirador Electoral*, estimated that a considerable number of voters had been incorrectly registered by the TSE during the process of updating the registry in the preceding months.

A majority of 56 percent of registered voters participated in the first round of elections [Table 1]. This level of participation forms part of a trend of increasing participation since a low point in voter turnout in the 1995 general elections. However, there was significant regional variation, from 35 percent to 90 percent registered voter participation, for example, among municipalities in the Western Highlands. Moreover, although national participation increased on average with each of the last two elections, this trend is not reflected in all of the departments, including Totonicapán.

As many national and international observers immediately noted, voters in some regions appeared more prepared and willing than in previous elections to split their votes between distinct parties. Consistent with historical trends, voter participation dropped in the second round of voting.

Presidential Election Results – First Round, Nov. 9, 2003

Table 1: Voter Turnout – First Round

Registered Voters:	5,073,282	
Votes Cast:	2,836,671	55.91% of registered voters
Valid Votes:	2,621,150	92.40% of votes cast
Invalid Votes:	117,800	4.15% of votes cast
Blank Votes:	97,221	3.45% of votes cast

Source: http://www.electionguide.org

Table 2: Presidential Election Results – First Round

Presidential Candidate	Party	Valid Votes	% [of Valid Votes]
Oscar Jose Rafael Berger Perdomo	Grand National Alliance GANA	903,343	34.46%
Alvaro Colom Caballeros	National Unity for Hope UNE	694,082	26.48%
Jose Efrain Rios Montt	Guatemalan Republic Front FRG	503,679	19.22%
Leonel Eliseo Lopez Rodas	National Advancement Party PAN	218,429	8.33%
Friederich Garcia-Gallont Bischof	Unionista Party	79,726	3.04%
Rodrigo Asturias Amado	Guatemalan National Revolutionary Unity URNG	67,171	2.56%
Jose Eduardo Suger Cofiño	Authentic Integral Development DIA	58,113	2.22%
Manuel Eduardo Conde Orellana	Movimiento Social y Politico Cambio Nacional	10,425	0.40%
Other Candidates	N/A	86,182	3.29%

Source: http://www.electionguide.org

Second Round: Dec. 28, 2003

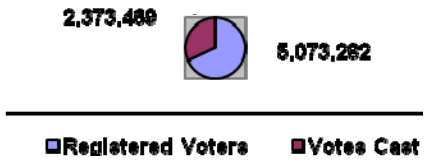
As the candidates with the two highest vote tallies from the first-round, Oscar Jose Rafael Berger Perdomo of the Grand National Alliance and Alvaro Colom Caballeros of National Unity for Hope, faced off in the second round election on Dec. 28, 2003 [Table 2].

The second round of presidential voting was accompanied by municipal elections. The Carter Center observed the polls in the municipalities of Baja Verapaz and Alta Verapaz, El Quiché, Huehuetenango, Totonicapán, San Marcos, and Suchitepequez.

Carter Center reports coincided with the judgment of other international observer missions that the conduct of the election overall was fair and that voters were permitted to vote freely. The Carter Center report noted in this regard that incidents of vote buying and coercion were fewer than in the first round. In fact, political parties as well as public and private institutions had made fewer efforts than in the first round to encourage participation, whether through ethical or unethical means.

In the second round of elections, 46.78 percent of registered voters participated [Table 3], almost a 10 percent drop from the first round. Historically, presidential run-off elections in Guatemala have generated far less interest than the local mayoral and district contests. This reflects the relative absence of the centralized government from the daily lives of most citizens, particularly in rural areas, and a common perception that citizens' lives are more affected by their local political administration than by the national government.

Figure 1: Second Round Voter Turnout



The 2003 elections drew more attention than usual due to the controversial candidacy of ex-General Rios Montt, but the elimination of this candidate dramatically reduced both political tensions and voter interest. Civil and political support that had been galvanized across the political spectrum and voter education efforts for a massive 'no' vote against Ríos Montt subsided in the second round. The Carter Center also observed that political parties did not take great measures to make public transport available to citizens living in remote rural areas, and voters encountered fewer financial incentives to participate in the second round. National analysts and observers noted that neither of the two candidates proposed policies or engaged in debate that captured the attention of the electorate.

Problems with the registry that affected voting in the first round had little impact in the second round, as voters were generally able to resolve registration problems between rounds. International and national observers unanimously recommended, however, that future reforms include the simplification of the voter registry to guarantee equal access to populations that suffer historically from poverty, social exclusion, and discrimination.

Presidential Election Results – Second Round, Dec. 28, 2003

Table 3: Voter Turnout – Second Round

Registered Voters:	5,073,282	
Votes Cast:	2,373,469	46.78% of registered voters
Valid Votes:	2,282,171	96.15% of votes cast
Invalid Votes:	67,106	2.83% of votes cast

Blank Votes: 24,192 [1.02% of votes cast]
Source: http://www.electionguide.org

T**able 4: Presidential Election Results – Second Round**

Presidential Candidate	Party	Valid votes	% [of valid votes]
Oscar Jose Rafael Berger Perdomo	Grand National Alliance	1,235,303	54.13%
Alvaro Colom Caballeros	National Unity for Hope	1,046,868	45.87%

Source: http://www.electionguide.org

CASE STUDY: TOTONICAPÁN DEPARTMENT

In Totonicapán department the UNE presidential candidate, Alvaro Colom Caballeros, won the first round of the presidential race, which came as a surprise to many observers who had assumed the FRG candidate would easily win in the department. The Carter Center decided to carry out an in-depth study of this unexpected result, with particular interest in the roles of traditional Mayan systems of governance and the electioneering tactics used by the FRG. The Center convened follow-up meetings in Totonicapán, Momostenango, and Santa Maria Chiquimula, with the participation of national electoral observers as well as electoral authorities, the PDH, the MP, and others. This case study draws primarily from the information gained from those meetings and other published data.

A poster marks the location of a voting station.

The Totonicapán Department, in the Western Highlands, is territorially small (1,061km^2) with a population of 339, 254. Eight municipalities make up the department: San Miguel Totonicapán, San Cristóbal Totonicapán, San Andrés Xecul, San Francisco El Alto, Momostenango, San Bartolomé Aguas Calientes, Santa María Chiquimula, and Santa Lucia La Reforma.

Totonicapán maintains the highest percentage (96.9 percent) of indigenous people of any Guatemalan department, nearly all of them K'iche' speakers. Totonicapán is also one of the poorest departments, with 86 percent of the population living in poverty and 56 percent in extreme poverty.

Despite high levels of poverty for the department as a whole, pronounced differences in degrees of marginalization and of economic power appear within the municipalities. Relatively small groups of K'iches retain a great deal of economic power, a situation that was catalyzed by the partial exodus of nonindigenous people from the departmental and municipal seats during the armed conflict.

There are lesser degrees of social marginalization in the municipalities in the southern and western parts of the territory. These more rural areas maintain a great deal of contact with the nearby city of Quetzaltenango, which offers commercial, educational and employment opportunities. Large numbers of men from Santa María Chiquimula and Momostenango and some from Santa Lucía La Reforma earn their living from commercial enterprises that have developed from the historical production and sale of artisan goods, traveling and selling throughout Guatemala and in neighboring countries. None of these municipalities can be classified as isolated from national life in Guatemala, and with the rapid increase in emigration to the U.S. over the past five to 10 years, they have also been integrated more thoroughly into the global labor market.

Consequences of the Armed Conflict

During the internal armed conflict, the areas with somewhat better economic conditions – which constitute most of the department – did not suffer the tragic destruction that occurred in other areas of Guatemala. Violence primarily affected the areas closest to El Quiché department in Santa María Chiquimula, the northwestern areas of Momostenango, the villages in the eastern part of San Miguel Totonicapán and, especially, the town of Santa Lucía La Reforma, whose history is much more similar to that of the bordering towns of El Quiché. The PAC acted most strongly in these same areas. However, the reduced level of violence and the limited presence of the PAC in some areas of the department did not isolate them from fear or the erosion of Mayan structures of local power that occurred in much of the country.

Police look in on the counting process from outside.

Party and Government Activities

The Carter Center observed that the municipality of San Miguel Totonicapán developed an elaborate cliental relationship with the FRG government. As the elections neared, the implications of this relationship became more palpable, and pressure from the ruling party upon the citizenry increased substantially. Center observers learned that two recently elected district deputies, through their previous positions of mayor of San Miguel Totonicapán and national director of the *Fondo de Inversión Social* (Social Investment Fund, FIS), acted as the key interlocutors between the communities of Totonicapán and the national government.

The Center received reports from national observers that before and during the elections, the government and the ruling party used the following electoral strategies in Totonicapán and other departments:

1) the use of government resources for campaign purposes, in direct contravention the constitution;
2) the use of duress and coercion to induce votes for the FRG;
3) the manipulation of the ex-PAC through payment;
4) the infiltration into Mayan community structures for electoral objectives.

The Center also received reports of vote buying, death threats, and acts of violence. If these acts were not part of a systematic government or party strategy, they were certainly undertaken by members of the ruling party, possibly acting at a local level without broader strategic coordination. Nevertheless, the high degree of party organization and the heavy pressures placed upon the population during the months prior to the first round of elections put the towns of San Miguel Totonicapán, Momostenango, and Santa Lucia La Reforma into a state of fear that only dissipated with the FRG loss of the presidential election.

Intimidation: Sources reported that in the months prior to the first round of elections, ruling party agents, often acting as representatives of government institutions

such as FIS or *Fondo Nacional para la Paz* (Nacional Fund for Peace, FONAPAZ), began to use various forms of duress as a means of forcing voter support in Totonicapán. These included:

- Party agents (often acting as government officials) pressured people to participate in party meetings and made specific forms of material aid dependent on their participation and at times demanded that participants bring other individuals to the meetings.
- Ruling party agents threatened to end ongoing infrastructure projects, such as the paving of roads, or to prevent promised projects from being started, if community members did not vote for the FRG.
- Through promises of material aid or infrastructure projects, ruling party agents facilitated transportation to the election registration for potential voters. The same people at times misinformed voters that the computerized registration process would record their votes, resulting in negative consequences for those who voted against the FRG.
- One observer noted that ruling party agents in Momostenango intimidated voters by telling them that if they did not vote for the ruling party they were "children of Xibalbá" (the territory of the underworld in the Mayan cosmology).
- Public employees were threatened with losing their jobs if they did not support the ruling party.

Manipulation of ex-PAC: The PAC had a powerful impact in Santa Lucia La Reforma and to a lesser degree in Santa María Chiquimula. The ruling party used promises of payment to ex-PAC to win their votes. The Carter Center heard reports of one occasion when potential voters from Santa María Chiquimula were invited to the district capital, ostensibly to receive papers that would prove their previous participation in the PAC or their status as widows of ex–PAC. Rather than receiving such an accreditation, the people were registered as members of the FRG. In one extreme case, an illiterate woman was tricked in this fashion and upon her return home was informed that she had been registered as a voter in a party whose presidential candidate had been chief of government at the time that security forces had killed her son.

Some of the people who participated in the events of *Jueves Negro* (Black Friday) on July 24 and 25 traveled to the national capital from Santa María Chiquimula and Momostenango under the impression that they would receive indemnification as ex-PAC. Others were invited on the pretense that 'the General' (former General Efraín Ríos Montt) was going to give them money, only to arrive and receive clubs and machetes. In some cases, these people refused to participate in the planned disturbances and returned directly to their towns of origin.

Use of Community Structures: The ruling party used Mayan community structures such as community improvement committees, *Alcaldes Auxiliares*, religious brotherhoods, etc., as political vehicles. In Santa Lucía La Reforma, national observers informed The Carter Center that the ruling party chose as its candidate a resident of the village whose turn it would be, in the local rotational system, to act as mayor. In this way the FRG was able to strengthen its political standing by making use of the local traditions of governance.

Vote Buying: All of the parties offered cash and/or lunch and transportation to the voting center, in exchange for votes. Parties as well as voters consider this practice to be completely normal. Officials from government institutions feel it is impossible to prevent or denounce such activities as long as they do not occur within the voting centers.

Threats and Violence: The Carter Center received the following reports of violence and intimidation in Totonicapán:

- In Momostenango a number of non-governmental organizations, in particular the community radio program that operates from the parish offices, undertook campaigns to promote conscientious voting (*el voto consciente*). The Carter Center was informed that the parish priest received an indirect death threat from the mayoral candidate. At a public meeting shortly before the election, the FRG mayoral candidate seeking re-election told the audience that if he were to lose, he would kill the parish priest.

- Also in Momostenango, a church fire in the early hours of Oct. 31 burnt a significant portion of the parish meeting hall before being extinguished by the community. The circumstances of the blaze allegedly implicate members of the FRG close to the outgoing mayor, who failed to appear that night on a radio program in which callers would have interviewed him. The scene of the crime was cleaned before any sort of criminal investigation had begun, even though National Civil Police and the Justice of the Peace were informed. Government authorities undertook no further investigation, and the case was brought to the attention of the PDH.

- On Nov. 3, six days before the election, during a transmission of the community radio station in Momostenango, anonymous callers threatened the parish priest, the community radio itself, and several people involved in producing the program.

- In San Miguel, the Center was informed that on Dec. 5, a car that was clearly identified as belonging to the Ministry of the Interior rapidly approached a staff member of the parish media center with the intention of threatening or running him down. The parish chose not to denounce this crime, believing it would not be addressed in the appropriate manner and would, therefore, be a waste of time.

Voter Participation

Statistics for Totonicapán indicate higher levels of voter participation for the first round election than in the 1999 elections but the same rate of participation during the second round as elections in 1990 and 1999 (though slightly higher than that of the 1995 elections). Overall turnout in the department for the first round was 46 percent participation (varying between 45 percent and 68 percent in different towns) and 56 percent for the second round.

Long and slow-moving lines such as these were commonplace on election day. This photograph was taken one hour before the official close of polls.

Nonetheless, the willingness on the part of the voters to tolerate the long waits outside polling stations and difficulties with the voting lists inside the stations was evidence of a strong desire to vote. Within the department, Santa María Chiquimula, Santa Lucia La Reforma, and San Andrés Xecul showed the highest percentages of participation by registered voters. The first two municipalities have highly marginalized populations that were affected seriously during the armed conflict, but support for FRG remains high.

According to many national observers, the large numbers of indigenous women voting

on Nov. 9 marked a significant change from previous elections. There may be several reasons for this increase. On one hand, strong national campaigns led by organized civil society, often related to a rejection of the ruling party and especially its presidential candidate, pushed hard to get women to the polling stations. On the other hand, the FRG also encouraged women to vote (often by offering goods and promises of development projects in exchange for their votes). Though large numbers of women voted, very few ran for municipal or national office in Totonicapán, a phenomenon repeated elsewhere in the country.

With 96 percent of the departmental population indigenous, nearly all voters and mayoral candidates were indigenous. Approximately 50 percent of the candidates for departmental deputies were also indigenous. All of the newly elected mayors and two of the four new district deputies were indigenous.

Election Results

Despite the nearly universal predictions that the FRG would handily win in the department of Totonicapán, the results were mixed. Analysis of the first round results showed that while UNE received a significantly higher percentage of votes than the FRG in the presidential race (33 percent compared with 20 percent), the FRG won a larger number of votes in the mayoral, deputy, and Central American Parliament (*Parlacen*) races.

The FRG won two of the district deputy seats, with the UNE and the PAN taking one each. The first two parties dominated the race in terms of absolute numbers of votes, but GANA was weakened, perhaps due to the nomination of a candidate endorsed by only one of the alliance members. The two FRG victors, Ivan and Edgar Arévalo, played important roles in departmental party organization. The distribution of votes for national list deputies and for *Parlacen* was largely similar to those above, though the rates of blank votes and invalid votes were significantly higher in those races.

In the races for deputies on the national list and the *Parlacen*, the margins of victory were a single percentage point. Additionally, the FRG won five of the eight mayoral elections, losing to the UNE in Momostenango and San Francisco El Alto and to a civic committee in San Bartolomé Aguas Calientes. In Momostenango the FRG mayor sought re-election despite numerous accusations of corruption and the opposition of many organized civil society groups.

In the presidential race, Ríos Montt won in the two most marginalized towns in the department, Santa María Chiquimula and Santa Lucia La Reforma [Table 5].

Poll workers count ballots for national party list congressional representatives.

The different results in the various races reveal a new phenomenon in the Guatemalan electoral panorama. “Crossed voting” refers to the decision by the voters to distribute their votes among more than one party across different races. In general terms, three important tendencies can be observed in the department:

- Many voters appear to have voted with their conscience, in spite of vote-buying efforts or promises made prior to the elections.
- With the exceptions of Santa María Chiquimula and Santa Lucia La Reforma, where voters consistently maintained their party preferences, it was common for voters, without regard to their choice for mayor, the national congress, or Parlacen, to choose one of the large opposition parties (the GANA or, especially, the UNE) for president.
- FRG voters were the most united and disciplined. They voted the party slate with greatest frequency in all towns except for San Cristóbal Totonicapán, San Andrés Xecul, and San Miguel, where the numbers of votes for Ríos Montt were well below those for the other FRG candidates.

Table 5: District Election Results			
Department of Totonicapan 130,605 voters total			
	Mayor	**Deputy (district)**	**President**
FRG		18,047 (29.30%)	14,209 (22.46%)
GANA		(MR) 5600 (9.09%)	11,431 (18.07%)
UNE		15,211 (24.7%)	23,765 (37.57%)
PAN			6,408 (10.13%)
Momostenango 26,603 voters total			
	Mayor	**Deputy (district)**	**President**
FRG	2,513 (21.43%)	2,402 (20.9%)	2,128 (18.41%)
GANA	386 (3.29%)	(MR) 564 (4.91%)	1,559 (13.49%)
UNE	3,669 (31.28%)	2,778 (24.17%)	5,142 (44.48%)
PAN		1,532 (13.33%)	
PU		1,686 (14.67%)	
Sta. Lucia La Reforma 5,666 voters total			
	Mayor	**Deputy (district)**	**President**
FRG	1,468 (39.52%)	1,474 (40.63%)	1,456 (40.32%)
GANA		(MR) 30 (0.83%)	90 (2.49%)
UNE	999 (26.89%)	911 (25.11%)	927 (25.67%)
PAN	1,119 (30.12%)	1,022 (28.17%)	

Civil Society and Domestic Observers

Especially in San Miguel Totonicapán and Momostenango, civil society organizations, particularly the Catholic Church, undertook public education campaigns to promote conscientious voting (*el voto consciente*). The campaigns had three goals:

1) to encourage a rejection of the ruling party, and in particular its presidential candidate
2) to inform voters that their vote is secret and that receiving goods or money from a candidate or party does not carry any obligation to vote for that candidate or party
3) to inform voters that they are free to vote for candidates from different parties in different races

The Carter Center heard that the work of the community radio station in Momostenango and the radio programming of the parish in San Miguel Totonicapán were of utmost importance for the successful development of these campaigns. All *Mirador Electoral* observers were equipped with cellular telephones to report irregularities to the community radio station. These calls may have had an important impact in limiting violations of the electoral law on election day.

The participation of national electoral observers also provided an example of how citizen watchdog organizations can have an impact on government activities in Guatemala. The fact that many participants in the national observation were young people bodes well for future political participation in Guatemala, though their youth also must confront the traditionally hierarchal nature of Guatemalan society.

CASE STUDY: EL QUICHE DEPARTMENT

In El Quiché department, events during the electoral campaign and on election day undermined the quality of the elections. The prevailing conditions of poverty and a culture of violence and impunity in the region facilitated the unethical behavior of political actors.

Carter Center and other national and international observers witnessed many electoral violations committed in the lead-up to the elections. Significantly, in a pocketful of municipalities, national observers informed The Carter Center that electoral fraud took place in the first round of elections on Nov. 9. These and other offenses are punishable under the Electoral Act and the Penal Code.

Subdelegates of the Office for the Registry of Citizens and members of the *Junta Electoral Municipal* (Municipal Electoral Board, JEMs) believed that the widespread intimidation of voters resulted in the FRG winning an additional six seats, bringing the FRG's department-wide total to 15. Nevertheless, little or no investigation or prosecution was initiated, largely as a result of both ambiguity and the narrow interpretation of the electoral law.

Following the first round of elections, The Carter Center held meetings in Nebaj and Santa Cruz del Quiché with the participation of national electoral observers as well as electoral authorities, the PDH, MP, PNC, TSE, and civil society organizations. This case study draws primarily from the information gained from those meetings and reports from the Center's observers.

The northwestern highland department of El Quiché represents an area of high incidence of poverty and long-term conflict over land distribution. The rate of extreme poverty in El Quiché exceeds the national average at 50 percent for the population.

El Quiché was one of the departments that bore the brunt of the internal armed conflict during the 1980s, resulting in a legacy of fear, militarization, and a culture of violence. Human rights violations and atrocities were perpetrated by the government security forces in a region where the *Ejército Guerrillero de los Pobres* (Guerrilla Army of the Poor, EGP), one of the four distinct insurgent groups of the URNG, focused its operations on the indigenous population. As a result of counterinsurgency operations, indigenous people suffered extreme levels of political violence at the hands of the military and the PAC, including massacres and mass rapes.

A further result of the violence was the destruction of indigenous community structures and local political authority systems and their replacement with military authority structures. The end of the armed conflict meant, at least on paper, that civilian authorities once again administered the municipalities in the department. However, this aspect of indigenous culture had been severely affected during the conflict and has been slow to recuperate from the effects of the counterinsurgency, particularly in the Ixil area. As a result, indigenous authority structures have been weakened and exert less influence on local government power structures than they do in other departments, such as Totonicapán. Consequently, indigenous actors are less able to negotiate successfully with government institutions, and ethnic tension persists under the surface of social relations.

The Ixil Region

The Ixil region is in the far north of El

Quiché and is made up of three municipalities, Santa María Nebaj, San Juan Cotzal, and San Gaspar Chajul. Due to their relatively isolated location, the inhabitants of the Ixil have been able to retain their dress, language, and customs to a much larger extent than the rest of the department, despite the brutality of counterinsurgency operations in the area.

This is a monument to the victims of one of many massacres that has taken place in Rabinal, Baja Verapaz.

The Ixil region was one of the first areas targeted by the Guatemalan army for selective repression, including massive violations of human rights and large-scale massacres. Although permanent army occupation did not begin until 1978-79, a campaign of selective repression began in 1975 when guerrillas of the EGP killed landowner Luis Arenas. In reprisal, the army abducted 37 local cooperative leaders. Armed incursions resulted in the total destruction of more than two dozen villages, and many inhabitants fled to the mountains and into neighboring Mexico where they perished due to hunger and lack of access to sanitation. As a result of the internal armed conflict, the population of the Ixil region declined by 24 percent.

Levels of social and economic development in the Ixil area are low compared to the rest of Guatemala. Furthermore, levels of per capita public and private investment in the area have been historically lower than other levels of national investment, contributing to a problem of social and economic exclusion.

The Guatemalan constitution acknowledges that society is multiethnic, multilingual, and multicultural, but indigenous Guatemalans are especially challenged to realize the full and effective exercise of these rights. But in El Quiché, ethnic origin, place of residence, and limited economic resources effectively limit indigenous access to the full enjoyment of human rights obligations created under national law and international treaties and conventions.

Voter Registration

In the 2003 elections, the number of registered voters in El Quiché was 243,583, accounting for 37.15 percent of its overall population (an increase of 19 percent since 1999).

Despite a low registration figure compared to other departments in Guatemala, during the July-August 2003 update, the number of registered voters in El Quiché grew by an average increase of 11 percent. The larger increases in voter registration were particularly notable in municipalities where the mayors in office at the time belonged to opposition parties.

The high incidence of voter registration, especially in the latter quarter prior to the elections at national level, was in response to the events on *Jueves Negro* ("Black Thursday") and the decision by the Constitutional Court to allow Ríos Montt's candidacy for president. Many Guatemalans

were said to have registered to vote in order to ensure that the FRG did not win. Nevertheless, the FRG enjoyed a comfortable victory in Quiché, in spite of this increase in voter registration in the department.

Voter Participation

In many of the 21 municipalities of El Quiché, voter participation was higher than the national average of participation. This was particularly true in the Ixil area and in municipalities that had a high number of illiterate voters on the electoral roll. In the Nov. 9 elections, long lines could be seen throughout the department, some of which stretched far beyond the 6 p.m. closing time of the polls. In Sacapulas, for example, the polls closed at 11:59 p.m., and in Santa Cruz del Quiché, the polls closed at around 9 p.m. By contrast, participation in the second round of voting was significantly lower in all El Quiché; indeed, in some cases participation dropped to over half that of the first round. On Dec. 28, the polls were able to close on time at 6 p.m. The only exceptions occurred in Nebaj, Patzité and Canillá, where, due to the lack of light, voting centers closed at 5 p.m. with prior permission from the TSE.

Gender Issues

In the department of El Quiché, there were far fewer women registered on the electoral roll than men. Of the 21 municipalities, only Santa Cruz del Quiché had more women on the electoral roll. Due to the high level of poverty among women, many were unable to register to vote because they did not possess the funds nor have the time to obtain an identity card. The poor status of women in Guatemala inevitably limited the exercise of their political rights. The Carter Center also received reports that many women in El Quiché were denied identity cards and were told that they did not need them. Moreover many rural women report

An indigenous woman leads the counting of the ballots.

being told "that women do not have the right to vote."

During an FRG rally in Nebaj, women were told that the 2003 elections were the first ones in which they were allowed to vote. A woman candidate for the FRG addressed the predominantly indigenous audience in Spanish informing them "that these were the first elections in the Guatemalan history where women had suffrage and taking advantage of this opportunity they should vote for FRG if they wanted to make a positive contribution to the rights of women, especially indigenous women." FRG manipulation of the indigenous women's movement was witnessed as the party used female community leaders to convince entire communities to vote for the FRG. This action was particularly acute with regards to family voting, whereby entire families, especially relatives of ex-PACs, were told to vote for the FRG. If they refused, they were told their husbands would face nonpayment of compensation

El Quiché Conference on the Political Participation of Indigenous Women

Guatemalan women first received the right to vote in 1945, though illiterate women were excluded until legislative reforms were introduced in 1965. Women's access to the ballot box has continued to be limited by several factors, including:

- A lack of identity cards, which hinders voter registration, especially among women from indigenous backgrounds, who make up 60 percent of the rural population.
- Absence of civic and voter education campaigns on the right of women and indigenous people's right to vote.
- Cultural prejudices and machismo resulted in women being pressured by their husbands, fathers, or brothers to vote for a particular party or candidate.
- Less access to formal education and high rates of illiteracy among indigenous women.

Several women's organizations launched concerted campaigns to strengthen women's political participation in the 2003 elections, and in January 2004, The Carter Center facilitated a conference of indigenous women in El Quiché to reflect on this experience.

The conference took place in "El Descanso" in Nebaj in the Ixil region of El Quiché. Twenty-three participants attended the conference, representing PDH, Centro para la Acción Legal en Derechos Humanos (Center for Legal Action for Human Rights, CALDH), *Mision Indigena*, police, local media, teachers, social workers, a candidate for the national assembly, and national political party observers.

The conference addressed five cross-cutting themes: **participation, discrimination, violence, information, and education, and the proceedings were broadcast live on radio**.

Participants were split into two groups. The first group discussed which themes were most relevant issues to the elections in El Quiché. The second group discussed how their own institutions dealt with these themes and how in the future they could prevent discrimination and violence and strengthen information, education, and the participation of the indigenous woman.

The first group concluded that the participation of indigenous women was more pertinent in the first round than the second round and that many women were manipulated into voting for a particular party. This was possible due to their poverty, high illiteracy levels, lack of access to information on political matters, and the lack of resources that are available to the majority of indigenous women – many lacked access to a basic education. Violence was said to consist both of physical and psychological violence – many political parties directly or indirectly threatened, used, or manipulated the indigenous woman. Furthermore, there was no conscious civic education process aimed specifically at the indigenous community. It was also concluded that the electoral authority gave priority to Latinas with only 2 percent of indigenous women being selected as polling staff.

The second group proposed to develop strategic alliances among organizations that work directly with indigenous women and promote their active participation in development. They also concluded that there should be active promotion of training for indigenous women in election legislation, election materials, education, and economics and that the TSE should take account of the social and cultural reality of each region within El Quiché. The group also called for a conscious effort to improve literacy levels and strengthen indigenous women's organizations.

promised by the government. Widows of ex-PAC members had also been promised compensation by the government, and their presence on election day could be attributed to that factor.

Despite the increased participation of women in the elections, women did not figure highly among the staff of the TSE or as candidates for office. In the whole of the department, there was not a single female on the *Junta Electoral Departamental* (Departmental Electoral Board, JED), and there were only two female members of the JEM, and neither one acted as president. The presence of female polling officials in the polling stations (*Junta Receptora de Votos*, JRV) varied among municipalities. Generally, women filled the role of secretary rather than the role of president or inspector. This pattern continued in the Office of the Citizen Registry, where less than 25 percent of the subdelegates and delegates were women.

Election Campaign

As in other departments, political parties in El Quiché employed illegal strategies to win votes, contravening many of the offenses contemplated in the Electoral Act. Many parties did not respect the propaganda of their fellow parties. It was common for one party to tear down propaganda of another party and replace it with their own. Several major parties sabotaged rallies by puncturing the tires of vehicles carrying party supporters. Furthermore, national observers reported that all presidential parties except GANA defaced government property, such as highways, mountains, bridges, and trees that overlook a public place, which is in contravention of Article 36 of the Electoral Law. The highways entering the departmental capital were riddled with electoral graffiti. Despite these simple but punishable acts being reported to the Departmental Inspector, no action was taken to sanction any political party.

FRG Electoral Offences

The Center observed that the ruling FRG party used a four-pronged approach to campaigning, which included political violence, manipulation of public works and government resources, intimidation and coercion of voters, and the manipulation of the payment to the ex-PACs.

FRG Electoral Offences

On the eve of the Nov. 9 elections, The Carter Center was informed that the FRG was campaigning in San Pedro Jocopilas municipality during the 36 hours prior to elections, which is prohibited by the electoral law.

In one village, FRG representatives called a meeting to inform residents that they should vote for FRG. They were given free calendars with the FRG symbol to ensure they would remember who to vote for. They were told that if they did not vote for the FRG, they would no longer receive water or sanitation projects.

Each attendee was asked to sign his name and give his identity number so that proper citizens would be rewarded when FRG won. The FRG also photocopied voters' identity cards and told illiterate and uninformed voters that they would not receive community projects if they did not vote for the FRG.

Political Violence

The residents of El Quiché experienced a violent political campaign. Several assassinations and acts of violence carried out in the department were believed to be politically motivated. Many supporters of opposition parties suffered physical violence at the hands of the FRG. FRG supporters attacked one supporter of GANA in a bar, smashing his face with a broken bottle and leaving a permanent scar. Still, the victim did not report the incident to the police for fear of reprisals against his family.

The violence was not only directed at members of opposition parties. Carter Center observers received first-hand information from TSE employees, including members of the JEMs, who had received death threats against them and their respective families. Practically all TSE officials with whom The Carter Center spoke received some kind of threat, mostly offensive and anonymous phone calls. In the municipalities where the FRG had a greater interest, these threats were more abusive in nature. After the second round of voting, the TSE subdelegate in Nebaj still feared for his life and asked to have a permanent transfer out of the Ixil region. Without a transfer, he said that he would resign.

There were also reported cases of members of the FRG being intimidated and threatened with violence. In one case of a female candidate for deputy, the aggressors were believed to be from her own party.

Other political parties took advantage of the reign of terror instilled by the FRG for their own gains. In Chichicastenango, the press associated the murder of Macario Eusebio (a local human rights activist whose daughter was standing as the URNG candidate) in autumn 2003 with the FRG candidate for mayor, José Tiriquiz (who subsequently won the elections with a 39 percent majority). Many opposition parties photocopied and distributed this article with hopes of provoking existing tensions.

In San Juan Cotzal, José Perez Chen, a former FRG supporter who later became the Unionist Party's candidate for mayor, lost his four year-old daughter in a house fire. It is unclear whether the fire was an accident or the result of a deliberate attempt to scare the supporter into rejoining the FRG. The family did not press charges. Nevertheless, the Public Prosecutor's Office received two complaints stating that the fire was in reprisal for Perez Chen's being a "turncoat." Perez Chen had also allegedly received threats demanding that he "affiliate himself with the FRG or suffer the consequences" prior to the fire.

Manipulation of Development Projects and Government Resources

In El Quiché it was common practice for the FRG to tell the many illiterate, indigenous and female members of the community that development projects would not continue if the FRG did not remain in power. Many projects were suspended or postponed until after the elections, and thus people found themselves without water and maize and, as a result, were afraid of not voting for the FRG.

Furthermore, according to national observers and interviewees, the *Consejo de Desarrollo* (Development Council) tended to award more projects to FRG municipalities than to those controlled by opposition parties. Carter Center observers also received information that many FRG mayors were using various international aid agencies' monies in order to finance their own projects. In some cases, such as in Sacapulas, it was alleged that a project awarded by the international NGO Caritas was presented to the public by the mayor as a project initiated and financed by his office.

Throughout the election campaign,

government vehicles were used at rallies of the FRG, and some, such as those of the Development Council, even displayed FRG propaganda in their windows.

Intimidation and Coercion of Voters

The practice of intimidation and vote buying in the department was widespread. Many potential voters were promised tin roofs, food, tools, fertilizers, and cancellation of loans should they vote for the FRG. This method successfully evoked memories of the armed conflict and created fear among voters.

It was common practice for the FRG to take the thumbprints and the names of the voters, who were awarded or promised free gifts. Many believed that this practice guaranteed the FRG's discovering how the voter voted. When Carter Center observers talked to people on the street, many indigenous and illiterate members of society believed that a camera would be watching them when they voted, a common rumor spread principally by members of the FRG in El Quiché. Another elderly man in Uspantán had been informed by the FRG that he was obligated to vote. He then asked Carter Center observers if they would also know whom he had voted for, confirming the doubt expressed by many of El Quiché that the vote was not secret.

Payment of Ex-PAC

Given the legacy of the internal conflict in El Quiché, the payment of the ex-PACs was used as a strategic tool by the FRG to obtain votes. The payments were first envisaged in September 2002 but were delayed due to a lack of funds. The compensation was not foreseen in the Peace Accords, given that the PACs were responsible for widespread and grave violations of human rights during the conflict. As a result, many human rights organizations opposed the payment and were consequently blamed for the delay in the release of the payment. In El Quiché, the FRG propagated tension between these organizations and members of the ex-PACs, whose reorganization was being encouraged by the FRG. This allegedly led to an incident in 2002 when members of the *Centro para la Acción Legal en Derechos Humanos* (Center for Human Rights Legal Action, CALDH) were almost lynched in Ilom, El Quiché.

Intimidation Over Payment to Ex-PACs

On Nov. 10 in Uspantán, the outgoing FRG mayor, Reynaldo Rivera, was taken hostage by approximately 100 ex-PACs demanding payment of their compensation. The majority of ex-PACs who had not affiliated themselves with the FRG had not been paid. The mayor said he could not resolve the situation, since he had lost the elections. They then demanded to see the Governor of El Quiché, who was taken hostage along with a member of the Public Prosecutor's office. Police were recruited from neighboring departments, and the Governor was released the next day.

Thirty-two men were arrested with 12 of them injured. They were all transferred to the departmental capital, Santa Cruz del Quiché. On Jan. 15 at the handover of the mayorship, Reynaldo Rivera Alfaro was not present.

Members of the FRG evidently controlled the financial compensation to the former members of the PAC in El Quiché, and many payments were made in exchange for affiliation to the party. The first payments in the department were received in July 2003, almost a year after the initial promise. Many municipalities did not receive their payments until just before the elections, and in Nebaj, The Carter Center received reports that the FRG mayoral candidate was offering the exchange of a check in return for a vote.

The payments were envisaged to be paid in

three installments, one installment before the elections and two after the elections, making an approximate total of Q.5,000 (approximately $625). The promise of this payment was conditional on the presentation of an identity card establishing services rendered to the PAC. Nevertheless, upon the signing of the Peace Accords, many ex-PAC burnt these documents in fear of reprisals against them and were unable to prove that they had served. Despite this fact, the number of people allegedly eligible for payment tripled the original figure envisaged by the government. Many FRG members confirmed to The Carter Center that these figures had inflated due to people taking advantage of the payment.

In municipalities such as Chichicastenango, Uspantán, San Juan Cotzal, San Gaspar Chajul, Sacapulas and Santa Cruz del Quiché, members of the FRG added people's names to the lists if they affiliated with the FRG. In Sacapulas, four days before the election, approximately 2,000 members were paid by the incumbent mayor, Señor Pedro Pu Tojin, in his office while he wore a FRG waistcoat. Each person in the queue received a number, which they had obtained by affiliating themselves with the party, and each had an FRG calendar in hand. Those who did not affiliate themselves and were unable to express their right to the payment were turned away.

Election Day

The polls opened at 7 a.m., and across the department voters were lining up as early as 2 a.m. First, voters from rural areas had to travel long distances to reach the JRVs located in the municipal towns. Many villagers arrived early so that they could return home as quickly as possible. Political parties, especially the FRG, supplied transport for whole villages in the first round in order to mobilize the voters. This mobilization was not so apparent in the second round, contributing to the lower level of participation on Dec. 28. Second, many voters were led to believe by the FRG that voting commenced earlier than stipulated by the TSE.

Election officials checking voter names against the register.

The early turnout of voters had tragic consequences in the municipality of San Gaspar Chajul. Two women were crushed to death due to overcrowding at the polling station when the doors opened. The problem of overcrowding in all municipalities was concomitant to the bad layout of the polling centers and the fact that each voting center catered to 600 voters. In some cases, the layout of the polling centers was changed in the second round, allowing for a separate entry and exit point.

Polling stations were often overcrowded amid general confusion on the part of election officials regarding voters not listed on the electoral register. The TSE failed to ensure the quality of the electoral roll, as many people who had updated their information prior to the Aug. 9 deadline did not find their names on the electoral roll. In theory, those who should have been eligible to vote but were not on the electoral roll could go to the subdelegate of the TSE and their details would be checked. If they were on the electoral roll, they would be issued a certificate saying that they could vote.

Unfortunately, this new decree issued by the

TSE one week before the elections created a great amount of confusion. Many subdelegates, such as those in Chichicastenango (only 19 km away from the departmental capital), informed The Carter Center that they had not received a copy of this decree and, therefore, did not issue any certificates allowing people to vote. Inadequate training prior to the elections may have contributed to the confusion, as many of election officials were unable to read the electoral roll efficiently, and misled voters regarding whether or not they could vote.

It was reported to The Carter Center that in several municipalities, the FRG was giving out free gifts to voters and, in some cases, paying voters in line $12 for their votes. It was not uncommon to see many rural voters carrying FRG calendars and taking them into the polling booths as a reminder of the symbol for which they should vote. Many voters who were reprimanded when caught using these calendars simply replied that they had given their word to vote for the FRG.

In other municipalities, national observers informed the Center that the FRG was giving out free fertilizer and chickens to voters and that in Nebaj, the FRG was giving the ex-PACS their checks on election day.

The elections in Nebaj took place under the watchful eyes of international and national observers, since it was thought by many to be the primary trouble spot in the department. The Carter Center received reports that the FRG had stored gasoline in its headquarters and was prepared to use this to sabotage the elections if it did not win.

It was also reported that on some voting tables, electoral officials were only giving out three ballot papers instead of the usual five. Polling clerks were not handing out the pink and white ballot papers for the mayoral and presidential races respectively. Reports of this practice are supported by the fact that the number of blank and void votes for the municipal elections was three times less than that of the other elections.

Many international observer groups, including Misión de Verificación de las Naciones Unidas en Guatemala (United Nations Verfication Mission in Guatemala, MINUGUA), were concerned about the situation in El Quiché, and many municipalities in the department were identified as trouble spots. Sadly, the worries were justified after ballot boxes were burned in three municipalities: Patzité, Ixcán, and San Juan Cotzal. In two of these municipalities, the FRG lost, and in San Juan Cotzal there was a difference of only 21 votes in favor of the FRG. According to article 235 of the electoral law, the TSE can declare the elections null and void in a given election if more than half of the JRVs were declared null and void or if they had suffered acts of destruction or sabotage before, during, or after the elections.

Initially the results of these three municipalities were *prima facie* declared null and void, and new elections were planned in the weeks following the first round. In the weeks following the election, however, the TSE declared the results correct, and the three elections were validated. Because the consolidation acts had survived in all three cases, the TSE was able to obtain the results, eliminating the need for new elections.

Table 6: District Election Results			
Department of El Quiché 243,583 voters total			
	Mayor	**Deputy (district)**	**President**
FRG		53,378 (40.81%)	55,146 (41.05%)
GANA		26,487 (20.39%)	29,960 (22.30%)
UNE		16,750 (12.72%)	23,050 (17.16%)
Sacapulas 11,098 voters total			
	Mayor	**Deputy (district)**	**President**
FRG	2,438 (43.64%)	2,475 (45.96%)	2,592 (47.52%)
GANA	354 (6.34%)	541 (10.05%)	721 (13.22%)
UNE	453 (8.11%)	543 (10.08%)	848 (15.55%)
DCG	1,264 (23.47%)	1,817 (32.52%)	815 (14.94)
Cotzal 9,441 voters total			
	Mayor	**Deputy (district)**	**President**
FRG	2,090 (30.82%)	1,992 (29.73%)	2,225 (33.12%)
GANA	129 (1.9%)	178 (2.66%)	560 (8.34%)
UNE	69 (1.02%)	126 (1.88%)	551 (8.2%)
DCG	1,677 (24.73%)	1,433 (21.38%)	1,307 (19.46%)
PU	2,069 (30.51%)		1,373 (20.44%)
DIA		1,107 (15.18%)	

Postelection

FRG won 15 of 21 municipalities in El Quiché [Table 6]. Trouble before the elections gave way to insecurity after the elections. Due to these initial tensions, security was increased, in particular in anticipation of the hand-over to new mayors on Jan. 15, 2004. Nevertheless, as had been the norm in the department of El Quiché, this anger was soon transformed into resignation. While the new mayors took office in relative tranquility, most inaugural addresses failed to mention plans to implement the Peace Accords or address indigenous issues.

Conclusions

El Quiché illustrates the challenge of arriving at positive overall assessment of elections nationally and in the majority of the departments in Guatemala. Although many people objected to the candidacy of Ríos Montt, it was sometimes not uncommon to hear people praising Montt and absolving him of guilt for the massacres carried out in the department. This will to forget, compounded by blatant intimidation, ethnic discrimination, and the continuing culture of fear, facilitated and made effectual the FRG's campaign. The premise of the campaign centered upon the manipulation of the vote both during the electoral campaign and in some cases on election day itself. With 87 percent indigenous people and approximately 54 percent illiterate people in El Quiché, the FRG was able to implement this strategy successfully. As a result, people's political rights were restricted.

OBSERVATIONS AND RECOMMENDATIONS

While the Carter Center mission to Guatemala was limited in scope and, therefore, cannot draw conclusions about election day processes at the national level, the following observations and conclusions are offered in a spirit of cooperation with the people of Guatemela. Based on the reports of Carter Center observers and the findings of other organizations with which the Center coordinated, Guatemala's 2003 elections were conducted in a relatively peaceful manner on the days of polling, and most national and international observers agreed that the elections, on a national level, were generally free and fair. However, the Center's observers were concerned about the frequent incidents of intimidation and reports of vote buying and manipulation that undermined the ability of citizens to vote independently and without fear. Weak political and legal institutions often failed to protect voters' rights and enforce penalties for electoral and human rights violations.

Measures to guarantee the respect for and protection of human rights suffered serious setbacks during the administration of President Alfonso Portillo (2000-2004). Under this government, an increasingly violent wave of attacks against human rights defenders, personnel of the PDH, members of the legal community, journalists, and land reform activists detracted from progress made in the peace process. These developments were exacerbated by policies of the FRG government, which included compensation payment to the ex-PAC members in the run-up to the 2003 elections. The FRG also failed to act on the recommendations of the Historical Clarification Commission, international human rights monitors, and the UN Special Rapporteurs.

The Carter Center congratulated President Oscar Berger for his electoral victory and hoped that his government would undertake essential reforms and reestablish its commitment to human rights and democracy. In spite of drastic security measures, violent crime, continuing attacks against human rights defenders, and extreme citizen insecurity surged in the months immediately after the elections. Guatemala and President Berger faced serious challenges to reverse the erosion in human rights and the rule of law, to effectively address human development and security and reforge Guatemala's path to peace.

Carter Center observers are at work.

Voter Education

The 2003 elections placed the issues of citizen participation in democratic procedures and civil society monitoring of public administration firmly on the agenda. The increase in voter participation and growing political consciousness during the elections demonstrate that the electorate is increasingly conscious of the significance of the formal political arena for resolving political conflict. However, the increasing political awareness and involvement of ordinary Guatemalans can only be utilized if

government actors and political parties institute programs that build on civil society initiatives.

A voter checks polling station information.

- The Carter Center suggests that the government consider establishing civic education programs at the municipal level to build on the efforts of the electoral monitoring of the *Mirador Electoral*, CALDH, the *Segunda Misión de Observación Indígena*, and the PDH. These programs should be concerned not only with the mechanics of the voting procedures, but also with broader issues of what voting means with regard to the rights and duties of citizens and public officials. Such measures will be important to carry the momentum of the 2003 elections into ongoing monitoring activities such as democracy audits.
- The TSE should also carry out a broad program of voter registration to ensure that those eligible voters who were not registered in the 2003 elections will be able to exercise their suffrage in elections. Underage, deceased, and multiple registrations should be expunged from the voting registry.

Payment of the Ex-PACs

The FRG's manipulation of voters was particularly evident in the distribution of payment to former members of the PAC. Though repaying the ex-PACs was a federal initiative, members of the FRG were charged with distributing the payments: one before the election and two after. By sandwiching the election between payments, the FRG could manipulate voters. In several cases, voters were taken to the district capital supposedly to receive payments and were instead registered with the FRG.

In El Quiché and Totonicapán, The Carter Center found that payment was tied to affiliation with the FRG. Those ex-PACs who did not want to support the FRG would not receive their payments, while FRG supporters who were not former PACs would. In support of this idea, the number of ex-PACs demanding payments tripled the original government estimate.

Political Parties

The relationship between party and voters tended to be one of patron and client, in which the interaction centers on an exchange of goods and promises without serious engagement in political issues. Political parties should develop platforms and policies that address the needs of the electorate at the local and national level, rather than engaging in and taking advantage of patron-client relationships built upon poverty and social exclusion.

While the FRG government and the party's political campaign generated grave violations of human rights and reopened the scars of the recent conflict, all political actors bear responsibility for the development of a human rights agenda that resolves past conflicts and establishes a blueprint for Guatemala's future.

Guatemala's political culture will continue to be vulnerable to cliental practices so long as extreme poverty and low levels of human development persist. Such practices are, perversely, one of the more participatory and least violent means of maintaining

citizen consent for Guatemala's unequal and unbalanced social system. In the 2003 election, with the absence of proposals for structurally oriented social change, few other options for citizen participation were proposed. In many cases, political elites continued to promote the belief that development projects and government programs are favors rather than obligations of authorities. The fact that political parties chose to employ these strategies reflected an awareness of the weak and sporadic relationship between party leaders and local citizens.

With political parties infiltrating community improvement committees (*alcaldes auxiliares)* and other communal organizations, local residents were projected into a national electoral process from which they expected to gain only piecemeal local development programs or material gifts. Community improvement committees, whose responsibilities should be the implementation of collective projects, became a mechanism of party/government control during the electoral process. As national observers reported, cliental relationships framed by authoritarianism are derived from and feed on poverty. The votes of socially excluded or poor individuals can be won by promises of roofing or paving a local road.

It is evident that the party itself has little political significance for local voters other than as a short-term vehicle for candidates to contest political office. Fortunately, several forces worked to counter this cliental relationship. Voter education campaigns, discontent with FRG officials and the Portillo administration, and a desire to move beyond the violence of the past have contributed to a nascent and growing political consciousness.

The Totonicapán case study showed that voters rejected the authoritarian and cliental system. Organized civil society, in the form of NGOs and church organizations, played an important role in this process.

However, the El Quiché case study demonstrated that comparatively high levels of participation do not necessarily indicate a free vote. The ongoing legacy of the internal armed conflict, a culture of fear, extreme poverty, and social inequity indelibly shaped patterns of voter participation, in spite of the courageous work of civil society organizations and national observers.

- Citizens would benefit from more public debate about how to overcome the cliental culture and the social perceptions upon which it is founded. Discussion could be encouraged through conferences at local and national levels and through broad social consultation.

Indigenous Communities

Sustained and coherent indigenous participation in local governance continues to coexist with national and regional political strategies that in some instances take advantage of the indigenous systems for their own benefit, provoking local conflicts in the process.

- The government and civil society should strengthen indigenous forms of government and develop mechanisms to ensure that political parties' conduct is in line with indigenous authorities.

Voter Participation

Voter turnout in 2003 was significantly higher than in previous elections, and the long lines of patient voters on the day of the elections suggest a desire among Guatemalans to exercise their fundamental right to vote. The unprecedented level of participation by indigenous women and youth (both indigenous and nonindigenous) stands out in these elections.

In many municipalities of the Western Highlands, the parallel forces of intimidation and the candidacy of Ríos Montt, drove citizens to the polls. Some were eager to cast a "no" vote against Ríos Montt, while others were victims of intimidation, who believed their safety depended on voting for the FRG.

Though the rate of citizen participation was higher than in previous elections, the quality of that participation was low in the sense that it largely reflected a cliental voting attitude in which votes were exchanged for gifts or local development projects. Substantive issues that needed to be addressed were often ignored by the candidates and, therefore, not part of motivation for citizen participation. It is also important to note that the first and second round of the elections still averaged less than 50 percent participation of the total eligible population.

Participation of Women

National observers from the PDH, the *Segunda Misión de Observación Indígena*, *Mirador Electoral*, and CALDH, as well as electoral authorities at all levels, noted a relatively higher participation by women, particularly from Mayan communities. Local public officials and other observers regarded this participation as the positive impact of voter education efforts in the Western Highlands, including Huehuetenango, San Marcos, Totonicapán, Chimaltenango, and Sololá. However, national observers also added the caveat that local political actors had induced the participation of women through unethical strategies of vote buying and coercion. In El Quiché, Carter Center staff were informed that political party officials, particularly of the FRG, had sought women's votes by telling them that their communities would lose important projects, or their husbands would not be compensated for their PAC service if the FRG candidate was not elected.

The majority of those in attendance at this political candidate forum in Purulha, Baja Verapaz, were indigenous women.

One national observer from Nebaj, El Quiché department, echoed a view expressed independently by various observers: "It's important to recognize the high participation by women, but just because women voted it does not mean that they voted consciously."

The increased participation of women as voters may be an indication of their increased political involvement; though, in some cases, it may also be a reflection of deeper cliental infiltration into community structures. At the same time, the markedly low proportion of female candidates for political office throughout the country raises concern regarding the ongoing social exclusion of both indigenous and non-indigenous women from formal political participation.

- Given the low number of indigenous and female candidates for political office, The Carter Center encourages political parties to review their procedures for candidate selection and prioritize indigenous and female representation.

Voting Procedures

The first round of voting revealed serious deficiencies in the election authority's response to the long lines of voters outside polling stations. These problems were compounded by the considerable number of irregularities in voter registration lists.

- For future elections the TSE should ensure that TSE officials at all levels of society receive more training to increase their capacity to deal with voters' questions and problems.
- Voting stations should be appropriately arranged to ensure ease of entrance and exit and to prevent further fatalities.
- Given Guatemala's diverse indigenous population, all materials should be translated into appropriate indigenous languages, and trained translators should be provided at voting stations.
- The TSE should review its selection policy to ensure balanced gender and ethnic representation among election workers throughout the country.

National Observers

National election observers played an unprecedented role in the 2003 electoral process. During the campaign period, the *Mirador Electoral*-CALDH observer group deployed monitors to almost all of the country's 330 municipalities. The *Segunda Misión de Observación Indígena* overcame a number of logistical obstacles and was able to deploy at least two indigenous observers in each department. Hundreds of observers played a similar role with the national Human Rights Ombudsman's Office, covering almost all municipalities in spite of inadequate resources and relying on the commitment of volunteers to perform in less than ideal conditions.

Other observer groups were organized and deployed by the San Carlos University, the Rafael Landívar University, and in a limited geographic area, by the powerful conservative civil society group, the *Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras* (Coordinating Committee for Agricultural, Commercial, Industrial and Financial Associations CACIF). These volunteer national election observers contributed to raising voter awareness and also provided an important measure of confidence to voters, especially given the climate of uncertainty and insecurity that prevailed prior to the first round of national elections.

The participation of these observers is an important breakthrough for youth and indigenous participation in the public sphere and, more generally, possibly representing a nascent movement of civil society monitoring government actors and political parties in the electoral process. In meetings convened and facilitated by The Carter Center, government officials from the TSE, the PDH, the PNC, and the MP, unanimously applauded the national observers and encouraged greater coordination in the future.

A significant number of national election observers were deployed.

Given the almost unprecedented scale of this national electoral observation, it is not surprising that the presence of observers was not always understood or welcomed by traditional electoral actors, particularly in areas where open and fair competition between political contenders was not fully

respected by all citizens or even by political parties themselves. A number of such concerns were expressed to The Carter Center by national electoral observers. Some observers noted specific incidents of discrimination on the basis of age or race by certain electoral officials. This was of particular concern in El Quiché department. Other observers complained of abusive treatment by electoral officials who may have misunderstood the role of observers. This situation was exacerbated by the fact that some national observers felt compelled to extend their role on an *ad hoc* basis to provide information to voters who otherwise appeared to have no access to assistance.

There were also more serious reports of intimidation against national election observers. According to national observers in San Marcos, intimidation of volunteer observers by political actors led to the resignation of observers in the municipalities of Tajumulco, San Lorenzo, and El Quetzal. Similarly, national observers from the PDH reported that in certain municipalities in Sololá department, they had been treated with disrespect by officials in voting centers and had been asked to leave a voting center in the departmental capital. A young indigenous woman who was the representative of the *Misión Indígena* in El Quiché informed Carter Center observers that, in distinct municipalities, including San Pedro Jocopilas, Santa Cruz, and Joyabaj, officials would not give her the information she asked for and treated her in a discriminatory manner. This experience differed distinctly from the treatment received by international observers in the same municipalities and from the same officials.

The broad spectrum of domestic observers contributed positively to the elections, increasing citizen confidence and political participation and limiting the possibilities of electoral fraud. They established a network of individuals throughout the country who had the capacity and training to hold local and national authorities accountable, and to teach citizens their rights.

Political Finance and Vote Buying

Voters are entitled to an electoral process that ensures fairness and equality both to voters and to candidates, including access to relevant information and administrative and judicial measures that combat illegal or unethical conduct. The TSE is responsible for applying the *Law on Elections and Political Parties* in order to protect citizen's political rights, and it is also incumbent on other government authorities, such as the public prosecutor and the national police, to cooperate fully with the TSE in fulfilling this responsibility.

The Carter Center released special reports on campaign finance after the first round of voting, emphasizing the lack of clear or adequate rules for the public reporting of funding received by political parties for campaign activities. The Center also released a full report on the Political Finance Project in Guatemala, found on the Carter Center website,[*] containing specific recommendations for reforming the current political finance system in Guatemala.

The Center raised concerns shared by national observers about the following issues that affected the quality of voter participation during the electoral process:

- The systematic use of public resources by the governing FRG party for campaign purposes at local and national level;
- Widespread use of strategies of vote buying by all parties that exploited the conditions of poverty, impunity, and marginalization among mainly rural populations, taking advantage of women's vulnerability, including indigenous women, to these strategies;

[*] http://www.cartercenter.org/documents/1674.pdf

- The exploitation of indigenous cultural norms of reciprocity in order to induce voting in exchange for hand-outs of cash and goods;
- The polarizing impact of the government policy of indemnifying ex–PACs and the widespread incidents of intimidation and fear that it generated;
- The use of intimidation tactics by all parties, but particularly by the FRG, in threatening the loss of employment or vital socioeconomic resources or benefits;
- The autonomy with which citizens were able to exercise their right to a free, secret, and equal vote was significantly affected by the issue of political finance.

The Carter Center emphasized in its reports the widespread use of strategies of vote buying that played deliberately on conditions of poverty in which 71.9 percent of indigenous people live (30.8 percent in extreme poverty). Echoing comments heard by Carter Center observers frequently across all of the departments visited, a female observer with the PDH in Coatepeque municipality asked Carter Center monitors to demand that political parties "stop playing with people's hunger."

In regions visited by Carter Center monitors, including El Quiché, Huehuetenango, and San Marcos, the burden of poverty is combined with the ongoing legacy of counterinsurgency strategies. The lasting impact of these strategies was to stigmatize political participation, particularly by women, as a subversive and high-risk activity. According to one national observer and human rights activist in El Quiché, this intimidation meant that the FRG was able to garner a high number of votes in an area that historically bore the brunt of military counterinsurgency strategies. Voters believed it was safer to ally themselves with the enemy, rather than oppose them. In some rural areas, The Carter Center received anecdotal but persistent local reports of rumors that voting would be secretly monitored, including by hidden cameras, generating a fear of reprisals.

In Sololá and Chimaltenango, national observers claimed that, while vote-buying tactics did take place, ongoing historical divisions of the internal armed conflict were less acute and fear of violence less generalized. Observers believed that various factors accounted for this, in particular educational campaigns and long-term activity by civil society organizations. In Sololá, local indigenous political culture appeared to increase the space for genuine participation. Even in the case of Sololá, however, The Carter Center received reports of an indigenous national observer who was threatened by the incumbent mayor in his office. Moreover, in the municipalities of Santa Catarina Ixtahuacan, Santa Clara, Santa María, and Nahuala, also in the department of Solola, serious levels of tension and incidents of conflict marred the run-up to the first round of voting.

The Carter Center also pointed out in its reports that vote-buying strategies were especially nefarious to the extent that they benefited from indigenous norms of reciprocity, in which receipt of a gift establishes an unquestionable obligation. As a female leader of an indigenous organization in San Marcos department told Center observers:

"They are playing with your word; and your word is extremely important in our culture. It's about whether a person is two-faced or not, whether they deliver on a promise."

Voter education emphasized that no obligation exists even if a voter receives a gift or money from a party. This message appears to have had a significant impact, but it bears noting that there is a contradiction between two political cultures bridged in this case by an artificial bracketing for electoral purposes and denial of the

significance of an individual's promise or "word."

While few parties avoided these vote-buying strategies, most national observers and Carter Center staff agreed that the FRG was the most notorious culprit. FRG access to public resources was of even more serious concern, violating a constitutional norm to the detriment of other parties and undermining the conditions of fairness guaranteed by Guatemalan law and enshrined in international norms.

In Sololá, as in other departments, misuse of government funds was particularly evident in the education sector, where eligibility for government school scholarships was made contingent upon affiliation with the FRG. Furthermore, the availability of teaching posts in some areas of the department was made conditional upon supporting the FRG, either through active participation or by painting one's house with FRG colors and symbols.

The education sector was also affected in some areas of El Quiché, where, according to national observers, educational materials officially supplied by the government were allegedly appropriated by the FRG as projects and donations in the run-up to the election.

Election Dispute Resolution

The majority of electoral violations and crimes that were denounced and documented during the elections were met with inaction or impunity. In this regard, a negative lesson from the 2003 elections was that in general, electoral crimes, as with the majority of crimes in Guatemala, go uninvestigated; if they are investigated, they go unpunished. Although some FRG officials were put under house arrest and investigation by the public prosecutor's office, the violent incidents of "Black Thursday" were a grave example of the disorder that continued to plague the national justice system.

- The impunity with which government and ruling party actors are able to flagrantly violate electoral and criminal law limits participation in genuine electoral processes. The 2003 elections dealt heavy blows to the institutional credibility of both the TSE and the Guatemala justice system, and renewed efforts are needed to prevent further deterioration of the rule of law.

A voter is marked with indelible ink to prevent multiple voting.

Human Rights

There were some positive human rights developments under the government of President Berger, who actively sought to include former human rights activists in his government (including Frank LaRue, Rigoberta Menchú and Helen Mack). Furthermore, the Guatemalan government accepted responsibility through the Inter-American Human Rights Court for human

rights violations carried out during the internal armed conflict, including the massacre of Plan de Sanchez (in 1983) and the murder of anthropologist Myrna Mack (in 1990). Commitment to human rights must, however, become a cornerstone of government policy and must not be compromised over national security issues or in the face of opposition from Guatemala's economic elite.

- Reduction in the numbers of military forces and the closure of military bases is also an important step taken by President Berger. However, military institutions and the intelligence service must undergo further reform. In this regard, the role of the military should be restricted to that set out in the peace accords, which severely limit participation in internal security operations. The combined military and police forces (*Fuerza Combinadas*) utilized in policing operations could contravene such commitments, and an appropriate civilian intelligence service should be established.
- The government, political parties, and civil society should focus on fully understanding the plague of criminal violence in the country. One possible step might be to generate a public debate about the historical and structural causes of criminal violence. Understanding the causes from the public's perspective might help officials create effective crime prevention policy and develop appropriate measures for resolving past crimes.
- The international presence to monitor and verify the human rights situation in the country ended in November 2004 when the MINUGUA left the country. The Carter Center suggests that the government should do everything possible to ensure the continued long-term human rights monitoring by the United Nations Office of the High Commissioner for Human Rights.
- The government must tackle impunity and corruption by strengthening and supporting the Public Prosecutors Office and the Human Rights Ombudsman. Legal cases should be resolved, especially those relating to land crimes committed during the internal armed conflict and land conflicts. While the executive has professed its support for the special Commission to Investigate the Activity of Clandestine Groups and Parallel Power Structures (CICIACS), an initiative backed by the United Nations and the international community, the commission lacks more solid support throughout Guatemalan society and was declared unconstitutional by the Constitutional Court.
- The development of an integrated rural policy that seeks to alleviate extreme poverty and address land conflict is a further urgent priority. Economic, political, and social advances in the last 15 years have been minimal. In fact, the number of Guatemalans living in extreme poverty increased by five percentage points from 2001-2003. The figures for the indigenous population are even starker, with 72.9 percent living in poverty and 30.8 percent in extreme poverty.

APPENDICES

DELEGATION LIST

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ACKNOWLDEGMENTS

The Carter Center is grateful for the work and support of all the dedicated individuals who contributed to the Guatemala election observation project.

The Center owes thanks to the Guatemalan people for welcoming our mission and observers into their country. National observer organizations, in particular *Mirador Electoral*, the *Segunda Misión de Observación Indígena* (The Second Indigenous Observation Mission), and the Human Rights Ombudsman's Office participated in frequent meetings with The Carter Center and provided essential information about the electoral environment. The Center recognizes and commends their contribution to creating an open election process.

The Center's work in Guatemala would not have been possible without the efforts of John Tyynela, field office director. John worked long hours to enable the Center to get its work done. The Center also appreciates the excellent work of Magaly del Carmen Torrez Hernandez, field office assistant.

The Center would like to acknowledge the exceptional work of our observers, who volunteered their time and knowledge to the project: Roddy Brett, Laura Podolsky, Mauricio Claudio Lopez Rivera, and Ben Weiner. They worked under difficult conditions to monitor and accurately report on the electoral environment.

The Center also thanks political analyst David Dye and Americas Program Associate Director Shelley McConnell for their research on Guatemala's political finance system. Their report on campaign finance helped encourage public debate on reforming campaign finance legislation.

The International Foundation for Electoral Systems (IFES) provided the Center with advice and expertise in Guatemala. The Carter Center graciously thanks the United States Agency for International Development (USAID) and the Moriah Foundation for financial support that enabled this project to be fully realized.

Many hands helped coordinate and supervise the mission from Atlanta. The Carter Center acknowledges Human Rights Program Senior Program Associate Ashley Barr for initiating and managing this project. Democracy Program Director David Carroll supervised the project and led a preliminary assessment trip. Interns Tona Boyd and Shibani Shah were helpful throughout the duration of the project, compiling news updates and reports and helping with logistics.

This report was compiled by Laura Ertmer and David Pottie, using materials generated by members of the observation mission. Katy Owens reviewed and edited the report, with additional editing by Avery Davis-Roberts and David Carroll.

LIST OF ABBREVIATIONS

ASC	Assembleia de la Sociedad Civil (Civil Society Assembly)
CACIF	Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras (Coordinating Committee for Agricultural, Commercial, Industrial and Financial Associations)
CALDH	Centro para la Acción Legal en Derechos Humanos (Center for Human Rights Legal Action)
CEH	Comisión de Esclarecimiento Histórico (Historical Clarification Comission)
CICIACS	Comisión de Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad (Commission to Investigate the Activity of Clandestine Groups and Parallel Power Structures)
CNR	Comisión Nacional de Reconciliación (National Reconciliation Comission)
CSJ	Corte Suprema de Justicia (Supreme Court of Justice)
DCG	Democrática Cristiana Guatemalteca (Christian Democratic Party)
EGP	Ejército Guerrillero de los Pobres (Guerrilla Army of the Poor)
EMP	Estado Mayor Presidencial (Presidential Guard)
EU	European Union
FDNG	Frente Democrático Nueva Guatemala (New Guatemalan Democratic Front)
FIS	Fondo de Inversión Social (Social Investment Fund)
FONAPAZ	Fondo Nacional para la Paz (Nacional Fund for Peace)
FRG	Frente Republicano Guatemalteco (Guatemalan Republican Front)
GANA	Gran Alianza Nacional (Great National Alliance)
JED	Junta Electoral Departamental (Departmental Electoral Board)
JEM	Junta Electoral Municipal (Municipal Electoral Board)
JRV	Junta Receptora de Votos (Polling Stations)
MAS	Movimiento de Acción Solidaria (Movement of Solidarity Action)
MINUGUA	Misión de Verificación de las Naciones Unidas en Guatemala (United Nations Verification Mission in Guatemala)
MP	Ministerio Público (Public Prosecutor's Office)
OEA	Organización de los Estados Americanas (Organization of American States)
PAC	Patrullas de Autodefensa Civil (Civil Defense Patrols)
PAN	Partido de Avanzada Nacional (National Advancement Party)
PDH	Procuraduría de los Derechos Humanos (Office of the Human Rights Ombudsman)

PNC	Policía Nacional Civil (Nacional Civil Police)
PNUD	Programa de las Naciones Unidas para el Desarrollo (United Nations Development Program)
TSE	Tribunal Supremo Electoral (Supreme Electoral Tribunal)
UNE	Unión Nacional de Esperanza (National Union of Hope)
URNG	La Unidad Revolucionaria Nacional Guatemalteca (Guatemalan National Revolutionary Unit)

List of Carter Center Participation in Popular Consultations

(Inter-Institutional Forum)
Guatemala 2003-2004

Location	Activity	Date
Guatemala City	National Mirador-CALDH Meeting	Nov. 21, 2003
	National Inter-institutional Forum	Dec. 2, 2003
Coban, Alta Verapaz	Departmental Inter-institutional Forum	Dec. 6, 2003
Salamà, Baja Verapaz	Departmental Inter-institutional Forum	Dec. 12, 2003
Chimaltenango	Inter-institutional Forum	Dec. 2, 2003
	Inter-institutional Forum	Dec. 12, 2003
El Quichè	Inter-institutional Forum	Nov. 21, 2003
	Inter-institutional Forum	Dec. 5, 2003
	Inter-institutional Forum	Dec. 19, 2003
	Inter-institutional Forum	Jan. 16, 2004
Nebaj, El Quiché	Municipal Inter-institutional Forum	Nov. 27, 2003
	Municipal Inter-institutional Forum	Dec. 11, 2003
	Conference on Women's Participation in the Elections	Jan. 23, 2004
Huehuetenango	Municipal Inter-institutional Forum	Dec. 3, 2003
	Municipal Inter-institutional Forum	Dec. 13, 2003
San Rafael Petzal, Huehuetenango	Municipal Inter-institutional Forum	
Quetzaltenango	Municipal Inter-institutional Forum	Dec. 14, 2003
Coatepeque, Quetzaltenango	Municipal Inter-institutional Forum	Dec. 10, 2003
San Marcos	Municipal Inter-institutional Forum	
Tejutla, San Marcos	Municipal Inter-institutional Forum	
Sololà	Inter-institutional Forum	Nov. 25, 2003
	Inter-institutional Forum	Dec. 9, 2003
	Inter-institutional Forum	Dec. 16, 2003
Totonicapán	Inter-institutional Forum	Dec. 6, 2003
	Inter-institutional Forum	
Momostenango, Totonicapán	Inter-institutional Forum	Dec. 7, 2003

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ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE
Thursday, Oct. 23, 2003

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CARTER CENTER ELECTION MONITORS TO FOCUS ON HUMAN RIGHTS ISSUES AND CAMPAIGN FINANCE REFORM IN GUATEMALA

GUATEMALA CITY…. The Carter Center opened an office this week in Guatemala City to begin monitoring the national electoral process, with special emphasis on human rights and campaign finance. These issues are critical to equal participation in a democracy.

The Carter Center's election project seeks to heighten domestic and international attention to a broad range of issues, including voters' equal access to the polls, fair access to the media and public resources for all political parties, and freedom from intimidation and violence. In addition, Center observers will examine the broader human rights environment, such as accountability for past and present abuses, protection of human rights defenders, and inclusive civic dialogue about national priorities.

The Carter Center also will augment local efforts to monitor campaign finance. Campaign and political party financing in Guatemala is largely private and unregulated, with few disclosure requirements and no ceiling on private campaign contributions.

"The 2003 elections in Guatemala are taking place at an historical moment in which progress toward sustainable peace, accountability, democratic development, and the promotion of human rights has flagged," said David Carroll, interim director of the Center's Democracy Program. "These are all essential components of the 1996 Peace Accords, which have yet to be fully implemented."

Carter Center Field Office Director John Tyynela will oversee election-related observation activities in Guatemala, including the deployment of four human rights monitors around the country and coordination with local and international observers. The Carter Center project follows from an August assessment trip during which election authorities, political parties, local observer groups, and the human rights community welcomed the Center's presence.

The Center will publish periodic statements to generate greater visibility of human rights issues and to help inform national dialogue on fundamental freedoms and democratic development. Statements can be accessed through the Center's Web site, www.cartercenter.org.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

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Monday, Nov. 3, 2003

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FIRST STATEMENT OF THE CARTER CENTER ON THE GUATEMALA ELECTIONS

GUATEMALA CITY…A Carter Center election observation team, including four international observers, a human rights expert, and a campaign finance expert, established an office in Guatemala on Oct. 21, 2003, to begin monitoring the Nov. 9 presidential, congressional, and municipal electoral process. The goal of the Center's project in Guatemala is to highlight human rights and political finance issues as they relate both to the elections and to sustainable peace through justice and national reconciliation. The Center will continue to monitor the electoral process until December or January, depending upon whether there is a second round of balloting, and will publish periodic public statements detailing our observers' findings. During the week of Oct. 27-31, two Carter Center observation teams visited the Department of El Quiché and a number of communities in Alta and Baja Verapaz, meeting with Guatemalan and international election observers, local civil society groups, representatives of political parties and government agencies, and community members. This is the first summary report of Carter Center observers' findings regarding the Guatemalan electoral environment.

Risks Faced by National Election Observers. In one of the most closely observed elections in Guatemalan history, thousands of mostly young volunteer Guatemalan election observers have been organized by the office of the Human Rights Ombudsman (*Procuradia de Derechos Humanos*, PDH), the *Mirador Electoral* civil society coalition, and other local organizations. The PDH and Mirador have expressed to The Carter Center serious concern about the security of their observers on election day on the basis of threats they have received and the growing climate of confrontation related to the demands of ex-paramilitary members (see below). National and international election observers also report that although the Supreme Electoral Tribunal (*Tribunal Supremo Electoral*, TSE) has established a security plan for the elections, there are concerns that scarce police resources and complex logistical issues in some parts of the country will limit the effectiveness of these security arrangements.

Other Intimidation and Violence. Carter Center observers have received reliable information about widespread intimidation by some political parties, particularly the FRG, and especially intimidation targeted at specific communities that is designed to take political advantage of fears

and divisions following decades of armed conflict. In El Quiché, for example, personnel of the TSE, *Mirador Electoral* monitors, and civil servants, reported widespread fear in some communities of violence that could ensue before or after closely fought municipal elections, regardless of the election result, against those who do not support the FRG. The Carter Center observation team also received reports of specific threats against individuals, including a death threat against a civil servant, for protesting against the abuse of public funds for political purposes.

Mirador Electoral has reported to The Carter Center that it has documented more than 1,000 cases of violence, threats, and intimidation related to the electoral process since the elections were called in May 2003. Carter Center observers have not independently verified these complaints and acknowledge the importance of distinguishing between politically motivated crime and the chronically high level of ordinary crime in Guatemala. The Center nevertheless believes it is important to take note of the consistent articulation of concern by Guatemalan citizens that the high levels of intimidation and violence, at least some of which is election-related, are having a significant negative impact on voter confidence about the security of the electoral process.

The Role of Former Paramilitaries. On Oct. 26, four journalists were taken hostage in La Libertad, Huehuetenango by former members of the Civil Defense Patrols (*Patrullas de Autodefensa Civil*, referred to as "ex-PACs"), who demanded remuneration for their service during the armed conflict. The government's policy of payments to former PACs has provoked further polarization and fear in many regions, as well as condemnation from uncompensated victims of the armed conflict, hampering efforts to achieve justice and reconciliation. According to reports received by Carter Center observers, representatives of the PDH were threatened after the Ombudsman expressed opposition to compensation for the ex-PACs. The PDH also reports receiving complaints regarding threats against Municipal Electoral Boards by ex-PAC members demanding remuneration, with a high concentration of these threats in the departments of San Marcos and Huehuetenango.

Of special concern are reports received by Carter Center observers that ex-PAC remunerations have been used for political campaign purposes in some regions. Carter Center observers received reliable reports that the process of payments to ex-PACs in both El Quiché and the Verapaces is highly politicized and favors the governing party. In El Quiché, not only are payments being made almost exclusively on condition of affiliating with the FRG, but ex-PAC members have been required to accompany local party activists and candidates on campaign rallies and in some cases to paint their own houses with party symbols. Payments reportedly have been made not by the relevant government officials but by FRG officials and candidates in their offices, homes, and in the military base in Santa Cruz del Quiché.

Improper Use of Public Funds. Carter Center observers have received reliable reports of other illegal and irregular uses of public funds for campaign purposes among the general public and reports of the widespread distribution of government resources to buy political favor in local areas. In El Quiché, consistent reports of attempted vote buying by political parties, in particular by the FRG, were received by Carter Center observers. According to these reports, receipt of loans, fertilizer, and roofing materials were contingent upon FRG affiliation, with loans to be forgiven only in the event of an FRG victory. These reports indicate direct violations of the Ethics Accord, singed by all parties on July 10, whereby they affirmed their commitment to the prohibition of the use of state resources and illegal funds for campaign purposes. In addition, in communities where the elections are likely to be won by a very small margin of votes, the

combination of this vote buying and voter intimidation may have a decisive impact on the election results in those areas.

Inhibited Voter Access to Polling Stations. The Center applauds the efforts of the TSE to reduce the distance that citizens in some areas will have travel to the polls on election day. However, legislative and administrative reform necessary for resolving this issue in all regions has not been achieved. In this context, reports to Carter Center observers about the monopolization of local transport capacity by the major political parties and their candidates raise concerns that significant numbers of supporters of other parties may not be able to travel to the polls.

Enforced Holiday. The Carter Center shares the concern of other international observers regarding the decision of the Guatemalan Congress to decree a three-day holiday around the Nov. 9 balloting. This decision appears to unduly restrict essential services necessary for the conduct of the elections and also appears arbitrarily to limit the freedom of the press.

Implementation of the Peace Accords. Many Guatemalans and international observers with whom The Carter Center has met emphasize that the Nov. 9 elections are taking place during a critical period in relation to the fulfillment of the 1996 Peace Accords. The peace process has faced ongoing obstacles since 1996. The most serious setback for the implementation of the accords during the past three years has been the deterioration of judicial and security institutions, as well as increasing attacks and threats against human rights defenders and judicial officials.

In addition, many Guatemalans continue to face chronic poverty and endemic discrimination. All of these factors not only represent limitations the full enjoyment of civil and political rights, including the right to vote, but also imply vulnerability to vote buying tactics, intimidation, threats, and violence. This is especially the case among populations still recovering from the legacy of the internal armed conflict. Congress did not pass electoral law reforms addressing access to the polls and campaign finance issues that are key to overcoming some of these obstacles to free and fair elections. However, in a positive step towards constructive political dialogue, Guatemalan political parties signed a Shared National Agenda on Oct. 13 that builds upon their earlier commitment to the implementation of the Peace Accords as well as the Ethics Accord.

Conclusions. The Carter Center applauds the ongoing efforts of governmental institutions and nongovernmental organizations to ensure free and fair elections in accordance with the rule of law, as well as the participation of political parties in a Shared National Agenda that includes a commitment to the implementation of the Peace Accords. However, the Center notes with concern that in addition to structural challenges to citizen participation, a climate of intimidation and fear has been generated in some regions of the country. This climate has the potential not only to limit voter participation but also to further polarize already divided communities and undermine existing efforts to seek truth and justice as the basis for reconciliation.

Based on the Carter Center's observations of the election environment, the Center urges that:

- **Security concerns.**
    - Government authorities must take primary responsibility for ensuring the security of all Guatemalans during and after the elections. All acts of violence and intimidation

should be thoroughly investigated and prosecuted. Guatemalan authorities should give special attention to threats against national election observers or against members and representatives of communities affected by the internal armed conflict.

- All political parties should make unambiguously clear to their party members—both through public statements and in private—that carrying out acts of intimidation and violence at any time during the electoral process will not be tolerated.

- National and international observer organizations should coordinate closely through detailed mutual security protocols.

- **Remunerations to ex-PACs.** All national stakeholders should re-examine the current government policy regarding remunerations to ex-PACs as part of the continuing dialogue about justice and national reconciliation.

- **Campaign finance.** In the final days of the campaign, all political parties are urged to respect their commitments under the Ethics Accord by scrupulously avoiding the use of state resources and the use of illegal funds.

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STATEMENT FROM U.S. PRESIDENT JIMMY CARTER
ON THE GUATEMALA ELECTIONS

ATLANTA…Guatemalans will go to the polls Sunday to select their next president, members of the legislature, and municipal authorities. They do so amid concerns about personal security that have a long history and have been rekindled in some areas of the country in recent weeks. To fulfill its obligation to guarantee the security of its citizens, the government of Guatemala has deployed police and the armed forces, as is practiced in many other Latin American countries during elections. It is incumbent upon these security forces to fulfill their duties with respect for the rights of all voters and to remain attentive to the sensitivities of certain communities still engaged in the painful process of reconciliation. I urge all eligible voters to go to the polls and cast their ballots freely with confidence that the international community is following this process with interest and that both international and Guatemalan election monitors will be active throughout the country.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. To learn more about The Carter Center, please visit: www.cartercenter.org.

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CARTER CENTER IDENTIFIES LOOPHOLES IN GUATEMALAN CAMPAIGN FINANCE

ATLANTA…Guatemala's campaign finance system is one of the least regulated in the Western Hemisphere, and concern is rising among citizens that donor anonymity opens the door to illicit funding that may include drug money, according to a Carter Center report released today.

The report examines campaign finance law and practice in Guatemala, where private donations are not limited or their disclosure required, and public funding to offset the influence of private money is negligible. Guatemala held national elections Nov. 9, 2003 and will hold a run-off election in December to decide the presidency. This is the first of several special reports on campaign finance and human rights, which will be issued by the Center's election observation office in Guatemala over the next few months.

The report details how the lack of regulation in Guatemala has left the election playing field uneven and candidates and parties vulnerable to undue influence from special interests. Meanwhile, efforts to reform the law two years ago failed to find approval in the legislature and the constitutional court. An ethics accord signed by the political parties on July 10, 2003 pledged transparent management of campaign monies, but the Carter Center report suggests this gentlemen's agreement is a weak substitute.

"Guatemala can prevent undue influence by donors and protect its citizens from the human rights violations that accompany illicit money flows by requiring disclosure of private donations to candidates and political parties," said former U.S. President Jimmy Carter.

The report praises the efforts of the nongovernmental organization Citizen Action, which has tracked spending on media campaigns by the parties. Citizen Action estimates that 40-45 percent of campaign spending in Guatemala goes toward advertising, particularly on television. Additionally, the group has monitored government spending on media coverage preceding the election, used to draw attention to public works and thereby promote support for re-election of the governing party. Carter Center election monitors operating in rural areas also verified reports that

public goods such as fertilizer and roofing materials were distributed in the countryside by political party activists, allegedly in exchange for support of the ruling party.

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SECOND STATEMENT BY THE CARTER CENTER ON THE 2003 GUATEMALA ELECTIONS

This is the second statement of the Carter Center's electoral mission in Guatemala since the arrival of the observation team on Oct. 20, 2003. The Carter Center thanks the government and people of Guatemala for the opportunity to monitor the electoral process along with other international electoral observation missions, including the European Union and the Organization of American States. The Center also joins these missions in congratulating the citizens of Guatemala for their peaceful and committed participation in the elections on Nov. 9. We also recognize and commend the dedication of electoral authorities and national observers, who worked under often difficult circumstances.

Since the elections on Nov. 9, The Carter Center established a presence in Quetzaltenango and in Sololá to focus on the Western Highlands of Guatemala, a region characterized by high levels of poverty, weak justice institutions, and the ongoing impact of past internal armed conflict. While gathering information on regional human rights issues relating to the electoral process, the Center also sought to strengthen its support for national observer groups. At the national level and in the departments (Baja Verapaz, Chimaltenango, El Quiché, Sololá, Quetzaltenango, Totonicapán, San Marcos, y Huehuetenango), the Center helped convene and conduct inter-institutional meetings to share evaluations and recommendations related to the electoral process. Participants in these meetings have included the Office of the Human Rights Ombudsman (*Procuraduría de Derechos Humanos*, PDH), *Mirador Electoral*, the Second Indigenous Electoral Observation Mission, the University of San Carlos, the Rafael Landívar University, the Public Prosecutor's Office (*Ministerio Público*, MP), the National Civilian Police (*Policía Nacional Civil*, PNC), and the Electoral Supreme Court (*Tribunal Supremo Electoral*, TSE).

Participation in the Elections

Despite the atmosphere of insecurity and uncertainty that prevailed before Nov. 9, 58 percent of registered voters exercised their right to vote, according to the TSE. The Carter Center applauds this civic participation and notes the consistent trend of increasing electoral participation since elections in 1995 and 1999. In the Western Highlands (El Quiché, Sololá, Chimaltenango, Quetzaltenango, Huehuetenango, San Marcos, Totonicapán), where Carter Center election observers were deployed, TSE results demonstrate a similar pattern. Nonetheless, this overall pattern merits further analysis since the level of participation at the municipal level varied widely in these departments from 35 percent to 90 percent.

National observers with whom The Carter Center met agreed without exception that the high participation of women voters, especially within indigenous communities, was among the most significant advances during these elections. However, particularly in some of the poorest regions without effective voter education and monitoring, this participation must be analyzed in terms of the strategies by political parties to coerce voting, a concern discussed below. Local monitors also point out that there was a notable absence of indigenous representation among both electoral authorities and political candidates at all levels of government.

Another development shared by participants in inter-agency meetings convened by the Center was the unprecedented frequency of vote splitting between different political parties. Citizens who previously might have voted for the same party at the municipal, district, and national levels were

more willing and better prepared in these elections to differentiate among candidates and to split their votes, as permitted by law. However, there was significant and relevant regional variation in the frequency of this split voting.

Access to the Polls

Voters were met with slow-moving lines and administrative confusion because of inefficient polling procedures and serious errors in the recently updated voter registry. Many voters responded to the TSE invitation earlier in the year to update their registration, but found on election day either their names did not appear in the new registry or electoral officials lacked sufficient training to locate the names on the lists or to advise voters, given local languages and high levels of illiteracy. An insufficient number and inadequate size of some voting stations exacerbated the resulting tensions, which led to violence and ballot burning in municipalities such as Cuyotenango and El Quetzal. According to reliable analysis by independent electoral observers, a significant number of citizens did not cast their votes as a result of these obstacles.

In spite of these obstacles, Carter Center monitors noted, along with other international and national observers, the impressive patience, tolerance, and determination of voters. The TSE has expressed its commitment to take corrective measures, and further training of electoral officials has already begun. However the pressure experienced by many officials during the first round of the elections has led some volunteer election officials to resign. In particular, The Carter Center supports the recommendation to the TSE of *Mirador Electoral* take appropriate measures to address problems that arose during the first round of elections associated with the updated voter registry.

Vote Buying and Duress by Political Parties

The Carter Center received reliable information both in the Altiplano and in the departments of Alta and Baja Verapaz about vote-buying strategies used by some political parties at the municipal level before and during election day. Voters were offered money, agricultural tools, housing construction materials, projects and credit as inducements to vote for particular candidates or parties. The Carter Center also learned that some parties registered names and identity card numbers of the recipients of party handouts. One national observer commented that the offer of money and goods among poor communities amounted to ¨playing with the hunger¨ of people.

National electoral observers with experience in community based development initiatives in the Western Highlands explained to Carter Center monitors that the practice of vote-buying among indigenous populations not only exploits poverty, but also takes advantage of indigenous cultural norms in an attempt to create an obligation to vote for a specific party. This view was shared by some participants in the Carter Center's departmental inter-institutional meetings, who emphasized how the impact of vote buying strategies is amplified by the cultural significance of giving one's word in indigenous communities—a reference to a profound commitment to reciprocity and the obligation to fulfill an oral promise.

These deplorable political strategies were often unsuccessful, however. National observers in the Altiplano found that, in contrast to previous elections, the receipt of goods or money from a political party did not necessarily guarantee a particular vote. According to these observers, voter education initiatives counseled citizens that the acceptance of a gift from a political party does not oblige an individual to vote for that party. This pragmatic advice minimized the impact of vote buying in some municipalities, but does not address the underlying contradiction between these practices and

the fundamental value at issue in indigenous communities. More information and analysis is required in order to measure the impact of vote buying in light of these factors.

National and international observers also consistently noted their concerns about the lack of effective legal sanctions against vote-buying. Officials in the Public Prosecutor's Office explained to The Carter Center that neither the Law concerning the Elections and Political Parties nor the Penal Code penalizes the attempt to influence voting by offering material benefits anytime before a ballot is cast. The Penal Code does criminalize such activity if it occurs during the voting process. The Carter Center has not been able to verify a consistent practice by Guatemalan authorities to investigate minor criminal or administrative offences of this kind. Both the TSE and the MP indicate the difficulty of proving vote-buying or its consequences, even when the activity occurs near voting centers on election day.

Misuse of Public Resources by the Governing Party

The Carter Center received reliable information regarding the use of public resources for political purposes in some municipalities of the Western Highlands preceding the Nov. 9 elections. According to national observers, in exchange for a vote for the governing party, development projects, debt write-offs, and credit were offered. In some cases, state development agencies were involved directly or indirectly in these political campaign strategies. Particularly among the most vulnerable and marginalized populations, these strategies generated the fear of losing vital resources for survival. In addition to being explicitly prohibited by the Constitution of the Republic of Guatemala, these actions violate international human rights standards by compromising the exercise of a free vote.

In some regions visited by The Carter Center, the controversial government policy of providing remuneration to ex-Civil Defense Patrols (*Patrullas de Autodefensa Civil*, ex-PACs) was used for political ends by the governing party. An immediate result of the politicization of this policy was the use of illegal measures by ex-PAC members who had not received their compensation, including roadblocks, the taking of hostages in various municipalities, including Ratahuleu, el Quiché, and Huehuetenango, and threats to obstruct the elections. Moreover, in regions still suffering from the legacy of the internal armed conflict, the policy also has led to the resurgence of psychosocial problems among citizens and has created the possibility of a revitalization of paramilitary structures. The recent announcement by the Constitutional Court that payments to ex-PAC will be suspended and subsequent confusion regarding the legal status of that decision have exacerbated tensions that could affect the electoral process.

Political Violence

The Public Prosecutor's Office informed The Carter Center about what it considers to be the most important cases of election-related violence. Eight cases arose before the Nov. 9 elections, nine cases were reported on election day, and 14 cases emerged post-election. These cases include homicide and various incidents of political violence, such as the burning of ballots by voters on election day in places such as Cuyotenango, Suchitepequez and El Quetzal, San Marcos, as well as threats and attacks against individuals. The number of cases of political violence reported by *Mirador Electoral* and by the PDH, however, is much higher than this small number under investigation by the Public Prosecutor's Office, raising questions about access to justice, discussed below. As a result of violence on Nov. 9 in four municipalities, the TSE decided to suspend or annul and, therefore, to repeat the elections on Dec. 28. But post-electoral conflict persists in many

more municipalities, such as Aguacatan and Huehuetenango, and particularly where mayors sought re-election, such as San Pedro Ayampuc and Cantabal, Ixcan

Post-electoral incidents reported by the Public Prosecutor generally involved demands by opposition parties that re-elected mayors renounce their victories, or demands for the repetition of elections based on allegations of fraud or corruption. The Carter Center is observing some of these cases in the Western Highlands and is concerned about the risk of violence in these areas before or on Dec. 28.

In the case of notorious political violence on July 24-25, commonly known as ¨Black Thursday," as well as in other cases, the Public Prosecutor's Office indicated to The Carter Center that the immunity of political officials who are suspects has limited prosecutorial actions by the Public Prosecutor's Office. It should be noted, however, that this right to immunity does not limit the power of the Public Prosecutor to conduct investigations.

Access to Justice in the Electoral Process

According to the TSE and MP, between 1985 and the present, there have been no convictions of electoral crimes. Officials of the TSE, the PDH, and the MP, as well as national electoral observers point to a number of institutional weaknesses that limit access to justice within the context of electoral crimes and other anomalies. These factors include the lack of investigative capacity and institutional resources of the TSE and MP, the lack of capacity of political party observers, and the paucity of legitimately filed complaints registered with the correct authorities by alleged victims.

National observers and authorities informed The Carter Center that the lack of effective access to and weakness of response from investigative and judicial institutions heightens the risk of violence in various municipalities, including Sacapulas and Aguacatan. In light of the need for preventative measures and mediation by appropriate government institutions signaled by local monitors, it is encouraging that the PDH has successfully negotiated non-violence pacts with relevant political actors in several municipalities, such as San Pedro Ayampuc, Chinautla, and Amatitlan in the department of Guatemala, whereby the parties agreed to accept peacefully the results of the upcoming presidential elections.

Civil Society Organizations and Election Authorities

Among factors contributing to the high voter participation during the Nov. 9 elections were the efforts of civil society organizations to provide civic education and encourage the free exercise of the right to vote. In spite of a climate of insecurity around the electoral process, civil society groups exerted an unprecedented and crucial influence through initiatives aimed at raising citizens' political awareness and monitoring of the electoral process.

The national observation delegations incorporated people and communities that historically have been socially, politically, economically, and culturally marginalized. The experience of participating in the election delegations seems to have increased the awareness of and capacity for collective political influence among, for example, indigenous communities, women, and youth. Most of the individuals and groups that participated in national observation initiatives came from existing social movements and community organizations. By incorporating their election experience into their community work, these volunteers will be part an increasingly sophisticated civil society sector that can better monitor the new government's actions and hold elected officials accountable.

The Carter Center also notes the energetic participation of volunteers affiliated with the PDH, an institution charged with the crucial role of monitoring the government and holding appropriate officials accountable. The Public Prosecutor's Office also fielded electoral observers during election day with the aim of preventing and investigating electoral crimes. National and international observers are monitoring the MP's resulting investigations, as well as the effectiveness of the coordination between the MP and the Inspector General of the TSE.

At meetings organized after Nov. 9 by The Carter Center in Chimaltenango, Sololá, El Quiché, Quetzaltenango, San Marcos, Totonicapán and Huehuetenango, the Center learned that in some locations there was significant and beneficial coordination among election authorities and local election monitors. In the department of Quetzaltenango, for example, long-term collaborative interaction among governmental and nongovernmental agencies involved in the elections had significant benefits for the peacefulness and efficiency of the elections. In other locations, however, there was a lack of collaboration or, at worst, antagonism. In all of the post-election meetings facilitated by the Center, participants representing both the state and civil society groups recommended further coordination to clarify functions, share information, and discuss observation strategies, with the ultimate mutual goal of strengthening the electoral process.

Expected Low Voter Participation on Dec. 28

National electoral observers and authorities have expressed concerns regarding a possible reduction in citizen participation in the second round of voting on Dec. 28. This concern is related in part to presumed voter fatigue resulting from tensions and obstacles faced by the general population before the first round on Nov. 9. The Carter Center shares the concern of some national observers that, prior to the second round, there have been comparatively few governmental or nongovernmental initiatives to encourage voter participation on Dec. 28. The Carter Center also is concerned that the political platforms of the two presidential candidates contesting the second round provide little incentive to the electorate to exercise their vote. Both parties sought to reduce the confrontational nature of the political campaigning during the first round, but neither party has presented platforms that engage meaningfully with issues of concern to the majority of the electorate.

Recommendations

The Carter Center welcomes efforts by the TSE and other public authorities to provide a secure and conducive environment for elections on Dec. 28 and further recommends

To the Supreme Electoral Tribunal:

1) Take all possible additional measures to minimize the impact of errors detected in the electoral register during the first round of voting.

2) Ensure the number, location, and internal configuration of voting stations allows efficient access, public order, and voter secrecy.

3) Strengthen coordination within the TSE and provide local election officials adequate training and logistical support so they can assist voters. Make every effort to provide this assistance in appropriate local languages and with impartiality and respect for all voters.

To State Authorities and Political Parties:

4) Ensure support for national observers and that observers' important role in the electoral process is clarified through coordination efforts at all levels.

5) Take all possible measures to avoid confrontation and possible violence, especially at the municipal level, through effective coordination and provision of resources for mediation of electoral conflicts.

6) Clarify procedures for reporting human rights abuses or violations of the Law regarding Elections and Political Parties and take expedient action in response to complaints.

7) Honor commitments made in the Political Pact of July 2003, especially at the municipal level and with regard to pledges not to use state resources and to assure transparency in campaign finance.

8) Call upon all registered voters to participate in the second round of the elections.

THE CARTER CENTER

NEWS

THE CARTER CENTER

ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE
Friday, Dec. 19, 2003

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CARTER CENTER ENCOURAGES MEASURES TO ENSURE EFFECTIVE AND SECURE ACCESS TO THE DEC. 28 POLLS IN GUATEMALA

ATLANTA…. The Carter Center called on electoral authorities in Guatemala to ensure voters who recently updated their registration will be able to cast their ballots and on the authorities and political parties to provide a secure and impartial environment for the second round of elections, according to the Center's second statement on the Guatemalan electoral process released today.

A national run-off election will be held Dec. 28 as well as mayoral elections in four municipalities where election authorities annulled results in response to serious electoral irregularities. The Center encourages electoral authorities to continue their efforts to overcome errors in the voter register found in the first round of voting and to minimize the possibility of confrontation and violence, especially at the municipal level.

The Center also noted significant problems with inadequate preparation among some election officials, the limited investigation and prosecution of election-related crime by authorities, and widespread incidents of vote-buying and intimidation. Problems are most pronounced, according to Carter Center observers, in the Western Highlands and other areas characterized by high levels of poverty, weak institutions, and the lingering impact of the 36-year internal armed conflict.

The Center's election observation team, which is highlighting human rights and political finance issues related both to the elections and to national efforts toward sustainable peace, arrived in Guatemala Oct. 20. Following the Nov. 9 national elections, the Center established a presence in two departments in the Western Highlands.

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NEWS

THE CARTER CENTER

ONE COPENHILL, ATLANTA, GA 30307

PRESIDENT CARTER AND THE CARTER CENTER ENCOURAGE GUATEMALA'S NEW LEADERS TO ENSURE FULL IMPLMENTATION OF HUMAN RIGHTS ASPECTS OF PEACE ACCORDS

AND SECURE ACCESS TO THE DEC. 28 POLLS IN GUATEMALA

FOR IMMEDIATE RELEASE

21 JAN 2004

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ATLANTA…. The Carter Center joins the international community in congratulating President Oscar Berger and Guatemala's newly elected congressional deputies and local mayors. After decades of devastating civil war and with little progress on implementing the 1996 Peace Accords, the new administration has an important opportunity to work with political leaders and civil society to make significant progress in fulfilling the longstanding aspirations of all Guatemalans.

"I am encouraged by President Berger's early public commitments to ensure that the peace accords are implemented fully, particularly with respect to issues of impunity and equality in advancing the human rights of all Guatemalans," said President Carter. "Guatemala's new leaders have the opportunity and responsibility to fulfill the aspirations of all Guatemalans for genuine equality and justice and the rule of law based upon national and international human rights standards."

A small Carter Center team in Guatemala has observed the 2003 electoral process since late October and has issued four public statements about its findings. The Carter Center team found that the 2003 elections demonstrated the urgent need for full protection of all human rights, economic justice for rural and indigenous persons, legislative action including campaign finance reform, and comprehensive civic education programs. These priorities are essential to the full

implementation of the peace accords and adherence to international human rights obligations, particularly those enshrined in International Labor Organization Convention 169 Concerning Indigenous and Tribal Peoples.

To achieve these goals, The Carter Center urges President Berger, congressional and political leaders, and mayors throughout Guatemala to put shared national interests ahead of partisanship and promote greater public participation in governance.

Civil society groups and prominent citizens took an important first step by promptly presenting President-elect Berger a consensus agenda of priorities for the new government. The Center encourages a strong role for independent civil society organizations in monitoring the performance of all state institutions. Such civic participation would build upon the unprecedented and constructive role of civil society observers during the 2003 electoral process and help deepen Guatemala's democracy.

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