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# DEMOCRACY AND ELECTIONS IN GUATEMALA

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If democracy and open elections are repressed by a mixture of intimidation, death squads and military coups for several decades and then, all of a sudden, there is an open election, would one expect a large and enthusiastic turnout? There were strong turnouts in Russia and Eastern Europe, but not in Guatemala. It is a complex issue, drawing on fundamental problems of illiteracy and limited communication in indigenous and rural areas and continuing violence by the Army and the guerrilla movement. There is also continuing suspicion of reprisal, in part because of the Mayan tradition of collective voting, a tradition of boycotting previous demonstration elections and a complex field of nearly 20 candidates and parties.

Elections *per se* do not have a democratizing effect, and the recent elections in Guatemala did not establish democracy. However, they have supported and fostered the process of political democratization in this Central American country, and have been a decisive factor in Guatemala's transition to representative democracy. On November 12, 1995, general elections were held in Guatemala. In these so-called "Elections of the Century," Guatemalans had to choose the president and vice-president of the republic, 80 congressional deputies, the heads of 300 municipalities and 20 representatives to the Central American Parliament. The election was only the third since formal constitutional rule was restored in Guatemala a decade ago, following a particularly violent and repressive period of military rule. The vote was believed in advance to mark the first time in more than 40 years that people would cast ballots in elections whose outcome had not been predetermined.

In 1986, the first civilian government was installed in Guatemala. This event was considered to have triggered a process of political democratization that has continued until today. The modalities of the 1985 transition to nominally civilian rule had only little predictive power with regard to the future of democracy in this Central American country. By way of contrast, a study of the characteristics of the recent elections, which have been held within the con-

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text of an ongoing peace process after 10 years of supposedly democratic government, might be much more suited for a prognosis.

This paper analyzes the implications of the general elections for the process of political democratization in Guatemala. Have the elections been a significant factor in the democratization process? Did they help Guatemala in its efforts to make a successful transition from a conflict-ridden past to democratic governance? Did they have a democratizing effect, thereby encouraging fundamental democratic changes? Or, were they yet another "demonstration election," which was held to appease the international community in order to receive necessary economic support from abroad? What are the chances that the democratic experimentation will succeed? These questions are considered through the study of political and social science and legal literature, as well as through my experiences as an election observer<sup>1</sup> and interviews with political leaders, officials, groups and citizens.

### History

The November elections were held in the context of a complex and manifold process of political democratization. To appreciate the significance of the transitional step this chronically unstable nation found itself about to take, one must recall the unhappy story of Guatemala's political past.<sup>2</sup> The political history of this Central American country is the history of military rule, state repression, political instability and violence. It can roughly be divided into five phases: three centuries of Spanish colonial domination beginning in 1524, national independence under brutal dictators before 1944, the reformist "Decade of Spring" up to 1954, 30 years of repressive military government, and finally the democratization process beginning in 1985.

From 1944-1954, Guatemala experienced "una breve primavera democrática,"<sup>3</sup> a short first democratic spring,<sup>4</sup> which lasted only 10 years. During this period of progressive, democratic rule of reformist presidents Juan José Arévalo and Jacobo Arbenz, a "wave of democracy" swept through Guatemala. Indigenous people obtained a right to vote. Political parties were legalized and many new parties developed. Labor unions organized, and a reformist alliance of military officers, students, professionals, businessmen and politicians was formed. In 1947, a new labor code was passed that guaranteed, *inter alia*, the right to unionize and strike, the right to a 48 hour work week, and the right of agricultural workers to unionize on plantations.

President Arévalo's reform program gave high priority to the democratization of Guatemalan politics. Under his presidency, "local political autonomy, established by the constitution of 1945, gave the first opportunity for lessons in political participation."<sup>5</sup> In addition, the human rights situation improved significantly as did the living conditions for the poor.

Arbenz, who was elected president in 1950, launched extensive economic and social reforms. His social welfare program included the construction of schools and hospitals, far-reaching immunization and literacy campaigns, broad-based land reform and the public expropriation and redistribution of

land to indigenous peoples.<sup>6</sup> Arbenz also encouraged militant trade unionism, appointed communists to his cabinet and began a systematic campaign against foreign investment in Guatemala.

In 1954, the Decade of Spring came to a bitter end. Following the CIA-backed military coup of July 1954, President Jacobo Arbenz Guzmán, known popularly as "*el soldado del pueblo*" (the people's soldier),<sup>7</sup> was overthrown and forced into exile. Since then, real political participation has been denied to the majority of the mainly indigenous population. Almost all aspects of political life in Guatemala have been dominated by the military, the right wing, and death squads. Left-wing, and even centrist, political parties and trade unions were violently suppressed after 1954.<sup>8</sup> The military coup set the stage for Latin America's longest and the region's last remaining civil war. "The exclusion of left-wing opposition forces from legal politics encouraged a guerrilla movement which had its origins in a division within the armed forces in 1960."<sup>9</sup> In 1962, the *Fuerzas Armadas Rebeldes* (Rebel Armed Forces, FAR), Guatemala's first revolutionary political military organization, was established.

In the 1970s, Guatemala experienced a revolutionary upsurge. Two guerrilla organizations, the *Organización del Pueblo en Armas* (Organization of the People in Arms, ORPA) and the *Ejército Guerrillero de los Pobres* (Guerrilla Army of the Poor, EGP) were formed. Mass demonstrations and radicalization of popular organizations increased. Between 1978-1985, the height of the army's counterinsurgency war, a brutal military campaign against the guerrilla movement and social organizations resulted in massive human rights violations that were predominantly targeted against the indigenous peoples of the highlands. In generally accepted rough figures, more than 100,000 Guatemalans were killed, 30,000 disappeared (presumed dead), over one million were uprooted from their homes, and entire villages were razed. The guerrilla movement's areas of civilian support were nearly entirely devastated.

On August 8, 1983, *de facto* military President General Efraín Ríos Montt was removed in another internal coup and replaced with Defense Minister General Oscar Humberto Mejía Victores. Montt's successor promised democracy and installed a series of reforms, such as the creation of an 88-seat Constituent Assembly. Following the drafting of a new constitution, electoral law and a new law of *habeas corpus*, an election characterized as "free and open" by international observers was held on November 3, 1985. The election of the Christian Democrat Vinicio Cerezo, "was a serious disappointment to those hoping for a diminished military role in the country's politics. The president

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was unable to assert civilian authority or make progress in curtailing abuses of human rights."<sup>10</sup>

In 1991, Jorge Serrano Elías of the center-right *Movimiento de Acción Solidaria* (Solidarity Action Movement, MAS) was surprisingly elected president. This event marked the first peaceful transfer of power between elected civilians in four decades. In the same year, UN-mediated peace negotiations between the Guatemalan government and the insurgent *Unidad Revolucionaria Nacional Guatemalteca* (Guatemalan National Revolutionary Unity, URNG)—as of 1996 Central America's only active guerrilla group—began. So far, major agreements on a range of critical issues have been signed.<sup>11</sup> However, issues remain to be negotiated.

On June 5, 1993, the Guatemalan Congress designated Ramiro de León Carpio, a former human rights ombudsman, as transitional president, following a failed attempt at an *autogolpe* (selfcoup) by Elías. This event at first marked a turning point in Guatemala's political evolution, leading to a newfound assertiveness amongst "civil society," the country's congress, and the press. Public support for the new Government's reformist agenda, did, however, soon fade, as levels of violence and criminality rose, and national trends in human rights abuses did not improve.

As a result of the peace talks between the military, the government and the URNG, a United Nations' Mission for the Verification of Human Rights in Guatemala (MINUGUA) was launched in November 1994, with the dual tasks of monitoring human rights and strengthening protective bodies.<sup>12</sup>

### Regional and Global Democratization Contexts

The democratic development in Guatemala must be seen within the context of regional and global democratization. In the past 10 years, a host of dictatorships have collapsed all over the world, making transitions to democratic governance possible. Latin American Cold War concerns that U.S. intervention will occur have diminished, and joint intergovernmental agreements for peace, democracy, and development have developed. In June 1991, the Organization of American States General Assembly affirmed "that there is no goal more important or more vital to the national interests of all the states in the hemisphere than support for democracy."<sup>13</sup> The organization's goals were demonstrated in May 1993 in its quick and effective response to then-President Serrano's autogolpe threat.<sup>14</sup>

Although various analysts have attested Guatemala's return to democracy since Cerezo's election in 1985,<sup>15</sup> "electing a figurehead with scant power" does not create a democracy.<sup>16</sup> The past three civilian governments were only a facade for the *de facto* rule of the military and the traditional economic elite. They all soon realized the severe limitations imposed on their government by the powerful alliance of business interests, landowners and generals. According to political commentator Miguel Angel Albizu, "the power behind the throne has been the army and Chambers of Agriculture, Commerce, Industry, and Finance (CACIF), and without their consent, the civilian [presidents] don't

do anything, are not capable of making their own decisions, even if they arrive with broad popular support."<sup>17</sup> What happened in Guatemala in the past, has, therefore, not really been determined by the elected civilian politicians.

The conditions that favor and are a crucial point on the continuum of democratic development are numerous. "The requirements of political democracy cannot be isolated from other important factors in the life of a country [but] support for democratization processes must go much further."<sup>18</sup> This paper will focus on those political conditions necessary to achieve a successful democracy, which are most closely related to the electoral process.

### **Establishment, Activation and Energization of a Strong Civil Society**

The institutions of civil society stand between the individual and the state. They are "something quite distinct from the state,"<sup>19</sup> in so far as they provide an important check on government by maintaining government accountability. And, they stand above the individual in that they support individual development by protecting personal freedom and serving "as schools for citizenship."<sup>20</sup> Through them, the average citizens can acquire "clear, practical ideas about the nature of their [civic] duties and the extent of their rights."<sup>21</sup>

The process of democratization cannot succeed and democracy cannot be maintained without the strong support of responsible citizens. Civic responsibility, however, presupposes knowledge about civil rights and obligations. According to the social contract theory adopted in this paper, which was shared by many philosophers, most notably Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, a political community, i.e. the state, is built on a voluntary association governed by a social contract.<sup>22</sup>

Voting is one, if not the principal, civil right in a democratic society based on a representative system of governance. A citizen is, however, not only a rights-bearer: suffrage is not only an inherent civil right vested in each Guatemalan citizen by virtue of his or her citizenship, but a civic responsibility. The particular rights and duties of the citizen in relation to his or her own government are established by municipal law. In Guatemala, they are enumerated in the country's constitution as well as in the electoral law.<sup>23</sup> Article 136 of the Guatemalan Constitution of 1986 lists the political duties and rights of citizens.

Article 12, Book I of Guatemala's electoral law states: *El voto es un derecho y un deber cívico inherente a la ciudadanía*.<sup>24</sup> In this context, "civic duty" cannot be equated with legal obligation, however. Guatemalan law explicitly provides

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that nobody can be compelled to vote. *Nadie podrá*, says Article 13, *directa o indirectamente, obligarlos a votar*.<sup>25</sup>

Voting is a necessary duty for a democratic social and political organization in the form of representative governance to be realized. A representative democracy—just like any other democratic system—depends on citizens who are endowed with a civic consciousness, and who are capable of participating in democratic political processes, i.e. both “men and women with a grasp of the skills of governing and the willingness to use them in the public service,”<sup>26</sup> and citizens who fulfill their responsibility to endow those who govern and administrate with the necessary power.

Given that civic democracy presupposes participatory democrats, voting can be taken as an indication of democratic citizenship. Measured against this requirement, Guatemala’s citizenry looks very weak. The elections of both President Cerezo in 1986 and President Serrano in 1991 were relatively fair and free of fraud. Their credibility, however, was seriously undermined by the high rate of abstention. In the January 6, 1991, run-off presidential elections, only 45 percent of the registered electorate voted. Running a country with only the slim support of its constituency creates a serious problem for the legitimization of civilian rule. Abstentionism by those Guatemalans who still feel the deep alienation towards a political system that has excluded them for decades makes it easier for the reactionaries to win power. The process of democratization in Guatemala can only succeed if real power is contested within the electoral arena, which requires that voter apathy is actively overcome.

Secondly, for Guatemala and any other developing country to transform to democracy, the creation of a civic consciousness is essential. Encouraging people to vote is a must to achieve this goal. The importance of high voter participation for the process of political democratization has been emphasized by a member of the Assembly of Civil Society (ASC) in Guatemala. In response to an appeal from Jorge González del Valle, the presidential candidate for the new popular movement party, to abstain from voting in the second round of the presidential election, Lorena Robles said:

I think it would be insane for us to advocate abstention after all our work to create a civic consciousness. Perhaps we will encourage people to vote “No”—that is, to turn in a blank or destroyed ballot, which is like a rejection—but not to abstain totally. The important thing is that the people participate, because we are trying to open up this space of civic participation for the future. With abstentionism, we would just be going back to where we were before, and people would not be learning to play a role in the political life of the country.<sup>27</sup>

Popular political participation was violently suppressed in Guatemala in the past 40 years. In an environment hostile to popular rule, the possibility to acquire the skills necessary to the free enjoyment of citizenship and the performance of one’s civil duties was denied to the majority of the population.

Political expressions, such as the organization of labor unions, student and women's groups, and peaceful political oppositions have been violently suppressed by the state, the military and the economic elite. Under such circumstances, civic consciousness could not develop. Worse, it gave way to civic paralysis.

"We carry a culture of terror inside," explains Helen Mack, the sister of the killed anthropologist Myrna Mack, "which makes it hard to make decisions. We have become accustomed to not thinking."<sup>28</sup> In this atmosphere of apathy and fear, Guatemalan civil society gradually disappeared. Strong democratic parties and interest groups of a mature civil society are still lacking.

### *Civic Education by Civil Society Institutions and Groups*

For the electoral process to strengthen democratic development, a country's citizenry must be informed about their civic right to be elected and both their right and duty to vote. Civil society plays an important role in creating civic consciousness. The electoral process signals a historic new phase with regard to civil society in Guatemala in that it has strongly encouraged civil society institutions to perform their role of non-partisan civic educators.

Until the last elections, popular movement groups, human rights organizations and other components of the civil sector, such as the University Students Association (AEU), boycotted the elections and called upon the people to abstain from voting. They saw little reason to support elections in a political system dominated by the military and right-wing politicians and did not want to reinforce and legitimize an authoritarian regime that ignored the needs and interests of the majority of the population. Instead of mediating relationships between citizens and the government, they further alienated the individual from the system. Representative democracy in Guatemala did, therefore, until now only exist in the law.

In the 1995 elections, all sectors of civil society appealed for citizens to vote. In a wide array of election promotion activities and voter education efforts, various human rights organizations and other civil groups, such as the Centre for Legal Rights and Human Action, the Myrna Mack Foundation, the Catholic Church, the Rigoberta Menchú Foundation and the press have held orientation seminars, distributed pamphlets and published election material in order to inform voters as to the "who, what, when, where and how"<sup>29</sup> of registration and voting. They did inform the public about why it is important for them to vote, "and what guarantees are in place to protect their right to participate confidently in the process."<sup>30</sup>

The Center for Electoral Promotion and Assistance (CAPEL) designed a voter registration and motivation campaign using radio, posters, local forums and community based training to reach rural populations. In addition, the private sector started a national campaign to promote popular participation in the electoral system. Their campaign pursued mainly three goals: to instruct Guatemalans in the voting process; to point out the long-term impact of the elections; and to create confidence in the people that changes in Guatemala-

la's social, economic and political system should not be brought about by armed conflict, but rather by constitutional means—mainly through elections.

Considering short-term results, it seems that CAPEL only partly achieved its goals. Given the powerful structural roots of civic paralysis and political indifference in Guatemala, it is simply not possible to change the mindset of thus-far politically excluded people over night. "Not thinking," said Guatemalan Helen Mack, "was a defensive reaction, that allowed people to suffer the worst years of what many call 'the long night.' And now it is a hard habit to break."<sup>31</sup> It is too early, however, to assess the long-term impact of endeavors to get out the vote. At any rate, it was a creditable attempt to prepare the citizens of Guatemala to take part in their future, which can hardly have been in vain.

### *Civic Education by International Organizations*

Another important aspect with regard to the activation of civil society and the critical question of citizen participation was the effort made by international organizations in the course of the electoral process to support and strengthen popular movement groups, and encourage them to take part in the elections.

The United States Agency for International Development (USAID) has played an important but nonpartisan role in improving voter participation. Through its Democracy program, USAID has promoted a number of both civic organizations and public institutions that were promoting popular participation in the elections, including CAPEL, the Supreme Electoral Tribunal (TSE), and the National Democratic Institute (NDI), as well as a number of local non-governmental organizations (NGOs).<sup>32</sup>

The electoral support of the USAID with regard to civic education included "disseminating party platforms and candidates positions, holding public candidate debates, and encouraging women and indigenous groups to participate in the electoral process."<sup>33</sup> Their program "has been directed at all segments of society, but especially the traditionally disenfranchised, including the indigenous population, women and youth."<sup>34</sup> Further USAID-sponsored election support activities included training of polling station workers for personnel of the (TSE) to instruct the pollworkers in the proper management of voting tables, as well as of political party pollwatchers and local election promoters.

In addition, USAID supported local NGOs to carry out innovative civic/voter education and information activities, such as "a variety of community-level educational events, e.g., candidates debates and mock elections," and the "production of voter motivation materials and programs in Spanish and Mayan languages through print and radio."<sup>35</sup>

Mobilizing the previously-ignored and marginalized majority of the population to vote in their own interests represents not only a significant broadening of the Guatemalan political process, but also re-activates, energizes, and strengthens civil society. The joint effort of institutions, as well as the activities of other both national and international groups with regard to the elector-



al process, have strengthened and promoted civic education, and, thereby, contributed to the development of mature citizens and a virile civil society in Guatemala.

### *Civil Society, Support of Democratic Institutions and the Electoral Process*

A political democratic system can only be both developed and sustained if "autonomous intermediate groups—based on class, occupation, region, ethnicity, religion, etc."<sup>36</sup> exist that can "provide the basis for the limitation of state power, hence for the control of the state by society, and hence for democratic political institutions as the most effective means of exercising that control."<sup>37</sup>

Guatemala still lacks effective democratic institutions. This is mainly due to remaining security concerns that had been engendered by the armed conflict, and fruitless efforts to bring military and public security bodies under the control of the civilian authorities. The electoral process has, however, offered a limited opportunity for Guatemalans to strengthen their democratic institutions, e.g. by the support of NGOs and a free press.

The Guatemalan media enjoy a fair measure of independence, and the government does not control the press. The leading newspapers—*Prensa Libre* and *La República*—do, however, both come under pressure to show the government and army in a good light. According to Dixe Wills of the *Solidaridad Cristiana Internacional*, "the cult of the *fafero*—journalists who are paid to write glowing reports about the government, army, etc.—is well established in Guatemala."<sup>38</sup>

Hence, the media's ability to monitor and strengthen institutional democracy by serving as a check on corruption and abuse of the government is limited at best. The Guatemalan media did, however, play an important role in civic education with regard to the democratization process in general and the elections in particular, and they continue to do so. Permanent coverage of and information on both technical and substantial issues of the electoral process, as well as various editorials on questions such as how to strengthen democracy in Guatemala, contributed to the educational efforts of Civil Society by other NGOs.

### **The Peace Process and Assembly of Civil Society (ASC): *Conquista de la Sociedad Civil***

Any thorough study of the electoral process and its implications for democratic development in Guatemala must also make reference to the ongoing peace process. "The peace and electoral process," commented Otto Zeisig, a member of the Executive Committee of the new popular movement party, FDNG, "cannot be separated. They must be looked at in the same context."<sup>39</sup>

To attribute increased assertiveness of civil society in Guatemala to the elections only would mean to neglect the equally, if not more important, contribution of the ongoing peace process to the activation and energization thereof. On January 10, 1994, the government of Guatemala, the army and the URNG signed a framework agreement for the resumption of the negotiating process

which introduced important changes with regard to the strengthening of civil society. The accord proposed the creation of an Assembly of Civil Society (ASC) "with the mandate to facilitate the negotiations by promoting consensus among the various sectors of the civil society on a number of key issues of the negotiation agenda."<sup>40</sup>

So far, the Assembly has put forward the following five topics to the negotiating table: the issue of displaced people, identity and rights of indigenous people, the socio-economic and agrarian problem, civil power, and constitutional reforms and improvement in the justice system. These are the most serious problems that Guatemalan society currently has to face. "The formation of the Assembly," comments a member of the ASC, "is a conquest of civil society, which gave the popular sector an important political voice."<sup>41</sup> Through the ASC, the peace process has encouraged the different groups within each sector of civil society to organize and work together in a unified way, and come to consensus in the documents they presented to the other sectors.

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By developing greater cohesion on the part of civil society, the ASC has paved the way for the *Frente Democrático Nueva Guatemala* (Democratic Front for a New Guatemala, FDNG), the country's newly created popular movement group. The ASC has enabled civil organizations and groups to gain experiences that contributed to and were crucial for the successful formation of the new party.<sup>42</sup> Many representatives and candidates of the FDNG come from the ASC. Having formulated their interests and demands through their participation in the ASC, many sectors felt that they had to participate in the formation of the new popular movement

party, to keep informed of what they were planning, to make sure that the proposed platform would include their demands, and to see that their people were represented on the proposed slates of candidates.

Robles, who also represents the women's sector within the ASC, explained their decision to join the FDNG in an interview with *Report on Guatemala*: "[T]he popular movement women—Mayan women, unionists, university students, and so on, we felt that if we didn't join the Front, we wouldn't be able to build on all the work we had done in the Assembly."<sup>43</sup> Many of the leaders of the women's sector have been chosen as candidates by the Front, some of whom are recognized on a national level, such as Rosalina Tuyuc, and Nineth Montenegro.

All of this shows that the electoral process has been supported by and in turn supported the peace process. The two are interdependent and mutually reinforcing: with members of the new popular movement party now represented in Congress, they are "in a position to complement the ASC as effec-

tive advocates for the peace process, which remains the key to determining Guatemala's future as a democratic nation."<sup>44</sup>

In sum, the electoral process has contributed to further develop, activate and energize Guatemalan civil society. It fostered contacts among citizen groups, as well as between the civil organizations and individuals. Both the growth and strengthening of NGOs, as well as their increased involvement in civic education and the establishment of democratic institutions, are a powerful factor for democratization in Guatemala.

### Decentralization of Power

In countries led by very strong states, or—as is the case in Guatemala—by powerful interest groups behind the scenes, political democratization also requires decentralization of power, i.e., the creation of genuine communal and regional centers of government. Decentralization supports improved governance by aiming to render elected bodies and officials more accountable to civil society, and to make government more responsible to the people's needs. It is a means to bring the individual citizen closer to the political centers of decision-making, thus giving civil society more control.

The importance of strong local governments and institutions for popular participation in rule has been emphasized by Hurst Hannum:

Where political power has become concentrated in a large, centralized state government, even regular democratic elections may not be particularly meaningful to the individual voter who sees his single ballot as one large empty gesture among millions. Returning power to the local or regional level is one way of increasing real and perceived participation in the political process.<sup>45</sup>

Through decentralization, the participation of communities is strengthened. It makes the local constituency feel more integrated into the political system, which, in its term, will have a strong legitimizing effect. The recognition that democratic development requires a strengthening of subnational or city governments and the establishment of decentralized management through local institutions dates back to de Tocqueville.<sup>46</sup>

Formal decentralization alone is not sufficient—local institutions and governments must be representative of their constituency. In spite of frequent municipal elections, the majority of the Guatemalan population did not feel that the local political system was responsive to their interests and needs. "When the Ladinos [people of Spanish ancestry] were in power," said Pedro Iboy Chiro, a 30-year-old schoolteacher from Sololá who became the first elected indigenous mayor of his hometown since the Spanish conquest, "they only decided things in their interests—for their 15 percent. The other 85 percent did not exist." Guatemala, says a study by Minority Rights Group International, is "a Ladino state which offers [indigenous people] nothing but abuses and second-class citizenship."<sup>47</sup>

For decades, military rulers and national political parties have installed Ladinos as mayors and council members in rural towns crucial to their national power bases. In many other cases, they nominated Indians whom they controlled, hoping to lure indigenous votes to the national parties. The result has been years of racial apartheid and discrimination against the people of the 23 tribes that primarily populate the rural highlands and urban slums.<sup>48</sup>

The November 12 municipal elections turned out to be an historic event with regard to the strengthening of local governments. In many cities and villages, such as Sololá and Quetzaltenango, indigenous mayors took office for the first time in over 450 years. "I don't see this as a personal victory, but as a victory for the community," assured Iboy Chiroy, who promised to consult and work closely with the counsel of his elders.<sup>49</sup>

"For us, electing one of our own means more rights," said Caterina Tzaj Chox, 30, one of Iboy's constituents. "Rights to better education for our children and a better quality of life for our people."<sup>50</sup> According to Mario Minera of the Center for Legal Rights Action in Guatemala City, "The different phenomenon of this election is that these officials truly represent the interests of the Maya, not only the interests of the Ladino."<sup>51</sup>

By allowing the participation of independent indigenous civic committees for the first time, the local constituency gained new trust in municipal authorities. Being confident, or at least hopeful, that independent indigenous mayors will be responsive to their basic interests and needs, many Guatemalans were willing to entrust power to the local government by means of participating in the elections. Due to higher voter participation and a positive approval of the new authorities, the legitimacy of many local governments strengthened.

### Development and Cultivation of Democratic Political Culture

For its process of political democratization to succeed, Guatemala must develop a real democratic political culture, i.e. "a national culture that, by tolerating diversity and preferring accommodation, is already implicitly democratic."<sup>52</sup> From this definition, we can derive one of the main characteristics of democratic political culture, namely nonviolent contestation by resort to constitutional means, such as party formation and fair political competition, popular participation through elections and a free press.

Despite 10 years of peaceful transition to power, Guatemala still lacks cultural notions essential to democracy. This is not surprising in view of the country's anti-democratic history. With barely one decade of democratic rule, and the recent history of democratization which has been marred by the domination of the army over political life, governmental corruption, and a coup attempt in 1993, Guatemala could not yet develop a democratic tradition that could lead the country through transition.

Cultural attitudes essential for democratization and democracy evolve grad-

ually and their development requires patience and a permanent practice. "There are countries such as the United States," said De León Carpio, "that are approximately 200 years ahead of us in democratic processes."<sup>53</sup>

Democratic culture implies that unsuccessful candidates honor the election result as the valid decision of the voters. "[D]efeated candidates," said Guatemalan ex-President Ramiro De León Carpio, in a news conference the day after election, "should accept their disappointment . . . rather than complaining of irregularities."<sup>54</sup> It goes without saying, that this is true if irregularities actually exist.

### Integration of the Guerillas Into the Political System

As a consequence of the exclusion of left-wing opposition forces from legal politics in the late 1950s, many of those who were dissatisfied with the economic, social and political situation in Guatemala resorted to extraconstitutional means. Most worthy of note, in this context, are the activities of the insurgent URNG.

Provoked by the direction that Guatemala was taking following the undemocratic termination of the Decade of Spring, the insurgents saw recourse to arms as the only way to solve the problems of the poor and marginalized. The guerrilla war played its part in provoking a great repression against organized groups and large parts of the population, challenging the government through violence.

The recent elections led to a significant development of democratic political culture as far as the role of the leftist guerrillas is concerned. Contrary to the March 1994 elections in El Salvador in which the former insurgent movement participated for the first time as a legitimate political party,<sup>55</sup> Guatemala's rebel army was legally banned from participating in the November elections. The URNG is an illegal organization, and it "is likely to remain so until the final peace agreement is signed, although it has been surprisingly well received by the political community and the public. In a poll published in early March [of the past year] by the *La República* newspaper, 56 percent of the 384 respondents said it would be a good thing if the guerrillas took part in the elections and 19 percent said they would vote for them."<sup>56</sup>

Despite the fact that they could not actively participate in the elections, the URNG, for the first time in over 30 years, openly advocated full participation of Guatemalans in the electoral process. In an effort to encourage its supporters to vote, the guerrillas "ran a series of paid events in the newspapers and took the unprecedented step of broadcasting its own television advertisement."<sup>57</sup> Another promotive means of the rebel organization was the URNG's staged occupations of towns and villages.<sup>58</sup>

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Encouraged by the electoral process and the relative victory of the newly created popular movement party, Commander Rolando Morán announced in a meeting with military officers in Oslo in early February, "that the . . . Guatemalan National Revolutionary Unity will join the Democratic Front for a New Guatemala (FDNG), because this is the right way to join democracy."<sup>59</sup> A similar declaration has been made by Rodrigo Asturias—leader of ORPA, one of the four member organizations of the URNG. Earlier this year, Asturias stated emphatically that the guerrillas are determined to join the legal political process:<sup>60</sup> "The most important thing now is to build a political force that can take over when we put down the weapons."<sup>61</sup>

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The significance of an insurgent movement calling the population to operate within rather than outside the constitutional framework, and deciding to join a legitimate political party, should not be underestimated. It meant their support for democratic institutions and respect for cultural notions favorable to democratization, but above all their decision "to integrate into legality."<sup>62</sup> "It is encouraging," said Guatemalan Defense Minister Julio Balconi, "because they are no longer thinking about armed confrontation, instead they are thinking of joining political life, which should not be seen as a weakness, but as a different stage in the country's struggle."<sup>63</sup>

The future of the URNG is, however, directly linked to the success of the peace process and the signing of a final peace agreement, which is expected to convert the URNG from a military force to a legitimate political party. So far, the URNG is not willing to put down its weapons and replace them with peaceful, democratic means. "The old power structures in Guatemala have not changed," said Rodrigo Asturias in early February, "and, for the time being, we need to keep our military might in reserve."<sup>64</sup>

As a result of the country's repressive regime, popular participation by means of elections became the reserved domain of an elitist minority in Guatemala. The country still falls substantially short of the definitional standards of electoral, representative democracy. The recent elections did, however, lead to important changes in this respect, i.e. the electoral process had a real, although limited, democratizing effect with regard to popular participation in rule by means of elections. To analyze and evaluate these changes, it is first necessary to look at what is required for elections to be a significant vehicle for democratization.

Popular participation in politics and government through elections can only really and meaningfully be democratized if the elections themselves are democratic, so as to enable the people to effectively exercise their political rights.<sup>65</sup> The degree to which the electoral process is democratic varies from case to case, depending on the state of the country's democratization process.<sup>66</sup> Hence,

the factors essential to free and fair elections cannot be defined too narrowly. Rather, their democratic character should be accepted if minimum standards are met. This raises the question of what exactly constitutes a democratic election. A list of criteria that defines a democratic election can be gathered from human rights instruments and the United Nations practice in monitoring elections.<sup>67</sup> In regard to the particular situation in Guatemala, freedom to organize and join political parties, right to participate in elections as an independent candidate and be elected to office, fair electoral laws, right to participate in elections without coercion or intimidation, absence of electoral fraud, and supervision by an independent council not tied to any party, faction or individual<sup>68</sup> are most significant.

Until the recent elections, the political reality in Guatemala has severely limited this possibility, both because of state repression, a *de facto* rule by the military and business group, and the attitudes of the ruling elite: the right to organize and join political parties was only exercised in Guatemala by those individuals and groups who conformed to the center-right or right-wing political system. For the past 40 years, the Guatemalan state applied war tactics to alternate political candidates and parties. Any attempt to challenge or oppose the political leaders has immediately been sanctioned by non-legal, violent means: individuals who have tried to put forward alternative parties have either been killed or expelled, forcing many of them to continue their lives in exile. The existing political parties have, therefore, been contaminated by the interests of the powerful elite, whereas any alternative voice has been nipped in the bud. Thus, for the past 40 years, a coalitional opposition body, trying to fight the government in a unified way, has been absent from the Guatemalan political scene.

After three decades of boycotting the electoral process, the political left decided last year to form a legal political party to participate in the November elections as a legitimate opposition to the established right. On July 1, 1995, they publicly announced the formation of FDNG. The participation of the *Frente* in the electoral process marked a historic event. The *Frente* "is a multisectoral coalition of grassroots civic organizations, democratic popular movement groups, independent political figures, Mayan organizations, *campesino* groups, human rights groups, student groups, women's organizations, civilian activists and the former Partido Revolucionario (PR)."<sup>69</sup> For forty years, Guatemala's indigenous population had politically been muzzled. "[T]he indigenous majority has always had to rely upon political parties that have marginalized its existence, and has never had its own political party through which it could articulate its own unique perspective and special needs."<sup>70</sup>

Although it is not a party for *Indios* only, the FDNG provides the marginalized majority of the population an institution to raise their voice by means of elections: "The indigenous vote," said the Guatemalan Nobel Peace Prize winner Rigoberta Menchú, "is a strong force that will make radical changes in the country in the future. As indigenous people they will vote against racism, repression, intimidation and marginalization."<sup>71</sup>

The internal dynamism of the FDNG must be seen as a positive develop-

ment of Guatemala's process of political democratization in general, and the country's political culture in particular. The *Frente* offers popular sector groups a place where they can formulate a common political language, as is now expressed in their platform, and it serves as a political school to develop tolerance, dialogue and consensus. This is so, because given the diverse interests of the groups included in the party, and their different backgrounds, formulating a common policy necessarily requires compromise achieved through the above-mentioned techniques. "We are satisfied," commented FDNG Executive Committee Member Otto Zeisig shortly before the elections, "with the cohesion that we have already achieved."<sup>72</sup>

"It was really the changes in society," explains a representative of the FDNG, "which have made it possible for the *Frente* to run, rather than any perceived changes in the electoral law. First, the guerrillas opened up space which was then further expanded by the popular movement groups such as *UNSI*TRA-GUA and *CONIC* and *CUC*, until it became 'acceptable' for the *Frente* to participate in the elections."<sup>73</sup>

The FDNG was able to run in the November elections, because it associated with PR—an established party which had already been accredited and able to field candidates. The electoral law of Guatemala does not make any restrictions with regard to the electoral rights of political parties due to their political tendencies.<sup>74</sup> The *Frente's* "jumping onto the back" of the PR ticket was rather necessary, because they did not organize early enough to get accreditation as a party detached from any already established group.<sup>75</sup> This tactic was highly disputed and led certain groups to refrain from joining the FDNG.

The principles and objectives of the FDNG illustrate both the variety of interests and sectors represented in the new party, as well as their strong support for the democratization process. Their principles and objectives include real and functional democracy, pluralism and multiculturalism, respect for indigenous peoples, gender equality, honesty and political frankness, support for organized political participation, creation of political options, promotion for the legitimate claims of the historically marginalized, and support for monitoring by the international community.<sup>76</sup> However, beyond its lack of electoral experience and the party's varied origins, the FDNG had major obstacles to face.

### Lack of Financial Resources

First of all, the *Frente* lacked the financial resources necessary to establish a party profile and to reach those Guatemalans long alienated from their country's political process. The Guatemalan daily *La República* has estimated the costs for a presidential candidate to conduct an effective campaign at a minimum of \$ 350,000.<sup>77</sup> This, or any amount close to it, was impossible to be raised by the FDNG, given its short existence and the party's support base. Its lack of financial resources disadvantaged the party with respect to traditional campaigning parties and techniques, but Zeisig emphasizes that the human resources of *Frente* and alternative campaigning techniques are great.<sup>78</sup> Since



their campaign materials were scarce, and the FDNG tried to reach particularly the rural, largely illiterate population, the party's approach to carry its message to the voters was mainly by means of a 'word of mouth' campaign.

### Media Access

*De lege*, Guatemalan law grants equal access to the media for all parties regardless of their political background. In reality, however, given the new popular movement party's lack of financial resources, the *Frente* had hardly any access to TV, radio or press. This created an especially big disadvantage in the urban centers for the FDNG, where most people have access to the media, and where the literacy rate lies far above that in the countryside.<sup>79</sup> In addition, members of the FDNG accused the media of unequally covering the election campaigns of the various parties. "News about the FDNG are only released, when one of our members is kidnapped or hurt," said Zeisig in a meeting with a U.S. civilian election observer delegation prior to the November elections. "Other than that, we have hardly any access to the media."<sup>80</sup> Given what we have said about the "cult of the *fafero*"—the pressure of the media to show the government and army in a good light—this is not surprising.

### The Electorate's Lack of Experience and Indifference

In spite of the wide range of voter education efforts mentioned earlier, promotion of electoral participation proved to be difficult, and, considered in the short run, too little. In a country where 23 languages are spoken, where the population remains largely unorganized, and where participation in elections is viewed by the majority of the population as irrelevant to their lives, an education program is only a first step, and its success cannot be measured in absolute terms.

"The central problem," observes David Loeb from *Report on Guatemala*, "is the deep alienation felt by most Guatemalans towards a political system that has excluded them for decades. Along with voter apathy this system has bred political parties that lack discernible principles and merely jockey for position, making and breaking alliances based on short-term self-interest, and offering candidacies on their electoral slates to the highest bidders."<sup>81</sup> Given that it seeks its support mainly among those who have long rejected the system, the FDNG is the party which suffered the most from this "powerful structural roots of abstention."<sup>82</sup>

### Success Despite Difficulties

Despite the difficulties and obstacles in the electoral campaign, the FDNG came in fourth in the presidential balloting, gaining 7.7 percent of the national vote<sup>83</sup> and six seats in the legislative assembly. Among the popular movement leaders who won seats in Congress were Nineth Montenegro of the Mutual Support Group (GAM), Rosalina Tuyuc of National Coordination of Widows

(CONAVIGUA), and Amilcar Méndez of the Council of Ethnic Communities "We Are All Equal" (CERJ).

With their active participation in the electoral process, the civic groups have moved beyond pure opposition towards the challenge of shaping the democratic future of their country. "We rejected the political process before, because it never responded to the needs of the people," said Tuyuc, 39, one of the two new national deputies from the *Frente*. "But we understood that it was necessary to fight within the system."<sup>84</sup> And a colleague of hers, representing the party in Cobán, Alta Verapaz, added: "We built the *Frente*, because we are tired of demonstrations, tired of what we have been doing for so many decades, namely shouting and screaming in front of the *palacio* (Presidential Palace). Now is the time for us to make our voice be heard from within the town-halls and the Congress."<sup>85</sup>

### *Strengthening of Congress*

The recent elections, one can argue, have contributed to the development and reactivation of the parliament. A recent example of this is the ratification by Congress of the International Labor Organization's (ILO) 1989 Convention 169 on Indigenous and Tribal Peoples. The treaty had been approved by the legislative assembly, in spite of pressure from CACIF, which had asked Congress not to ratify the agreement as "it could be misinterpreted and be used to justify the land invasions."<sup>86</sup>

Having spent one month as congresswoman in the new parliament, Tuyuc summarized her experiences as follows: "[My] first month in the legislature has been spent learning how to play the game and disabusing fellow deputies from some racist notions . . . They think we're all so naive. They'd come to us and say, 'Here, support this because it will help your people,' whether it was true or not,"<sup>87</sup> Tuyuc said. "But we know well how to defend our positions. We know how to hold on to our votes."<sup>88</sup> In sum, the formation and success of the *Frente Democrático Nueva Guatemala* has been a significant contribution to the strengthening of party pluralism and diversity in Guatemala.

### **Right to Participate in the Elections as an Independent Candidate and to be Elected to Office**

In Guatemala, the civic right of access to public service was in the past nearly exclusively reserved to *ladinos*. The indigenous majority of the country was shut off from both local and national politics, as well as public service offices. "Given that indigenous Guatemalans make up at least 60 percent of the population . . . they remain grossly underrepresented in government."<sup>89</sup>

"There have always been a few Indian mayors," said Richard Adams, a retired anthropology professor from the University of Texas who is writing a book on Guatemala's ethnic history, "but most were clunkers, guys easily bought out by other interests."<sup>90</sup> In Quetzaltenango, Guatemala's second largest city, an indigenous candidate won the municipal elections for the first time. Equally surprising was the victory of Chiroy in Sololá. "Until the elec-

tion of Iboy Chiroy as mayor, the majority indigenous residents of Sololá had gone nearly 500 years without one of their own running the show."<sup>91</sup>

Before elections in the past, mayoral candidates had to represent a registered national party.<sup>92</sup> Indigenous people could seek election only as representatives of the established political parties that have not responded to their needs.<sup>93</sup> New electoral rules adopted prior to the 1995 elections introduced important changes in this regard. On the municipal level, the reformed law allowed Indian descendants to run as independent candidates and *Comites Cívicos* (civic committees) to participate for the first time.

The change in the electoral law was reflected in the outcome of the municipal elections. Of the total of 300 municipal councils contested on November 12, about 40 elected indigenous mayors.<sup>94</sup> Independent indigenous civic committees, "which promise not to be beholden to established political parties,"<sup>95</sup> but which were given technical support by popular movement organizations—the same ones helping the FDNG nationally—during the elections, won 21 mayoralties.<sup>96</sup> The FDNG did not run candidates on the local level, "choosing to support independent committees who would be their natural allies," explains Lew MacDonald who works in

Guatemala City for the English Section of the Guatemalan news agency CERI-GUA. "This official separation afforded local candidates, who are much more vulnerable than national candidates, a measure of safety from being branded the guerrilla sympathizer as was the case with the FDNG nationally."<sup>97</sup>

Although only a small number of independent indigenous candidates won the municipal elections, their electoral success "has given optimism to a people long shut out of Guatemalan politics."<sup>98</sup> "This election shattered the major political parties' control over the mayors and towns," said Richard Adams. "It signals a huge change in the dynamics of Guatemalan politics."<sup>99</sup>

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#### **Equal Opportunity and Freedom to Vote: High Abstentionism Due to Lack of Fair Electoral Law?**

The elections were marked by a high rate of abstentionism. Of the 3.7 million registered Guatemalans, 53.5 percent did not cast a ballot. The voter turnout was higher than for the 1994 national elections, but lower than for the first round of elections in November 1990.<sup>100</sup> In the presidential runoff on January 7, 1996, only 37 percent of the electorate voted. One possible contribution to abstentionism is the shortcomings of the electoral law.

The requirement to register for the elections is a process that is hard for many citizens to follow. Some 3.68 million Guatemalans were registered to vote in the elections. Twenty-nine percent of the voting-age population of ap-

proximately 5.6 million are still not on the electoral roll.<sup>101</sup> The Supreme Electoral Tribunal rejected pleas to extend the registration date beyond August 12, 1995, as being unconstitutional.<sup>102</sup> Efforts to register new voters had been hindered by lack of government support—such as a refusal to create mobile registration units—and the difficulty and expense of obtaining necessary identification documents.<sup>103</sup> The latter created a particular problem for citizens who live in remote rural areas, as well as for returning refugees and Guatemalans who were internally displaced during the civil war. “It is hoped,” says the recent report by the UN human rights mission, MINUGUA, “that this problem will be solved in part by the Law on the Personal Documentation of the Uprooted Population, promulgated on 25 November 1995.”<sup>104</sup>

In addition to registration difficulties, the Guatemalan electorate had to choose from 19 presidential candidates representing 23 parties—more candidates and parties than ever before. What might look at first sight as a positive

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development and welcome opening of the political system actually turned out to contribute to the high rate of abstentionism. In a commentary published in the periodical *La República*, Guatemalan journalist Gonzalo Marroquín G. suggests changing the electoral law to exclude the participation of parties and candidates that do not show they are at least somehow representative to avoid “that scrupulous politicians and pseudo-candidates can opt for the presidency which contribute nothing else but confusion.”<sup>105</sup> However, limiting parties and candidates based on their presumed lack of interest is too dangerous a proposition in Guatemala’s exclusionist historical context.

Another reason for the high rate of abstention was an infrastructural obstacle to voting, particularly in rural areas where 60 percent of the total population lives. In accordance with Guatemalan electoral law, polling booths were set up only in municipal capitals. Given the geographical conditions of Guatemala, much of the rural population living in outlying hamlets or on large *fincas* (farms) had to travel up to 46 hours to vote.

According to members of the FDNG, the government of Guatemala had been offered 10 million quetzal (\$1.71 million) from the European Union to provide public transportation on election day. President de León Carpio, however, rejected the money, “citing the government’s need to remain neutral”<sup>106</sup> in the electoral process.

This created two major problems with participation and fairness of the electoral process. First, it was impossible for many people from the villages to participate in the elections. Given that it was harvest season, the farm workers would have lost two important days of work and income, which they could not afford. Second, the traditional parties used the government’s decision to their advantage, offering free rides to the polling stations during which they

distributed not only campaign flyers and stickers with the picture of their candidate, but also food, drinks, T-shirts, and in some cases even money gifts. Given that most of the people dependent on these rides were poor, uninformed and illiterate, the tactics described can be very influential.

Critics, including members of the FDNG, condemned the government's rejection of the financial aid, which in their opinion illustrated that the present government did not play a neutral role in the elections. The critics saw the government's decision as a well-considered political move to suppress popular participation, especially of prospective voters for the FDNG, who mainly lived far from the electoral polls. To prevent similar problems in the future, the electoral law should be changed so that polling booths would be placed at the disposal of hamlets, farms and small towns.<sup>107</sup> "We want this change for the year 2000," said a member of the FDNG. "Bring polling to the people and not the people to the polls."<sup>108</sup>

Draft amendments to the Law of 5 April 1994 on Elections and Political Parties are currently being considered, and their progress is monitored by MINUGUA. These amendments "refer to measures that could increase citizen participation and remove obstacles . . . to the proper exercise of political rights," says the Mission's last report. "The draft creates a single personal identity document, issued by the Supreme Electoral Tribunal; broadens the Tribunal's powers to carry out voter registration and public information activities; and increases the number of polling stations, 'taking into account the criterion of population concentration and distance'."<sup>109</sup>

### **Right to Participate in Elections without Coercion or Intimidation and an Environment Conducive to Free Exercise of Democratic Rights**

The election campaign in Guatemala prior to the November 12 vote has been unusually peaceful, "with the 19 [presidential] candidates circulating freely around the country and filling the airwaves with political advertisements."<sup>110</sup> "According to [European Union] electoral observer mission," says the most recent report by the Human Rights Mission in Guatemala, "the elections took place in an atmosphere of normality. MINUGUA received no complaints of violations of specifically political rights, although acts of violence against individuals involved in political activity were noted during the election campaign."<sup>111</sup>

Shortly before the November 12 elections, isolated, in part deadly attacks on party activists, including death threats written in part on army letterhead, and minor electoral violence was reported. For example, CAP representative Artulio Castillo was killed, and National Centrist Union congressperson Foilan Villatoro was ambushed and shot while driving to an election rally in Jalcaltenango, Huehuetenango province.<sup>112</sup>

The run-up to the January 7, 1996, presidential elections was not free of violence either. According to the representative for human rights in Guatemala, Mario García Laguardia, four political and union leaders were shot dead shortly before the elections.<sup>113</sup> "Two leaders of the leftist New Guatemala

Democratic Front, as well as a leader of a retired teachers union and taxi drivers union were 'brutally assassinated' ahead of the election," Garcia La-guardia said.<sup>114</sup> He blames this violence on those groups for the violence that are "against the democratization, who are more comfortable with authoritarian regimes and . . . [who] want to return to them."<sup>115</sup>

The actual election days were remarkably free of violence or intimidation, as both the army and guerillas were for the most part quiet. What commentators have called "a welcome mutual discipline,"<sup>116</sup> can mainly be ascribed to the *Contadora Declaration*. The proclamation was signed on August 22, 1995, by the UNRG with the Government Peace Commission (COPAZ) and representatives of major political parties at the Central American Parliament's (PAR-LACEN) IV Conference of Political Parties in Panama. The URNG undertook to accept a unilateral cease-fire during the electoral period (November 1-13, 1995) the first truce in 34 years of civil war. In addition, the agreement promises respect for the security of candidates, party activists, electoral officials and observers during the election campaign.

The guerrillas have, in fact, adhered to the cease-fire, which expired November 13, 1995. They also suspended unilateral hostilities from December 24, 1995-January 8, 1996, the period of the run-off for the presidential elections.

The rare occasions of direct intimidation both during the electoral process and on election day itself does not mean, however, that the November elections were free. The adverse effects of the ongoing civil war inevitably influenced the electoral process. In the presence of armed conflict with repeated and serious human rights violations, which created a climate of generalized violence and public uncertainty, the conduct of elections cannot be genuinely free. In addition, various targeted intimidating factors due to "sophisticated" interference with the electoral process by both the state, the military and the economic elite, mainly by means of a black campaign against the new popular movement party, had the effect of discouraging political participation.

### Support for Human Rights

Respect for and protection of fundamental human rights, as enumerated in the Universal Declaration of Human Rights, the two International Covenants,<sup>117</sup> and as incorporated into the Guatemalan Constitution,<sup>118</sup> are critical to free and fair elections.<sup>119</sup> Guatemala has one of the hemisphere's worst histories of political violence and the worst human rights record in the region. "In Guatemala," said Raul Morina, a member of the Planning Committee of the FDNG, in an interview with election observers, "the human rights situation is a nightmare."<sup>120</sup> According to a recent report of MINUGUA, repeated and serious human rights violations continue to occur in the country. Most of them are due to "state agents or groups connected to the state, or were the result of the state failing in its duty to ensure its citizens' security."<sup>121</sup> Abuses are, however, also attributable to the guerrillas.

The main cause of human rights violations in Guatemala is the country's

"culture of impunity," resulting from a weak and ineffective judicial system. Investigation and legal sanctioning of the human rights abuses continues to be the exception rather than the rule, especially when military and police personnel are involved. "Continuing impunity has prevented the punishment of those responsible and has increased the public's lack of confidence in the administration of justice," the report says.<sup>122</sup> "This failure is fundamentally a government responsibility."<sup>123</sup>

The most basic political rights, such as freedom of opinion, freedom of expression and information, political freedom, and freedom of assembly and association, all of which are crucial to popular political participation, are hardly any better protected now than they have been since the 1954 coup.<sup>124</sup> Death threats and attacks against students, peasant and union leaders and their families abound. Journalists are threatened<sup>125</sup> and sometimes murdered, and human rights workers are still very much in the firing line. Phone lines are routinely tapped, and the army has admitted that they do so if they think it necessary. With this sort of climate, it is difficult, if not impossible, to say that Guatemala is a country where civil liberties are respected.

In addition, according to the Catholic Church's 1995 human rights report, "the military continued to arm paramilitary groups, which 'maintain a climate of terror' in poor rural communities inhabited for the most part by Mayan Indians."<sup>126</sup> The report also accused the Guatemalan police "of conducting 'social cleansing' campaigns in which dozens of alleged criminals were killed execution-style."<sup>127</sup>

One of the most tragic examples of indirect intimidation by the military is the recent massacre of Xamán, which was "one of the worst massacres in recent years."<sup>128</sup> On October 5, 1995, a group of soldiers entered a refugee camp at Xamán in the department of Alta Verapaz. Eleven refugees, who had just recently returned from Mexico as part of the U.N.-supervised repatriation program, were killed and 30 others wounded by that military patrol.<sup>129</sup>

The army alleged that "the massacre was an isolated incident and a response to 'provocation' by the refugees."<sup>130</sup> Many Guatemalans regarded it, however, rather as "a strategic decision by the army . . . which sees all returned refugees as enemies."<sup>131</sup> The massacre has been an act of force to demonstrate the *de facto* power of the military. Although it had not been directly linked to the electoral process, large parts of the population, particularly Mayan voters, regarded the accident as a clear sign of the military's will to use suppression against unfavorable political parties, candidates or individual voters. But even if intimidation with regard to the elections was not calculated by the

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military, the massacre undeniably had this effect, and it, too, demonstrated painfully that those powers remain in Guatemala which are unwilling to allow a peaceful transition to democracy.

All these factors have created a general climate of intimidation and fear in Guatemala, with the effect of discouraging political participation. With security still omnipresent, many Guatemalans are afraid to speak out against their society's deplorable state of affair for fear of repression. "[T]here is a lot of fear," said a member of the Federation of Food and Allied Workers the month before elections, "that our leaders will be persecuted. It is a real concern because so much of the leadership is there '*front al Frente*' ('at the front of the Front'), as we say. They are incredibly exposed, and there could be attempts on their lives."<sup>132</sup>

### Well Orchestrated, Official Black Campaign

The electoral process was marred by both official and unofficial efforts to discredit the FDNG. In a "black" campaign against the new popular movement party, government representatives, opposition parties, the economic elite and the military falsely tried to link the FDNG to the insurgent UNRG.

In a press conference November 3, 1995, FDNG presidential candidate Jorge González de Valle delivered a copy of a letter that the commander of the

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military zone in Quetzaltenango, Guatemala's second biggest city, sent to the attorney general's office "in which he accuses González and front congressional candidate Rosalina Tuyuc of leading supporters armed with machine guns in the seizure of the national university campus in Quetzaltenango. The commander called on the attorney general to investigate and charge the two candidates."<sup>133</sup>

According to Congresswoman Tuyuc (FDNG), "civil patrollers and former military commissioners in the provinces of Quiché, Huehuetenango and Chimaltenango, as well as landlords in Santa Rosa, have told voters not to support the front because it is the URNG's party."<sup>134</sup> The president, too, interfered in the black campaign through an official statement welcom-

ing the leftist guerrillas' participation in the electoral process. What he meant was the FDNG.

In many areas, plantation owners warned their peasant workers that an FDNG victory would be equal to an invasion and taking over of the farms by the leftist rebels. This would result in the farm workers losing their jobs, which would be taken up by returning refugees.<sup>135</sup> In Sololá, the opponents of the indigenous candidate for mayorship, "told Ladino merchants that an indigenous mayor would force them out of their stores and bring in Maya Indians to



take over."<sup>136</sup> The smear campaign did not end with the election. "Even after the vote, opponents [of the new indigenous mayor in Sololá] distributed an 'urgent communiqué' accusing Iboy Chiroy of being anointed as a candidate by the Guatemalan rebel army; of being a Marxist-Leninist; and of having links with guerrilla groups from the Mexican Zapatistas to Spain's Basque separatists."<sup>137</sup>

Candidates from the *Frente Republicano Guatemalteco* (FRG), the right-wing party of former military dictator Efraín Ríos Montt, arrived at the *fincas* and called the farm workers to vote for them, in order to prevent communism from entering the country again, making reference to the Decade of Spring. Others warned their constituency that "indigenous candidates would try to gain revenge on the minority Ladinos."<sup>138</sup> Local military commissioners, too, have threatened whole *pueblos* (villages) likely to vote for the FDNG.

### Secret Vote

For elections to be free of intimidation and coercion, the vote must be secret, and the people must know so. Due to the presence of both international and national observers, *fiscales* (party poll-watchers) and *alguaciles* (neutral poll-watchers appointed by the Supreme Electoral Tribunal) for each polling table, the act of voting itself was—in nearly all cases—secret. Yet, genuine secrecy of vote did not exist in all cases. This is so because of the notion of "collective possession," which means that a *pueblo* (village) collectively votes for the same party. Election results are known by municipal districts, which makes it easy to make guesses about villages' decisions. Given Guatemala's prevailing climate of intimidation, many villages, which still follow the model of "collective vote," were afraid to convey their opinion on candidates and political parties in the election, out of fear of serious post-electoral repression. Hence, they either totally abstained from voting or decided in favor of one of the powerful parties.

To those accustomed to a western democratic system, in which the individuality of a political vote is regarded as a fundamental principal of a representative democracy, the concept of collective vote might be regarded as an impediment to democratic development. Collective possession is, however, not undemocratic *per se*, which makes some further explanation necessary. The concept of collective vote is embedded in Mayan culture. Today, its practice is nearly entirely confined to the isolated, "non-culturalized" Indian villages in the highlands of Guatemala. In these villages, the strong sense of community, which indigenous people in Guatemala traditionally have, is still very highly developed. Decisions affecting the local community are always supported by the popular base. They are the result of a sometimes arduous decision-making process. Long discussions on which mayor or president the *pueblo* will vote for precedes the final agreement on the collective vote.<sup>139</sup>

From this it follows, that the decision of the majority is not simply imposed on those who disagree. Rather, the process of popular decision-making takes as long as the necessary consent is reached. The concept of collective vote can,

therefore, hardly be called undemocratic. Hence, it is not an obstacle to democratization as such.<sup>140</sup>

### **Honesty and Fairness in Ballot Counting, i.e. Absence of Electoral Fraud**

Contrary to elections in other countries of the region, and democratizing states in general, obvious vote fraud hardly impaired the November 12 elections in Guatemala. Two circumstances have to be mentioned, however, which gave reason to suppose that attempts had been made to manipulate the election result.

First, on election night, at 12:15 A.M., only 15 minutes after the Supreme Electoral Tribunal had given the first preliminary results, the electrical power went out in 90 percent of Guatemala.<sup>141</sup> The official explanation for the power failure was that a "fallen tree branch" had knocked down power lines.<sup>142</sup> Amadeo García Zepeda, who used to be head of planning at the state-run electrical utility company and a supporter of the FDNG, charged that this would not have resulted in a general power outage for the entire country.<sup>143</sup> FDNG and other parties' officials, too, have presumed that the blackout was deliberately caused to prevent them and independent election monitors from verifying the vote count as it was done. John Marshall, who had been part of a U.S. Civilian Election Observer Delegation, reported after his trip to Guatemala: "The observers noted that in numerous locations, poll officials left their stations when the blackout hit, fearing for their safety. This left the ballots without oversight for an indefinite period. Under cover of the blackout, armed men took control of several polling places. Ballots at some other voting centers were burned or stolen. While incidents such as these were limited, the SET acknowledged that a few votes were lost."<sup>144</sup>

There was another issue that gave the integrity of the elections some doubt: Whereas only 19 million ballots had been needed, given the number of citizens who had registered, 39 million ballots had been printed. There was, however, not sufficient evidence in the outcome of the elections to prove that unused ballots had been forged and added to the others.

### **Supervision of Elections by Independent, Impartial Council**

For elections to be democratic, they must be fair and free. This can best be guaranteed by their supervision through an independent council not tied to any party, faction or individual whose impartiality is ensured in both law and practice. In general, the electoral process of the November elections on election day itself operated smoothly, and the electoral authorities functioned in an impartial manner.

The more or less unproblematic proceeding of the election was largely due to its supervision by both national and international monitors. Apart from the TSE, civilian observer delegations from the United States and missions from the European Union and the OAS monitored the elections.

### Election Results

Although the actual election process on November 12 went well, and the elections were declared by international observers as relatively "fair and free," the electoral process has been marked by various problems and imperfections, both technical—such as the shortage of public transportation and the geographical conditions—and substantive—such as high abstentionism due to intimidation, distrust in the electoral system and the credibility of the politicians, as well as a lack of democratic attitudes. This does not mean, however, that the elections as means of popular participation have not been real and meaningful for the democratic development in Guatemala. Democratization involves, as explained earlier, "a process of experimentation over time, of trial and error."<sup>145</sup> The old saying that we learn only from mistakes holds true in this case also. The deficiencies and negative aspects of the electoral process should not lead one to the conclusion that the elections had no actual implications for the Guatemalan democratization process. Rather, they must be regarded as "an experience to ensure that the electoral law will be reformed" in order to make general elections a genuine democratic institution, and an effective vehicle for democratic development in Guatemala.

Alvaro Arzú Irigoyen, a "wealthy aristocrat"<sup>146</sup> and ex-mayor of Guatemala City, who leads the right-wing *Partido de Avanzada Nacional* (National Advancement Party, PAN), emerged victorious out of the presidential run-off on January 7, 1996.<sup>147</sup> Mr. Arzú had won the presidency by a narrow margin over Alfonso Portillo Cabrera of the FRG—the party led by the former military dictator General Efraín Ríos Montt—polling 51.22 percent of the vote against 48.78 percent.<sup>148</sup> This split reflects "the gulf between those Guatemalans who want a return to the *caudillo* [strong boss] politics of the past and those who see Arzú as a candidate whose business attitudes can improve their lot."<sup>149</sup>

The January 7 runoff presidential elections were marked by a high abstention rate. Voter turnout was 46.10 percent in the capital and 36.25 percent in the country's interior regions.<sup>150</sup> The low participation rate "confirmed earlier predictions that few voters would bother to cast their ballots and choose between two conservatives for president, despite last-ditch appeals from the candidates and the government."<sup>151</sup> Given the low voter support, the new government cannot easily be called a "popular government." The high abstention rate creates a serious problem for the legitimacy of President Arzú.

PAN became the strongest party in Congress, holding 42 of the 80 seats. It does, however, depend on the support of other parties "to achieve the two-thirds majority required on a number of key policy issues."<sup>152</sup> The FRG, which now has 20 congressional seats, slipped to becoming the country's second strongest political force.<sup>153</sup>

### Limitations of the Elections with Regard to Democratization:

#### A Real Transfer of Power?

The *de facto* distribution of power remains the main obstacle for elections to promote democratic development in Guatemala. A country might hold free

and fair elections, but if the balance of political power following elections does not reflect the will of the people as depicted in the election result, any democratization effect of the electoral process will be severely impaired. It is too early to say whether and what the recent elections have changed with regard to the distribution of political power in Guatemala. A possible conclusion can, however, be inferred from recent events. Now as before, there are two powers in Guatemala—the army and the economic, or business, elite, with the latter being firmly in control of government.

The ratification of the ILO Convention referred to earlier is not only illustrative of the dynamics in the new Congress. It also reflects the sustained power of the economic elite. Although the Convention had been approved, it included a whole range of restrictions pandered to the aforementioned fears of CACIF. Even though the voice of the indigenous group could no longer be ignored, this demonstrates the strong influence that the economic elite still has over the government. Further illustrative of President Arzú's close affiliation with the business sector is a recently passed law giving amnesty to those in business who had not paid their taxes, leading commentators to describe the new president as the "mouth-piece for big business in the country."<sup>154</sup>

The second significant power broker in Guatemala is the military. The Guatemalan Catholic Church has only recently accused the members of the country's powerful army "of running organized crime rackets and of murdering suspected leftists."<sup>155</sup> The Church sees the army as the "main obstacle" to the return of rule of law in the violence-plagued nation.<sup>156</sup> In presenting the Catholic Church's 1995 human rights report, Bishop Juan Gerardi said that the army "has created a parallel system of power which has brought the justice system to its knees."<sup>157</sup> Even today, an independent judiciary has not been established in order to remedy that kind of situation.

The struggle to shift the balance of power away from the military and towards the emerging civil society is one of the defining characteristics of the current period in Guatemala. Although the past three civilian Presidents have been unable to control the armed forces, there is now fresh, albeit little, hope that this will change. In his inaugural speech, President Alvaro Arzú has reiterated his campaign promise to "rein in the powerful army."<sup>158</sup> "We will not allow the army or any other nucleus of power in the country to act beyond their boundaries and the role for which they were created,"<sup>159</sup> assured Arzú. His opponents doubt, however, "his willingness to curb the strength of the armed forces over political life in the nation."<sup>160</sup>

A first positive step has been the decision of the new president in mid-January to purge "top military officers allegedly involved in crime rackets ranging from car theft to kidnapping and drug trafficking."<sup>161</sup> Analysts do, however, point to Arzú's close affiliation to high-ranking members of the army, including one of its most powerful officers, General Otto Pérez Molina.<sup>162</sup> Also, he already rejected the thought of "disbanding the *Estado Mayor Presidencial*, the body made up of officials that is in charge of setting the agenda for the president and which many consider the true power in the nation."<sup>163</sup>

According to Dixie Wills, "it is still to be seen whether the business or the

military will get the upper hand. But Arzú seems to have got away so far with replacing a hard-liner as Minister of Defense (Gonzalez) with a moderate (General Luis Balconi Turcios). There has to be some scaling down of the army once the peace accords are signed. However, the army has been busily building up its strength in terms of numbers of soldiers—there was a large number of illegal forced recruitment sweeps in the country last year—in readiness for the inevitable reduction in its size.”<sup>164</sup>

### Conclusion

The USAID called the recent elections in Guatemala “a milestone in the democratic process, culminating work that began 10 years ago to transfer authority from military to civilian leaders.”<sup>165</sup> This enthusiasm has been shared by the former ambassador of the United States to Guatemala, Marylin McAfee, who described the development of the general elections as a sonorous success, and emphasized that the elections strengthen the country’s democratic process.<sup>166</sup>

Most Guatemalans have been more cautious in their judgment. Guatemalan journalist Gonzalo Marroquín G. warned against rushing to conclusions. In a commentary for the daily *La República* he wrote: “*No hay que ser pesimistas, pero si muy realistas.*”<sup>167</sup> Referring to the election observers, an older Guatemalan man in the small village of Cajolá on the night of elections said: “I am very glad that you are here. These elections are not going to change our country immediately, but your presence has helped us to take one small step in the right direction.” And ex-President Ramiro de León Carpio, who described the elections as “one more step”<sup>168</sup> towards his country’s democracy, qualified his judgment by adding that the electoral event “is just one cog in the wheel of the democratic process.”<sup>169</sup>

It is important to note that democratization is a process the results of which will only be seen in definitive terms when the democratic institutions and system function efficiently. The political crisis in Guatemala is very complex, and has not yet been resolved in favor of representative democracy — giving rise to both skepticism and hope. In global terms, the situation in that Central American country shows an improvement. The elections have had and are continuing to have an important overall impact in improving the opportunity for both formal and fundamental participation in the political process of Guatemala.

Also noteworthy is the recent development with regard to the creation of a genuine representative system of government. The November 1995 elections have given representative democracy a new meaning in Guatemala. Until now, there existed a big gap between the concept as enshrined in the constitution and reality. Representative democracy did not work within the Guatemalan context due to a lack of legitimacy: the majority of the population did not trust in the state authority. Hence, they abstained from entrusting power to the government by means of participating in elections.

In a country like Guatemala, in which the Indian community comprises 60

percent of the population, "the future of democracy will be linked to the success of the democratic idea in incorporating into the system the entirety of the population."<sup>170</sup> The recent elections have been supportive of this task in that they have mitigated the generalized crisis of popular participation in government—particularly through elections—by opening up the political system to alternative popular movement parties, giving the indigenous population new faith that their vote does count, i.e. that the political system will finally be responsive to their needs.

Through the formation of the FDNG, new hope has been created. The electoral process made it possible for the popular sector to play a more forceful

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role in the political process, making sure that after 40 years of silence, civil society regained a voice. Relevant to this are in particular the changes and developments on the municipal level. With independent indigenous civic committees, which had been supported by popular movement organizations, winning several mayoralties, several puppet governments which were only following the instructions of the national elite, had been exchanged for governments which are expected to respond better to the local population's needs.

By opening up the political system to the participation of a popular movement party and independent civic committees, new hope has been created that the voice of the so far marginalized and excluded will finally be heard from within the halls of government. In this respect, too, the electoral process has had a very positive impact

on the democratization process.

Although the outside observer is struck and inspired by the ordinary people who are risking their lives to promote and develop the democratic ideal and gain political and other human rights, one has to be cautious as not to shut one's eyes to the serious problems which impede the transition to democracy. The antidemocratic aspects of Guatemalan society, such as the strength of the armed forces over political life in the country, discrimination against indigenous people and favoritism for the privileged, have still not been destroyed. Continued cooperation and goodwill of all sectors of the Guatemalan population, including the military and the business elite, is necessary.

"Over a period of years," said the UN Secretary-General Boutros Boutros-Ghali at a dinner hosted by ex-President Ramiro de León Carpio, "Guatemalans have shown their commitment to democracy. Guatemalans themselves will continue to carry the greatest share of the responsibility for the success of the process . . . Guatemalans must persevere. They must continue to show sustained commitment and political will."<sup>171</sup>

Guatemalans are quite realistic. They are not under the illusion that the November 12 election can alter the dynamic of power in Guatemala. Genuine democracy only exists if the sharing of power is not distorted. Considering this, it will take a long time until the process of political democratization in Guatemala will succeed. Adding to the aforementioned impediments to a free and democratic Guatemalan society, are the powerful structural roots of political abstentionism and the deep alienation felt by most Guatemalans towards participation in the country's political system.

The central problem remains the psychological effects of the ongoing armed conflict which took an awesome human and social toll, as well as the continuing disrespect for human rights, including threatening messages from hard-line military ranks who are trying to prevent the country's transition to democracy. "In their hearts," explains Central America reporter Mary Joe McConahay, "many people [in Guatemala] remain ruled by fear, even in making the most apparently innocuous public moves. Some of my most thoughtful [Guatemalan] friends tell me that until such fear is overcome, real democracy here—the kind that takes deep root, demands justice for all and can prevent the country from slipping back into war—doesn't stand a chance."<sup>172</sup> A democratic solution is not impossible in Guatemala, however. Strong formal and substantive steps toward a democratic society are being taken. The elections of 1995 signal a historic new phase in the country's transition to democracy and eventual peace.

### Notes

1. The author observed the election as a member of a forty-head, independent U.S. Civilian Election Observer Delegation, which visited Guatemala from November 6 to November 15, 1995. The Delegation was co-sponsored by the Guatemalan News and Information Bureau (GNIB), Global Exchange, and the Network in Solidarity with the People of Guatemala (NISGUA).
2. Kenneth Johnson, *The Guatemalan Presidential Election of March 6, 1996: An Analysis*. (Washington, D.C.: Institute for the Comparative Study of Electoral Systems, 1997), 2.
3. Marco Antonio de Paz, *Maya' Amaaq' xuq Junamilaal - Pueblo Maya y Democracia* (Roos Tijob'al Wuuj. Iximuleew, Cuaderno No 3, Guatemala, noviembre 1993), 20.
4. Translation of the author.
5. John Gillin & K. H. Silvert, "Ambiguities in Guatemala," 34 *Foreign Affairs* (April 1956): 468, 476.
6. *EIU Country Profile: Guatemala - El Salvador*, 1995-96, 12.
7. Ronald H. McDonald, J. Mark Ruhl, *Party Political and Elections in Latin America* (Boulder: Westview Press, 1989), 279.
8. *EIU Country Profile*, 12.
9. *Ibid.*, 13.
10. *Ibid.*
11. Of the accords signed so far, the *Comprehensive Agreement on Human Rights* of March 29, 1994, is the only agreement that has so far gone into effect. (See UN Doc. A/48/928-S/1994/448, Annex I). The other agreements signed by the parties were: *Timetable for Negotiation of a Firm and Lasting Peace* (29 March 1994; UN Doc. A/48/928 - S/1994/448); *Agreement on Resettlement of Population Groups Uprooted by the Armed Conflict* (17 June, 1994; UN Doc. A/48/954/751, annex); *Agreement on the Establishment of a Commission to Clarify Past Human Rights Violations and Acts of Violence That Have*

- Inflicted Suffering on the Guatemalan People* (June 1994); and *the Agreement on the Identity and Rights of Indigenous People* (31 March, 1995; UN Doc. A/49/882 - S/1995/256, annex). The latter has immediate force and application with regard to aspects related to certain human rights (see UN Doc. A/49/882 - S/1995/256, at 18).
12. United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala. See UN G.A. decision, September 19, 1994, UN Doc. A/48/RES/267. As to the mission, see *Fourth report of the Director of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala* (MINUGUA), UN G.A. A/50/878, 24 February 1996.
  13. *Ibid.*
  14. *Ibid.*
  15. José Antonio Puertas, "Latin America has few rights and plenty of respect for authoritarianism," *Agence France Presse*, 13 February 1996.
  16. Malcolm Bell, "Guatemala's Democracy Is Only Skin-Deep," *The New York Times*, 17 January 1996, A 18.
  17. David Loeb, *Guatemala Elections Handbook: November 12, 1995* (Global Exchange, The Guatemala News and Information Bureau - GNIB -, The Network in Solidarity with the People of Guatemala - NISGUA).
  18. "Human Rights and Elections: A Handbook on the Legal, Technical and Human Rights Aspects of Elections" *Centre for Human Rights (Geneva), Professional Training Series No.2* (United Nations, New York and Geneva, 1994), 1.
  19. Mary Ann Glendon, *Rights Talk: The Impoverishment Of Political Discourse* (The Free Press: New York, Oxford, Singapore, Sidney, 1991), 117.
  20. *Ibid.*, 118.
  21. Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence, J.P. Mayer (ed.), (Garden City, N.Y.: Doubleday Anchor, 1969), I, 70, as cited in: Glendon, 118.
  22. *The Encyclopedia Americana - International Edition*, V. 25 (Grobier Incorporated International Headquarters: Danbury, Connecticut, 1989), 126-127. The contract basis of the state is not accepted by all. See, for example, Arthur J. Dyck, *Rights and Responsibilities - The Moral Bonds of Community* (The Pilgrim Press: Cleveland, Ohio, 1994), 20.
  23. Art. 3, Book I of the Electoral Law says: "Son derechos y deberes inherentes a los ciudadanos a) Respetar y defender la Constitución Política de la República; b) Inscribirse en el Registro de Ciudadanos; c) Elegir y ser electo; d) Ejercer el sufragio; e) Optar a cargos públicos; f) Velar por libertad y efectividad del sufragio y la pureza del proceso electoral; g) Defender el principio de alternabilidad y reelección en el ejercicio de la Presidencia y Vicepresidencia de la República; h) Desempeñar las funciones electorales para las que sean designados." *Ley Electoral Y De Partidos Politicos Y Su Reglamento, Decretos 74-87, 51-87, 55-90, Acuerdo Numero 191-87 Reglamento Y Sus Reformas Acuerdo Numero 061-90*, Guatemala, C.A.  
 "The inherent rights and duties of citizens are: a) To respect and defend the Political Constitution of the Republic, b) to inscribe in the Citizen Register, c) to vote and to be elected, d) to exercise one's suffrage; e) to choose public offices; f) to watch over the purity of the electoral process; g) to defend the principle of alternability and no re-election in the exercise of the Presidency and Vice-presidency of the Republic; h) to perform the electoral functions by those who have been designated. (Translation of the author.)
  24. Voting is a civic right and duty inherent in the citizenship. (Translation of the author.) *Electoral law*, Art. 12. Book I.
  25. Nobody can be, directly or indirectly, compelled to vote. (Translation of the author.) *Electoral law*, Art. 13.
  26. Glendon, 120.
  27. "Lorena Robles Discusses Women's Role in Civil Society: 'Marching in the Streets Is Not Enough'," *Report on Guatemala* 16:4 (December 1995), 6, 13.



28. Mary Joe McConahay, *Newsday*, March 1996.
29. *Training Series*, 13.
30. Ibid.
31. Mary Joe McConahay, *ibid.*
32. U.S. Agency for International Development, *Fact Sheet # 95 - 117*, 8 November 1995, 1.
33. Ibid.
34. Ibid.
35. Ibid., 2.
36. Diamond, Lipset, and Linz, 11.
37. Samuel Huntington, "Will More Countries Become Democratic?" 203, as cited in Diamond, Lipset, and Linz, 11.
38. Interview with author, Guatemala, 21 March 1996. To give an example, Wills mentioned that after some pressure from the press, fourteen unmasked newspaper and television journalists had only recently been at the *Ministerio de Gobernacion* as *faferos*. In addition, the army has its own television channel - Canal 5.
39. Interview with author, Guatemala City, Guatemala, 7 November 1995.
40. "The Situation in Central America: Procedures for the Establishment of a Firm and Lasting Peace and Progress in Fashioning a Region of Peace, Freedom, Democracy and Development," *Report of the Secretary-General*, UN G.A. Doc. A/49/489, 7 October 1994, 8.
41. *Report on Guatemala*, 6.
42. Otto Zeisig, interview with author, Guatemala City, 7 November 1995.
43. *Report on Guatemala*, 7.
44. Steve Stewart and David Loeb, "Elections 1995: The Democratic Left Enters the Ring," *Report on Guatemala* 16 (September 1995) 2, 16.
45. Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, 1996), 10.
46. Over 150 years ago, during his famous American tour of 1831 and 1832, the French politician Alexis de Tocqueville had been impressed with the local governments of New England, which he encountered on his journey. Glendon, 118.
47. Molly Moore, "From Passive to Political: Guatemala's Indian Majority Becomes an Independent Force," *The Washington Post*, 20 February 1996, A7.
48. Ibid.
49. Colin McMahon, "Slowly, Maya Gain Political Power in Guatemala," *Chicago Tribune*, 16 February 1996, 12.
50. Moore, A7.
51. Ibid.
52. Giuseppe Di Palma, *An Essay on Democratic Transition* (Los Angeles: University of California Press, 1990), 3.
53. Ibid.
54. *BBC Summary of World Broadcasts*, 16 November 1995, "Presidents says elections were 'one more step towards our democracy'," Teleonce TV, Guatemala City.
55. For further reference, see Ian Johnstone, *Rights and Reconciliation: UN Strategies in El Salvador*, Occasional Paper Series - International Peace Academy (London: Lynne Rienner Publishers, 1995), 123-130.
56. *EIU Country Report*; Guatemala - El Salvador, 2nd quarter 1995, 16.
57. *EIU Country Report*; Guatemala - El Salvador, 1st quarter 1996, 17.
58. Ibid.
59. "Rebel decision to join party welcomed; meeting with military in Oslo," *Siglo Veintiuno*, 9 February 1996, as cited in *BBC Summary of World Broadcasts*, February 11, 1996.
60. "Guatemala: Peace Negotiations Begin Again, Generating Optimistic Predictions Of A Final Accord in 1996 (Part 1)," *NotiSur - Latin American Political Affairs* (University of New Mexico), 15 March 1996, Section: Political violence & peace initiatives.
61. Rebel decision, *ibid.*

62. Ibid.
63. Ibid.
64. Ibid., 134.
65. It has been argued recently that several international and regional treaties "establish a right to political participation amongst signatory states, and evidence an emerging universal right to political participation not contingent upon treaty agreements." Gregory H. Fox, "The Right to Political Participation in International Law," 17 *Yale Journal of International Law* (1992), 539, 543.
66. Carothers, *Empirical Perspectives on the Emerging Norm of Democracy in International Law*, 86 AM. SOC. OF INTERNATIONAL PROCEEDINGS 265 (1992).
67. *Training Series*, 2.
68. Fielding, 336.
69. Jo-Ann Eccher, "Not A New President - A New Guatemala: El Frente Democratico Nueva Guatemala/The Democratic Front for a New Guatemala." *The Reporter on Latin America and the Caribbean* (Oct/Nov/Dec 95), 1.
70. "Voices of the Pueblo Maya: A New Age in Guatemalan Politics," *Peace Brigades International - Guatemala Special Report: October, 1995*, 1.
71. Eccher, 1.
72. Otto Zeisig, comments to U.S. Civilian Election Observer Delegation, 7 November 1995, Guatemala City, Guatemala.
73. Interview with author, 26 March 1996, Guatemala.
74. *Electoral Law*, Art. 19.
75. Ibid.
76. Eccher, 6.
77. Stewart and Loeb, 16.
78. Zeisig.
79. Loeb, *ibid.*
80. Guatemala City, 7 November 1995.
81. John Marshall and David Loeb, "Elections 1995: Popular Movement Crosses the Threshold," 16 *Report on Guatemala* (Issue 4, December 1995), 2, 5, 11.
82. Ibid.
83. *EIU Country Report: Guatemala - El Salvador*, 1st quarter 1996, 14.
84. McMahon, 121.
85. Interview with author, Cobán, Alta Verapaz, 9 November 1995.
86. Celina Zubietta, "Guatemala: Congress Amendments To Indigenous Convention," *Inter Press Service*, 6 March 1996.
87. McMahon, *ibid.*
88. Ibid.
89. *Training Series*, 13.
90. McMahon, 121.
91. Ibid.
92. Lew MacDonald, interview with author, Guatemala, 12 April 1996.
93. Moore, 118.
94. McMahon, 121.
95. Ibid.
96. *EIU Country Report: Guatemala - El Salvador*, 1st quarter 1996, 16.
97. MacDonald, *ibid.*
98. Ibid.
99. Moore, 118.
100. MINUGUA, third report, UN G.A. Doc. A/50/878, 12.
101. Ibid., para. 46 with reference to UN G.A. Doc. A/50/482, annex, paras. 69 to 72.
102. Stewart and Loeb, 16.
103. Ibid.
104. MINUGUA, third report, UN G.A. Doc. A/50/878, para. 46.

105. Ibid. (Translation of the author).
106. Marshall and Loeb, 2, 11.
107. *BBC Summary of World Broadcasts*, 16 November 1995, "Presidents says elections were 'one more step towards our democracy'." Teleonce TV, Guatemala City.
108. Interview with author, Guatemala City, 7 November 1996.
109. *BBC Summary*, *ibid.*
110. Larry Rohter, "Guatemala Hopes Vote Ends War," *The New York Times*, 12 November 1995, 16.
111. UN G.A. Doc. A/50/878, 24 February 1996.
112. CERIGUA, *Weekly Briefs*, N°43, 9 November 1995, 3-4.
113. "Arzú claims victory in Guatemalan presidential race," *Agence France Presse*, 8 January 1996.
114. Ibid.
115. Ibid.
116. "Drama in Guatemala," *International Herald Tribune*, 15 November 1995.
117. The Covenant on Civil and Political Rights, and the Covenant on Social, Economic, and Cultural Rights, to which Guatemala is a party.
118. Albert P. Blaustein and Gisbert Flanz (eds.), *Constitutions of the Countries of the World, Guatemala* (New York: Oceana Publications, Inc., 1986): 60.
119. *Training Series*, 6.
120. Interview with author, Guatemala City, Guatemala, 7 November 1995.
121. MINUGUA, fourth report, *ibid.*
122. "Human Rights: Mexico, Colombia, Guatemala Get Low Marks From U.S.," *Inter Press Service*, 6 March 1996.
123. Ibid.
124. *Training Series*, 6.
125. Fiona Neill, "Kidnappers torture Guatemalan journalist in warning (Recasts with torture, release of reporter, threats to press)," *BC Cycle*, 29 February 1996.
126. Fiona Neill, "Catholic Church lambasts Guatemalan army," *Reuters*, 21 February 1996.
127. Ibid.
128. *EIU Country Report: Guatemala - El Salvador*, 1st quarter 1996, 17.
129. "Update - Guatemalan Refugees Massacred," *The Reporter on Latin America & the Caribbean* (Oct/Noc/Dec 95), 7.
130. *EIU Country Report: Guatemala - El Salvador*, 1st quarter 1996, 17.
131. CERIGUA: *Weekly Briefs* (N° 43, 9 November, 1995).
132. "Lorena Robles", 7.
133. CERIGUA: *Weekly Briefs*, 4.
134. Ibid.
135. Confidential interview with author.
136. McMahon, *ibid.*
137. Ibid.
138. Ibid.
139. Julia Menendez, interview with author, Medford, Massachusetts, 17 April 1996.
140. A different question is, whether the fact that traditional Indian communities are organized in patriarchal lines impedes democracy in Guatemala. A system of government in which women are excluded from the political decision-making process, does — in the viewpoint of a "western democrat" — not stand up to the democratic ideal. "If women were integrated in the popular decision-making process," says Julia Menendez, "the model of 'collective possession' would be a nearly perfect one." Menendez, *ibid.*
141. "The News in Brief," *Christian Science Monitor*, November 14, 1995. In many places, the computer system broke down totally, and the electricity system had not been re-established until early in the morning.
142. Marshall and Loeb, 4.

143. Ibid.
144. Ibid.
145. Nwabueze, 4.
146. John Ward Anderson, "Rightist Ex-Mayor Wins Narrowly in Guatemala," *The Washington Post*, 9 January 1996.
147. "Supporters tout Arzú as representative of the progressive right," *Agence France Press*, 8 January 1996.
148. *EIU Country Report: Guatemala - El Salvador*, 1st quarter 1996, 15.
149. Fiona Neill, "Guatemalans to choose between new, old-style politics," *Reuters, BC Cycle*, 15 November 1995.
150. "Arzú claims victory in Guatemalan presidential race," *Agence France Presse*, 8 January 1996.
151. Ibid.
152. *EIU Country Report: Guatemala - El Salvador*, 11.
153. Ibid., 14.
154. Dixe Wills, interview with author, 21 March 1996.
155. Fiona Neill, "Catholic Church lambastes Guatemalan army," *Reuters*, 21 February 1996.
156. Ibid.
157. Ibid.
158. "Arzú wins in Guatemala," *Financial Times*, 9 January 1996, A 5.
159. Ibid.
160. "Supporters tout Arzú as representative of the progressive right," *Agence France Press*, 8 January 1996.
161. Larry Rohter, "Guatemala Hopes Vote Ends War," *New York Times*, 12 November 1995, 16.
162. "Drama in Guatemala," *ibid.*
163. "Supporters tout Arzú," *ibid.*
164. Wills, *ibid.*
165. USAID fact sheet, 1.
166. "Embajadora de EU: Las elecciones fueron un éxito y consolidan el proceso democrático," *La República*, 13 November 1995, 4.
167. Marroquín, 4.
168. "President says elections were 'one more step towards our democracy'," *BBC Summary of World Broadcasts*, 16 November 1995.
169. Ibid.
170. Burley, 269.
171. "Secretary-General meets with President of Guatemala, Senior Salvadoran Officials," *News Service*, 4 April 1995.
172. Mary Joe McConahau, *ibid.*

