



CRS Report for Congress

Guatemala: 2007 Elections and Issues for Congress

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Summary

Guatemala held presidential, congressional, and mayoral elections on September 9, 2007. The dominant issue in the campaign was security, and the 2007 election campaigns were the most violent since the return to democracy in 1985, with 51 candidates, activists, and family members killed. No candidate for president received a majority of the votes, triggering a November 4 run-off between the two leading candidates, Álvaro Colom, a businessman from the National Union for Hope (UNE), and Otto Pérez Molina, a former general of the Patriot Party. Colom won 18 out of 22 departments, garnering most of his support from rural regions, whereas the majority of Pérez Molina's support came from Guatemala City and the surrounding area. Since no party won a majority in Congress, the next president will have to build coalitions to achieve his legislative agenda. U.S. interests in Guatemala include consolidating democracy, securing human rights, establishing security and promoting trade, though U.S. immigration policy has been a point of tension in bilateral relations.

Election Results

Guatemala held general elections on September 9, 2007, the third wave of democratic elections since the end of its 36-year civil conflict in which an estimated 200,000 people were killed. The current President, Óscar Berger, of the Grand National Alliance (GAN), was barred from seeking reelection by a constitutional prohibition. Both the European Union and the Organization of American States sent electoral observers to monitor the elections. Although the electoral campaigns were marred by violence, both missions expressed satisfaction that the elections were relatively free and fair and that voter turnout was largely unimpeded. However, there were irregularities

such as the burning of one polling station in El Cerinal, southeast of Guatemala City. The missions also expressed concern about the lack of information available in Mayan languages as well as the low number of women elected to Congress.¹

Presidential Election.² The two major candidates in the presidential elections, center-leftist Álvaro Colom Caballeros of the National Union for Hope (UNE) and Otto Pérez Molina of the Patriot Party (PP), won 28% and 24% of the vote, respectively. Since neither captured a majority, the two candidates will face each other in a run-off election to be held on November 4, 2007. Twelve other candidates ran, including Nobel Peace Prize winner Rigoberta Menchú. Menchú's campaign was poorly financed and she finished in sixth place, with only 3% of the vote.



Source: Adapted by CRS. Map Resources (9/07).

Analysts assert that both Colom and Pérez Molina will need to form alliances with other smaller parties in the run up to the second round. The presidential candidate for the center-right party, GANA, came in third in the polls garnering 17%, followed by the right-leaning Center of Social Action (CASA) receiving 8%, and the right-wing Guatemalan Revolutionary Front (FRG) with 7%. Several mayors from GANA have expressed support for Colom. However, Alejandro Giamettai, the GANA presidential candidate, has not yet announced whom he will back. Relations between Pérez Molina and GANA were strained after Pérez Molina and the PP, formed by Pérez Molina in 2001, left GANA after a dispute in 2004. CASA has announced its support for Pérez Molina in the November election.

Colom has stated that he will focus his campaign efforts in Guatemala City and the northern regions of the country. Pérez Molina polled almost twice as strong in Guatemala City as Colom. Guatemala City is the most violent part of the country and Pérez's hard-line security platform appeals to the voters in this area. However, Colom's focus on social justice has had more of an appeal in rural regions where a main concern is unemployment and poverty. Colom defeated Pérez Molina in 18 of the 22 departments,

¹ "Second Round Certain in Guatemala Election," *Latinnews*, September 10, 2007.

² "Second Round certain in Guatemala Election," *Latinnews Daily*, September 10, 2007; Kate Jones, "Election 1007: Two Favorites make it into Guatemala's Presidential Run-off," *Global Insight*, September 11, 2007; Hector Tobar, "Guatemalans to face a stark choice," *Los Angeles Times*, September 11, 2007.

winning almost twice as many votes in the Mayan communities of the western departments.

Congressional Elections.³ The UNE won 48 seats, increasing its representation by one third. GANA came in second with 37 seats, followed by PP with 30 seats. The FRG's position in congress was decreased from 29 to 15 seats. Former President Efraín Ríos Montt was elected to a four-year term in congress, granting him immunity from prosecution on genocide charges he faces in Spain until the end of his term. Whether Colom or Pérez wins the run-off elections, the ruling party will have to negotiate with other parties in the 158-seat Congress in order to pass its agenda.

Table 1. Congressional Election Results

Party	UNE	GANA	PP	FRG	PU*	CASA	UCN	PAN*	EG	URNG*	UD*	Total
Seats	48	37	30	15	8	5	4	4	4	2	1	158

a. PU = Unionist Party, PAN = National Advancement Party, URNG = Guatemalan National Revolutionary Unity, UD = Democratic Union

b. There are no second round elections held for Congress.

Background

President Óscar Berger won the November 2003 elections and took office on January 14, 2004. During Berger's presidency, the Guatemalan economy has expanded, but drug trafficking and organized crime have overwhelmed the country's weak institutions. Guatemala's GDP grew by 4.6% in 2006, the highest rate since 1998, helped by increased remittances; high prices for primary exports, such as sugar and cardamon; and increased investor confidence due in part to implementation of the U.S. Dominican Republic-Central America Free Trade Agreement (CAFTA-DR). Under Berger's leadership, the legislature passed a law against organized crime and secured legislative approval of the creation of an International Commission Against Impunity in Guatemala (CICIG). Because of GANA's minority presence in Congress, however, Berger has struggled to secure timely passage of needed tax reforms, and the 2007 budget. Some assert that his government has not made significant progress on implementation of reforms agreed upon in the 1996 peace accords.⁴

The Guatemalan peace accords were signed in 1996, but required reforms were not fully implemented and security forces were not purged, leaving intact the institutional framework through which organized crime has infiltrated the political process. Murders have increased, reaching 6,033 in 2006, higher than any single year during the civil conflict. The murder rate is disproportionately high in Guatemala City, eastern departments, and along the Mexican border. The root problem lies in the lack of employment and educational opportunities; many youth search for other means of living, including gangs and organized crime. The majority of violence is attributed to drug trafficking and organized crime, with nearly 90% of cocaine heading for the United States

³ "Guatemala Faces Presidential Runoff," *Latinnews*, September 11, 2007.

⁴ "Guatemala: Election Countdown," *Business Latin America Select*, February 26, 2007; "Country Report: Guatemala," *Economist Intelligence Unit*, July 2007.

passing through Central America.⁵ The infiltration of security forces by organized crime was highlighted earlier this year after the murder of three Salvadoran deputies and their driver. The four police officers accused of the crime were assassinated while in prison. This situation led to the resignation of several high-ranking security officials.

All levels of the 2007 electoral campaigns were affected by political violence, making this the bloodiest election in Guatemala's history since 1985. There were 119 violent acts resulting in 51 deaths, including the murders of candidate's relatives and party activists. The torture and killing of one candidate's 14-year old daughter highlighted the brutality of the campaigns. Two other candidates' sons were also killed, bringing the number of relatives killed to six. The UNE party, of front runner Álvaro Colom, suffered the most losses with 18 murders, followed by the ruling party GANA with 7 murders.⁶ Prosecuting murders is rare in Guatemala, and to date it is not clear who is responsible for many of them or what role, if any, organized crime and drug traffickers played in the campaign violence.

Presidential Candidates

Álvaro Colom Caballeros. Three-time presidential candidate Álvaro Colom moderated his leftist platform over the last two elections and ran as a center-left candidate for the UNE. Colom studied industrial engineering at the University of San Carlos before becoming a businessman and eventually a politician. He has held an array of positions, including Vice Minister of Economy in 1991, director of the National Foundation for Peace, from 1991 to 1997, and executive director of the Presidential Office of Legal Assistance and Land Conflict Resolution in 1997. In 1999, he ran for president under the New National Alliance (ANN), a faction of the leftist Guatemalan National Revolutionary Unit (URNG), a former guerrilla group that was assimilated into the political process by the 1996 Peace Accords. In 2003, Colom ran on the ticket of UNE, softening his leftist rhetoric, and contested Óscar Berger in a second round of voting. Colom now identifies himself as a moderate social democrat like President Lula da Silva of Brazil. He also supports the more radical policies of Hugo Chavez of Venezuela and Evo Morales of Bolivia, but states that he does not see their reforms as the route for Guatemala. If elected, he has stated that he would focus his policies on social development and expanding education. Colom indicates he would create a social dialogue, cooperating with other parties in the Guatemalan Congress to tackle the pressing issues that Guatemala is currently facing.⁷

⁵ Adam Thomson, "Bodies Pile-up," *Financial Times*, April 19, 2007; "Crime and Development in Central America: Caught in the Crossfire," United Nations Office on Drugs and Crime, May 2007;

⁶ "A 40 días de las Votaciones," *Mirador Electoral 2007*, June 30, 2007; Nancy San Martin, "Violence Runs Deep in Guatemala," *Miami Herald*, March 5, 2007; "Guatemalan Politician's Teenage Daughter Murdered," EFE News Service, August 23, 2007.

⁷ Mica Rosenberg, "Guatemala Election Favorite Preaches Moderation," *Reuters News*, August 6, 2007; "Álvaro Colom Caballeros: Electoral strategy and Presidential Platform," *Inter-American Dialogue*, June 27, 2007; Candidate Profile, *El Periodico*, [<http://elecciones.elperiodico.com.gt/?tpl=241>].

Álvaro Colom calls for a holistic approach to curb the country's rampant violence, crime, delinquent youth, and impunity. He promises to prioritize security within 100 days of taking office, along with strengthening the supreme court in order to put an end to impunity.⁸ Colom takes a "zero tolerance" stance on corruption and organized crime, which previously led to the dismissal of one UNE congressman, Manuel Castillo, due to alleged drug trafficking links. Castillo was also recently linked to the murders of three Salvadoran deputies and their drivers and the subsequent murders of four accused police officers. The Castillo case and an allegation made by Rolando Morales, a member of UNE and president of the congress in 2004, that Colom's wife took US\$1.5 million from the congressional budget to fund a company controlled by her sister, has raised suspicion among his critics about Colom's integrity and possible connections to organized crime.⁹

Otto Pérez Molina. Otto Pérez Molina, a retired general and former spy chief, is campaigning as the "General of Peace," emphasizing his role as a military representative during peace negotiations in the 1990s. Pérez Molina founded the Patriot Party in 2001, which, in 2003, joined together with the National Solidarity Party and Reformer Movement to form the Grand National Alliance (GANA), currently the ruling party. Pérez Molina was originally selected for GANA's ticket, but he and the PP subsequently left the alliance. PP is backing Pérez Molina in the 2007 presidential race. The focus of Pérez Molina's campaign has been his hardline or "iron fist" security policy. He wants to put more soldiers on the streets in the capital city in order to quell the violence. He also advocates the professionalization of the army and national police with the hopes of weeding out corruption. Pérez Molina's hardline rhetoric appeals to many because of the continued increase in violence across the country. Human rights groups, however, are concerned that Pérez Molina's policies and his past history of human rights violations may impede the country's reconciliation with its violent history. Pérez Molina has been implicated in a number of human rights abuses taking place during his time in the military, including being linked to the 1994 murder of a judge and the 1996 murder of a guerrilla leader.¹⁰

Pérez Molina sees security as a necessity for the rest of his platform which includes education, health, and economic and rural development. He plans to decentralize education to allow for local governments to have more control, increase the coverage of the health system and industrialize agriculture to help fight rural poverty. Pérez Molina supports extensive legal and constitutional reforms but through a national constituent assembly rather than through the Guatemalan legislature.¹¹

⁸ "Álvaro Colom Caballeros: Electoral Strategy and Presidential Platform," *Inter-American Dialogue*, June 27, 2007.

⁹ "Guatemala: Increasing Concerns over Electoral Violence," *Latin American Caribbean and Central American Report*, July 19, 2007; "Guatemalan Deputy Linked to Salvadoran Murders," *Latinnews Daily*, July 31, 2007.

¹⁰ Mica Rosenberg, "Guatemalan Candidate Wants Army on Streets," *Reuters News*, July 20, 2007; "Election 2007: "Hidden Powers in Post-Conflict Guatemala," Washington Office on Latin America, 2003.

¹¹ "El General del puño Otto Pérez Molina Presidenciable por el Partido Patriota," *El Periodico*, may 27, 2007; "Información sobre Pérez Molina," *El Periodico*.

Outlook and Issues for U.S.-Guatemalan Relations

Impunity and violence are two of the biggest issues facing the new president. Guatemala has one of the highest murder rates in Latin America due to institutional weaknesses and infiltration of security forces by organized crime. Very few murders are investigated and even fewer are prosecuted. The past two administrations have struggled to get approval of a joint commission, with the United Nations, that would investigate clandestine groups working within the government and security forces. The establishment of the International Commission Against Impunity in Guatemala, known by its Spanish acronym CICIG, has been one of President Berger's successes. The opposition to CICIG came mainly from the Guatemalan Revolutionary Front (FRG) citing that CICIG was a violation of Guatemala's sovereignty.

Both Colom and Pérez Molina, as well as their parties, were vocal supporters of the international commission. However, two members of the UNE, Álvaro Colom's party, voted against CICIG in the Congressional Committee on Foreign Relations. This was an embarrassment for Colom and his party and resulted in the suspension of one of the deputies. On August 16, a law was passed that formally established CICIG for the next two years. CICIG has been praised by human rights groups and the international community. Concerns persist, however, the Guatemalan executive branch will decide which cases will be investigated and the commission will not be able to investigate crimes retroactively, such as war crimes committed during the civil war.¹² The approval of CICIG prompted the U.S. House and Senate to approve Foreign Military Financing for Guatemala in FY2008, pending Department of State certification that certain human rights conditions have been met. Both presidential candidates are likely to support continued cooperation with the international community to fight impunity and violence in Guatemala.

The United States and Guatemala have traditionally had close relations. U.S. interest in Guatemala lies in consolidating democracy, securing human rights, establishing security, and promoting trade. U.S. immigration policy has been a point of tension. President Bush visited Guatemala in March 2007 to express support for greater cooperation on counternarcotics and youth gangs. The United States' immigration policy has been a growing source of tension since tighter U.S. border security has led to increased deportation of Guatemalan nationals. As of July 24, 2007, 12,445 Guatemalans had been deported from the United States with the total for 2007 expected to reach 24,000. This number grew from 11,000 in 2005 and 18,306 in 2006. The surge in deportations has strained reintegration programs. Guatemala maintains that deportations have added to gang related problems. Guatemala has an estimated 1.2 million nationals living in the United States, nearly 60% illegally. They sent back \$3.61 billion in remittances in 2006, equal to 10% of the country's GDP.¹³ Since immigration is a bipartisan issue in Guatemala, both Colom and Pérez Molina are expected to continue to appeal to the U.S. Government to revise its immigration policies.

¹² "Guatemala: Limited Success at Boosting Transparency," *Latin American Weekly Report*, August 23, 2007; "Guatemala: Congress Approves CICIG," *Latinnews*, August 2, 2007.

¹³ "U.S. has Deported over 12,400 Guatemalans in 2007," *EFE News Service*, July 24, 2007; "More than 11,000 Guatemalans Deported from the U.S. this year," *EFE News Service*, July 14, 2007.