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GENERAL ELECTIONS
2003

EUROPEAN UNION

ELECTORAL OBSERVATION
MISSION

FINAL REPORT

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
I. MISSION BACKGROUND, STRATEGY AND ACCOMPLISHMENTS	3
II. THE POLITICAL ENVIRONMENT OF THE ELECTIONS	4
III. THE ELECTORAL AUTHORITY	10
IV. MEDIA COVERAGE	13
V. THE ELECTORAL RESULTS	18
VI. ELECTORAL COMPLAINTS	22
VII. OBSERVER DEPLOYMENT AND OBSERVATION ACTIVITY	24
VIII. MISSION LOGISTICS AND SECURITY	31
IX. RECOMMENDATIONS FOR FUTURE ELECTIONS	33
ANNEX I	36
MEDIA MONITORING STATISTICS	36
ANNEX II: THREE CASE STUDIES.....	49
I. ELECTORAL POLITICS AMONG THE INDIGENOUS PEOPLE	49
II. CONFLICTIVE MUNICIPAL ELECTIONS.....	61
III. IRREGULARITIES AT EX PACS PAY	62

EXECUTIVE SUMMARY

- Following an invitation of the Guatemalan Tribunal Supremo Electoral (TSE) to the EU to observe the elections of November 9 and December 28, the European Commission established a Mission in Guatemala from September 25, 2003 until January 15, 2004. The observation operation included a six member Core Team, 22 LTOs and 60 STOs. A Delegation of the European Parliament and a number of locally recruited STOs from embassies of state members allowed for a deployment at elections day of more than 100 observers under an EU identity.
- As part of the Mission accomplishments, there is a widely shared opinion among international and local actors in the sense that the presence of the Mission helped enhancing an atmosphere of public confidence and deterred serious threats to the political process from becoming effective which would have impeded the normal running of the elections, especially at the first round. The Mission had also a role in enhancing acquaintance with the EU among the Guatemalan public, and to a lesser extent the Central American public.
- The following contextual factors shall be noticed as conditioning the electoral environment in Guatemala: a) a societal background of violent crime and impunity; b) a highly fragmented and weakly structured political party system; c) a bitter confrontation among contenders, which receded at the second round; d) some strongly opposed decisions affecting the electoral process being made by Congress and the Executive on the eve of elections; e) a still prestigious electoral authority rating lower at leadership, transparency and efficiency; f) an active civil society monitoring the elections; g) the presence of several international observer missions; h) and the Public Prosecutor's office playing as little effective protagonist in the electoral scenario.
- Although there is a legal framework protecting freedom of speech, a conjunction of factors keep preventing a truly free, independent and professional flow of ideas in Guatemala. Some of those factors appeared during the electoral campaign: endemic violence hurting the life and security of media professionals; the disturbing intervention of the Executive branch in media matters, ranging from the unfair use of *cadena nacionales* to the irregular granting of radio and TV licenses; or the fact that some media companies had crossed the borderline of what is professionally acceptable when reflecting their political preferences. This was particularly obvious in the case of some print media.
- Regarding the media coverage and tone of the campaign, at the first round the media focused basically on three candidates, Berger, Colom and Ríos Montt, plus president Portillo. However, whereas Berger and Colom got a mostly neutral coverage, Ríos Montt and Portillo received hard criticism. At the second round, once Ríos Montt was left out of the race, the temperature of the campaign cooled down, and media attention was rather equally divided between the two candidates left. However, the media became more and more critical of Álvaro Colom as the campaign advanced.
- The national elections of November 9 and December 28 in Guatemala can be considered as reflecting the will of the people in spite of the fact that pre-electoral malpractices were occasionally observed, and a number of organizational and

procedural difficulties existed at the voting and counting, especially in the handling of voter lists more so during the first than the second round.

- Voter turnout was relatively high, both at the first and the second round. Furthermore, broader mobilization both for registration and voting has been observed. This was particularly to be noticed among indigenous people, especially women. Nevertheless, women turnout was much lower at the second round, particularly in the rural areas.
- At the presidential race, a second round was required on December 28 between Oscar Berger and Álvaro Colom as no candidate obtained over 50% of the ballot in the first round. Berger came first with 34.5%, followed by Colom with 26.5%. Ríos Montt came third with 19.2%, followed at considerable distance by PAN López Rodas with 8.3%. The remaining candidates came out with 3% or below.
- The parliamentary elections resulted, more than in previous elections, in a highly fragmented Congress with ten parties sharing seats and none of them enjoying a majority. Three contenders –GANA, FRG and UNE- got the larger number of seats. For an enlarged Congress with 158 seats, the GANA coalition came first with 47 seats, closely followed by the FRG with 43 seats, and UNE with 32 seats. Other parties came out as follows: PAN with 17 seats; PU, 7; ANN, 6; UD and URNG, 2 seats each; and DCG and DIA, one. The share of women in Congress decreased at this election. The same can be said about indigenous people for whom higher involvement in the process was not accompanied by increased representation.
- At municipal elections, an equally fragmented pattern appeared with all significant parties and comités cívicos getting mayors and council majorities. The FRG is the party getting the largest number of municipalities, 120 (34 municipalities less than in 1999), almost half of them in the Western departments of the country. The department where the FRG won the largest number of councils was Quiché, with 14 out of 21 municipalities. GANA came second with 77, followed by UNE (37), PAN (34), several *comités cívicos* (28), Partido Unionista (10), URNG (8), DCG (7), UD (5), DIA (4), and ANN (1). Contrary to the election for Congress, municipal representation of indigenous people only suffered a slight decrease with practically the same proportion of mayors indigenous as in previous elections: one out of every three.
- An overall assessment of the recent electoral experience, with its positive elements and pitfalls, would lead this Mission to make some suggestions for future reform, which could strengthen the electoral system, and correspondingly the democratic institutions. These would basically have to do with citizen identification system and voter registration, improving the capacity of electoral authorities for transparency and responsiveness, and civic education programs especially addressed to indigenous populations.

I. MISSION BACKGROUND, STRATEGY AND ACCOMPLISHMENTS

Following an invitation of the Guatemalan TSE to the EU to observe the elections of November 9 and December 28, the European Commission decided to send an Exploratory Mission with a mandate to provide further factual elements to assist with the decision whether and how the EU should support the election process in Guatemala. An Exploratory Mission visited Guatemala from 11 to 21 May 2003, and ended up with an assessment that sending an Election Observation Mission to Guatemala seemed advisable, feasible and useful.

Consequently, an EU Election Observation Mission was established. The Chief Observer (CO), Deputy Chief Observer (DCO) and Operations Expert arrived in Guatemala on September 25 to start the necessary preparations. The other Core Team members arrived on October 1. The Core Team was composed by MEP Jannis Sakellariou from Germany as CO, Rafael López Pintor from Spain as DCO, Cristina Alves from Portugal as Legal Electoral Expert, Richard Atwood from United Kingdom as LTO Coordinator, Miguel Arranz from Belgium as Logistics Expert, and Xabier Meilán from Spain as Media Monitor.

On October 8, twenty two LTOs arrived in Guatemala and were deployed as regional officers in the capital Guatemala and Central District, Petén, Quiché, Huehuetenango, Quetzaltenango, Mazatenango, Chimaltenango, Escuintla, Alta Verapaz, and Zacapa. Finally, the week before the election of November 9 and again before the second round of December 28, STOs in number of 60 arrived in Guatemala. This, jointly with Core Team members, LTOs, 12 locally recruited STOs from EU Delegations of the member states, and members of a Delegation of the European Parliament, implied a mobilization of over 100 persons deployed in the field on elections day under EU symbols.

The Mission remains grateful for the support it has received from the Tribunal Supremo Electoral (TSE) and the Ministry of Foreign Affairs of Guatemala, the Embassy of Italy in charge of the EU presidency, and the EC Delegation office in Guatemala, as well as to MINUGUA for its continuing support from both headquarters and field offices.

In comparative terms, the level of popularity of the EU Mission in Guatemala may be considered as average. On the one hand, the Mission came to be well known and received media attention at specific stages of the electoral process (i.e. observer deployment and preliminary statements). On the other hand, there was another important international observer mission in the field prior to the arrival of the EU mission. This was an OAS mission presided over by ex President Valentín Paniagua of Peru. Both missions together carried the bulk of international observation. Nevertheless, there were times when the EU Mission became highest in media attention than OAS. This was mainly at the occasion of the EU Mission making a critical statement on the Congress decreeing a six day holiday around the polling day in which a repeal of the decree was advocated, and again on the election aftermath of the first round with the EU Mission coming out as the first observer mission with a preliminary statement.

As part of the Mission accomplishments, there is a widely shared opinion among other international as well as local actors in the sense that the presence of the Mission helped enhancing an atmosphere of public confidence and deterred serious threats to the political process from becoming effective which would have impeded the normal

running of the elections, especially at the first round. The claim that international observers were functional at confidence building and at deterrence of violence is hard to substantiate upon evidence other than the public perception. It would still be harder to differentiate the specific impact of each international observer mission. But still public perception must be considered a relevant aspect of political reality as per Thomas theorem that "what is perceived as real does actually become real in its consequences." In fact there are grounds to believe that an impact must have come out of the long-term presence of international observers visiting repeatedly the different localities, public authorities (including military and police) and the main political actors at all levels in the country; the public statements by the Mission authorities on highly opposed public decisions affecting the elections; and certainly the sheer deployment on elections day.

Moreover, the Mission had also a role in enhancing acquaintance with the EU among the Guatemalan public, and to a lesser extent the Central American public. Incidentally, after the European Union had conducted over 25 electoral observer missions in a number of countries (i.e. three times in Guatemala), the time might be ripe for an impact assessment in comparative perspective. That would deal with the search for the long-term effects of EU observer missions as a foreign relations instrument upon the sustainability of the democratic system in societies having passed through protracted civil conflicts or authoritarian rule. Although this report is not the place for such an undertaking, the occasion seems appropriate for such a claim to be worth making.

II. THE POLITICAL ENVIRONMENT OF THE ELECTIONS

The following contextual factors of the electoral environment in Guatemala shall be noticed:

A societal background of violent crime and impunity

Guatemala rates among the highest in the world concerning violent crime as much as on impunity with frail judiciary and police system, which make hardly effective the functioning of the rule of law. These two factors together would help to explain why common and specifically political electoral violence are hard to disentangle from each other. In fact there were a significant number of violent actions against political personnel during the pre-election period, but the political connections of crime in most cases could not be proved.

There were some violent incidents prior to the campaign, which threw a darkening threat over the entire electoral process up to elections day; especially the so called *jueves negro* (black Thursday). On July 24, groups of Frente Republicano Guatemalteco (FRG) sympathizers and affiliates caused riots in Guatemala City to protest the rejection by the Corte Suprema de Justicia (CSJ) of Efraín Ríos Montt's candidature for the presidency. These disturbances, which would be coined by the media as "Jueves Negro" (Black Thursday), followed a public warning by the rejected candidate that his followers could take the streets to express their disagreement with the Court's decision.

The protesters, who blamed the entrepreneurial class for their candidate's exclusion,

besieged the business quarter Centro Empresarial in Guatemala City at Zona 10 as well as the headquarters of the Corte Suprema de Justicia and the Corte de Constitucionalidad. There was a mortal casualty as a result of the riots, the reporter Héctor Ramírez, who died from a heart attack after being harassed by the mob. Although the journalist identified members of the FRG as militants and participants of the riots, no party affiliates have so far been prosecuted for its consequences.

Besides these and other violent incidents prior to the beginning of the elections campaign, the later stage before the first round became progressively difficult by violent incidents with political repercussions continuing to take place within an atmosphere of uncertainty and rumors concerning undesired outcomes of the electoral process. Among others, the Mayor of Mixco, near Guatemala City, was the victim of massive shooting and he resulted seriously injured. The victim was an uncle of President Portillo and an ex FRG mayor, whose son was running for mayor of Mixco as a candidate of GANA. A URNG candidate for mayor in Coatepeque (Quetzaltenango) was shot by a GANA activist when he was sticking up posters. There were also verbal and physical aggressions to public personalities while campaigning (i.e. Rios Montt) or attending other public appearances (Rigoberta Menchú).

Persistent rumors about public disorders on elections day in order to discourage voters turnout, especially in the urban areas supposedly less supportive of FRG, have given way to public warnings in the same direction by authoritative sources, most notably Rigoberta Menchú and Cardinal Roberto Quezada. The latter stated before TV that voters should not be afraid to turn out and vote in spite of people planning for public disorders while doing their best to bring their own supporters to the polling places. Additionally, the EU-EOM had also known from independent sources about preparations for disruption of public order on elections day in a number of areas of the capital city and the central district. It was within this context of fears and potential threats that the 6-day forceful stoppage of all productive activity brought about an additional element of political uncertainty, on which more detailed reference will be made below.

In spite of these rumors, the polling day generally unfolded without major violence or disorders with some serious exceptions: the shooting of the political secretary and candidate for congress of UNE, who fortunately saved his life; and the burning of polling stations in the municipalities of Cuyotenango in the department of Suchitepéquez, La Gomera in Escuintla, El Quetzal in San Marcos, and Quezada in Jutiapa. In the four municipalities local elections were recalled and held without any incident on December 28 jointly with the second round for president.

A highly fragmented and weakly structured political party system

The party system of Guatemala is highly fragmented and organizationally weak. On the one hand, there were more than twenty parties competing for Congress and the municipalities. Only for the presidential race, there were eleven candidates. Most parties enjoy only a limited social support nationwide, and are based on regional and local constituencies. As a result, a highly fragmented legislature was installed on January 14 with ten parties holding 158 seats in Congress. No party had a clear majority in Congress.

On the other hand, the organizational weaknesses of parties is generally recognized in that most of them have been recently created, and only a few of them may count on substantial membership to be able to conduct party operation across the country; most notably FRG after the PAN split into three different factions. Curiously enough, the winner at the presidential race Óscar Berger presides over a coalition of three newly created parties, while the second runner Alvaro Colom was the candidate of UNE, a party created after the 1999 elections. Current electoral legislation both reflects and reinforces party fragmentation with a formula of proportional representation in rather large constituencies plus a national list, which allows for a substantial number of parties getting seats in Congress.

On its side, local municipal politics shows still a higher degree of fragmentation than party politics at the national level. This includes the existence of *Comités Cívicos* as an electoral entity comprising different social forces and organizations. The current formula of representation for municipal councils, again, both reflects and reinforces political fragmentation at the local level, which may be considered as a main cause of frequent conflictive situations around the election of mayors. The formula is a mix of majority rule on “first past the post” style and proportional representation. The party or *comité cívico* list of the largest plurality gets the mayor and the most important seats at the council (*síndicos*); additionally sharing with the other lists in the distribution of the remaining council seats according to proportional representation d’Hont style. In most cases, this would result in an absolute majority of council seats.

This kind of formula is usually established to ensure governance without having to incur in coalition government. In fact *fabricated majorities* would come easily from the ballot box at the Guatemalan elections. In 40 out of 331 municipalities, the winner made it by less than 100 votes over the second runner, and in another 46 municipalities by more than 100 and less than 200. This situation as a whole affected over 26% of all municipalities. The difference in absolute number of votes almost always represented a small percentage of valid votes with the number of parties running between 6 and 12. On the other hand, too artificial or *fabricated majorities* do not always guarantee that local authorities will be accepted or governance facilitated. In fact, violent conflicts around local elections more frequently exploded in municipalities where the mayor was to be elected by a small difference of votes among a large number of parties. Such was the case in four out of the six more conflictive municipalities: Aguacatán, Ixcán, Quesada, and El Quetzal with the mayor’s party winning by 18, 308, 29 and 113 votes, respectively. The latter two municipalities are among the four where elections were invalidated and further recalled. The issue is taken back at the chapter below on recommendations for the future.

Bitter confrontation among contenders, which receded at the second round

Campaigning for the first round was dominated by a basic confrontation between FRG and GANA, on the one hand, and by rumors and threats of public disorders, on the other hand. The FRG was openly supported by a parallel campaign by the President of the Republic through massive TV political advertising as well as by paying of subsidies to ex PACs with undue involvement of FRG party and governmental officials, and military personnel from within the barrack facilities (See case study in Annex II).

The content of the presidential addresses was highly confrontational and had an inflammatory tone, sounding like the strong argument of a radical opposition candidate to the Presidency rather than the speech of a parting incumbent. Furthermore, as it was illustrated from the media monitoring results included in EOM weekly reports, President Portillo fared high in political advertising both in TV and radio, only second to GANA candidate Berger. On the other hand, the print media contributed to an one-sided confrontation by systematically attacking the FRG and their candidates, often with false allegations, and publishing sensationalist and panic-creating news.

In connection with the payment to ex PACs, and according to actual findings of the Mission's observers in the field, politicized procedures were used in some departments: requirement of an FRG affiliation prior to getting the paycheck, intervening FRG personnel and municipal authorities, payment being processed within military compounds.

Notwithstanding the above, all parties had established some instruments for basic cooperation and consensus building such as the Foro de los Partidos Políticos, Comisión de Seguimiento del Acuerdo Ético Político, and Agenda Nacional Compartida. The ethical political agreement for the development of the electoral process signed by 20 political parties on 10 July created a commission to monitor the compliance of the seven agreed compromises. The monitoring group included representatives of Foro Permanente de Partidos Políticos, Cámara Guatemalteca de Periodismo, Asociación de Periodistas de Guatemala, representatives of OAS, Mirador Electoral, and just as an observer, the EU-EOM. Weekly meetings were held and several public statements were made before the first round of elections calling on contenders to promote the National Shared Agenda (*Agenda Nacional Compartida*), to avoid electoral violence, and to abide by the principle of non usage of state resources during campaigning. The Commission lost momentum after the first round and for no reason no meetings took place again resulting in an incomplete monitoring process.

With some exceptions, sometimes regrettable, campaigning for the second round normally proceeded without much drama in the confrontation between candidates. For example, it was unfair that certain media published information offensive of one of the candidates as it was regrettable that the same candidate was insulted by a segment of the audience at the occasion of the only televised debate between the candidates. Otherwise, the candidates often appeared together at several occasions while meeting with demonstrators voicing some particular demands for the both of them, or in signing governance agreements with a very general content being submitted by civil society organizations.

After the second round, the EU Mission declared in its preliminary statement that results expressed the will of the people under fair conditions of freedom and security, in spite of the fact that some voters were unable to vote due to difficulties with the organization of the voter lists.

Strongly opposed decisions affecting the electoral process were made by Congress and the Executive on the eve of elections

A highly controversial decision was taken by the Executive allowing for subsidies pay to over half a million ex PACs (former militias) in three installments, the first being made prior to elections day and the other two after a new government would be sworn in. The first installment was generally implemented in due time. This should be considered uncongenial with democratic standards on two main grounds. First, anything resembling vote buying should be banned from the pre-electoral scenario as malpractice. Second, any regulation affecting the electoral process in a substantial manner, either actually or potentially, should be issued enough in advance to the election season in order to make sure that it would not contaminate the atmosphere of fairness, which is expected for genuine democratic elections.

Oddly enough, the national Congress passed a reform to the Labor Law (Decreto legislativo 51-2003) by establishing a six day ban on all productive activities around elections day; that is November 8, 9 and 10 on the one hand, and December 27, 28 and 29 in the case of a runoff. The regulation forbade any industrial, commercial or service activity and sanctions were established. The very activities of the electoral administration would have been affected as a number of support services had been hired with private companies. A precedent on this regard could hardly be found in the international electoral scene, especially if it is taken into account that elections in Guatemala always take place on a Sunday. By taking a critical position on the new regulation, the OAS observer mission issued a joint statement with the civil society observers of Mirador and CACIF. The EU-EOM issued its own statement pointing out that exercise of certain fundamental rights would be jeopardized and the administration of elections impeded if the Decree was enforced. On November 5, three days before elections day, the decree of Congress was vetoed by the President.

On the positive side of the balance, the Executive Branch acted correctly regarding the deployment of the security forces to ensure the security of citizens and electoral environments close to the polling centers. Both the Police and the Army generally performed according to the law, and restricted their security activity within legal limits.

A still prestigious electoral authority rating lower at leadership, transparency and efficiency

As a general assessment regarding the Tribunal Supremo Electoral (TSE), this is an institution still highly prestigious in the mid of low-prestige public institutions. Little doubts are expressed about its honesty and dedication. Nevertheless, the current incumbents did not exercised a decisive leadership along the electoral process by making timely decisions on relevant issues (i.e. the voter list, political advertising, congressional decree on stoppage), getting them translated to the public, or being more transparent before party representatives and observers when requesting information.

It must be recognized the effort by the TSE with financial and technical assistance by the international community, to improve the quality of voter lists by cleaning them from the deceased and double registers. The same can be said regarding the improvement in voting procedures with the use of indelible ink and training of polling station officers.

Equally commendable is the implementation of voter information programs in the different languages of Guatemala.

As a main liability of the electoral process, it is to be mentioned the failure at the organization of voter lists when allocating voters to polling stations in accordance to the identification records previously given to the almost two million voters who had updated their registration or registered for the first time. This came out as a main issue a few weeks prior to elections day. The problem could not be properly faced by the TSE. As a consequence, many voters were unable to exercise their right to vote even after the TSE decided to allow for a tendered ballot in the first round for those duly registered voters whose name did not show up at the voter list of the corresponding polling station. At the second round, not even a tendered ballot option was allowed by the TSE.

Except for this later problem, voting and counting went much better at the second round after a number of changes were introduced in the organization of the polling centers. According to the EU-EOM observer records, organization was improved in 63% of the polling centres. Furthermore, in 99% of the centres no public disorders or tensions existed. Secrecy of the vote was generally respected (99%), and indelible ink properly applied (99%). But still in around 15% of polling stations there were some voters who were unable to find their names in the voter lists.

An active civil society monitoring the elections

Some encouraging trends of the vitality of civil society at elections time in Guatemala are to be mentioned. One is the move by an active public opinion in opposing congressional and governmental decisions, which were considered damaging the holding of genuine democratic elections (i.e. the ex PACs pay, the stoppage decree, the pay raise decree on salaries for members of parliament). On the two latter cases, the decrees were repealed after so much opposition from civil society organizations of all kinds.

Another trend is the increasing mobilization for registration and voting by sectors, which were traditionally less mobilized. These are basically the indigenous peasants and women (See case study in Annex II).

A third trend is the involvement in the electoral process as election monitors of a number of civil society organizations. The largest and more important was the NGO *Mirador Electoral 2003*, which presented an observation project called “Somos tus ojos Guatemala” mobilizing around 3.000 volunteers all over the country, training them in electoral observation and realizing a quick count for both rounds. This project aimed at the involvement of traditionally marginal groups such as youth, indigenous and women. At provincial level LTO established contacts with regional NGO delegates aiming at exchanging information. *Mirador* is a partnership of the human rights organization CALDH, the civil association *Acción Ciudadana*, the social science graduate school FLACSO and the research institute INCEP. *Mirador* had financial and technical support from NDI, USAID, NORAD, ASDI and the governments of Switzerland and Canada.

There were also domestic observer missions belonging to the Procuraduría de Derechos Humanos (PDH) with several thousand observers; the business association *Comité*

Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financeras (CACIF) with 100 observers; the University of San Carlos; and a indigenous observation mission with 53 observers.

International observation missions

Besides the EU-EOM, there was the observer mission of the Organization of American States (OAS), which had been installed since May 2003, and deployed 175 observers for the first round and 75 for the second round. EU observers held meetings and exchanged information with all international and national observation missions maintaining the dialogue throughout the three month presence in the country. MINUGUA with a ten year presence in the country, and in the process of downsizing the mission, decided not to participate as an observer in the electoral process, nevertheless their regional offices provided valuable information to the deployed LTOs and STOs.

The Public Prosecutor's office in the electoral scenario

A weak trait of the electoral scenario of Guatemala was the presence of the Public Prosecutor, as much publicized as ineffective, as an outsider protagonist on the electoral scene. On the one hand, and prior to the first round, the incumbent of this controversial office signed a much publicized cooperation agreement with the TSE in the presence of several thousand public officials of the Public Prosecutor and the international observation missions. A lesser level agreement was signed for the second round with the civil society organization Acción Ciudadana. Main commitment of the Prosecutor's office was to be present in all polling centers in order to bring those people caught in flagrante on electoral crimes directly to the judiciary. Although there were several occasions to honor their commitments, no significant action was taken by the Public Prosecutor officials at the polling stations. This could hardly be justified given the fact that a number of serious incidents took place at the first round elections.

III. THE ELECTORAL AUTHORITY

While it was considered until recently as one of the most prestigious public institutions in the country, the TSE has lost part of the voter confidence. Lack of strong leadership in handling political issues as well as ineffective communication with departmental electoral authorities (JED), parties and citizens, the untimely and little effective handling of problems with the voter lists, the failure at distributing the lists to political parties, among other shortcomings, have been corrosive to its public image.

The TSE is integrated by magistrates (5 in total plus 5 reserve) elected by Congress for a six year period. It is a permanent structure composed by 21 delegations and 310 sub-delegations in the country. Lower level electoral authorities (22 Juntas Electorales Departamentales and Municipales – JEDs and JEMs) are temporary elected structures appointed by the TSE, coming into function shortly before elections. The TSE counts with 13 directors and several departments with experts that have been working for many years developing a good institutional memory.

Members of the departmental and municipal authorities (president, secretary and vocal) are appointed by the TSE Guatemala. The selection of polling station staff reflected a general high education level, former experience and gender balance. A high contrast in professionalism and resources between the city and province of Guatemala and the more rural areas of the country was evident. The pyramidal structure of responsibility of the electoral authorities allows for certain independence at local level (ex: selection of polling station staff, logistics, complaints resolution) which could be improved by enhancing the information flow from top to bottom. As seen during the first round, important last minute information concerning tendered ballot were not effectively disseminated and new procedures did not reach each polling station.

Training of polling station members was organized by the TSE and varied in quality and effectiveness from urban to rural areas, whereby in indigenous parts of the country no sufficient attention was paid to training in local language. Taking into account the difficult 5 ballot election on November 9 better voter education and more assistance in indigenous languages should have been provided at polling stations. Despite fairly attended training sessions by polling station members, the first round of elections revealed that there was plenty of room for improvement. The application of indelible ink, the secrecy of the vote and above all the general lack of information on where to vote deserved more attention. For the second round, the TSE training efforts concentrated on the management of the voter register.

The late announcement by the TSE that the voter register presented problems was a source of last minute confusion and mistrust. The project of updating the voter register by allowing people to vote closer to their residence resulted in a split register – not updated voters and updated voters. A technical problem while processing updated voters information produced an unknown number of legally registered voters that could not be found on the updated register but were still on the non updated one, the problem being that the electoral law states that citizens must vote in the municipality where they are registered.

The TSE did not allow for an accurate estimate of how many voters were affected, leaving political parties in the dark and with no effective way to check themselves the magnitude of the error. The UNE party representative urged repeatedly that a copy of the voter register should be handed in, while the TSE in a defensive attitude interpreted article 225 in a restrictive manner, offering only the possibility of consulting the voter register on computer by single entry search. Eventually, after decision of the Supreme Court of Justice, a CD with the voter register was given to UNE on the night of December 26.

A last minute resolution, implementing a conditional tendered ballot was not timely disseminated to local electoral authorities. TSE delegations and sub-delegations were not prepared to verify if voters were actually registered, not handing out the *constancia* (certificate) required to vote by tendered ballot. Many JRV did know nothing of the new procedure or used it to solve all kind of voter register inconsistencies. No proper record of *constancias* was kept by TSE delegations not allowing for an accurate post-electoral information.

Surprisingly, no tendered ballot was allowed for the second round. TSE argued that long hour cues and confusion in finding the right JRV during the first round was mainly originated by poor management of the voter register by polling station members. TSE insisted in that by informing voters where to vote and by speeding up voting procedures (TSE estimated in half a minute the time needed to vote on Dec 28 whilst on Nov 9 each voter needed 4 minutes), problems would be avoided for the second round. Letters were sent to those manually aggregated to the voter register and TSE called on voters to check on their polling station. Despite pressures from domestic and international observation missions and other social actors, the TSE did not change its decision and insisted that voters had to vote where registered feeling confident that voters would not be disenfranchised.

A weekly meeting with political parties representatives accredited before the TSE was held with magistrates. This privileged channel for information exchange was not used by all party representatives and TSE was not always clear in providing answers or information. The FRG national representative decided not to participate in meetings after the first round of elections whereby the Partido de los Verdes (Green Party) assisted despite having been left out of the electoral run due to registration problems.

At national level, party representatives lacked initiative and failed to exert pressure over TSE to implement changes. The active party representative César Fajardo, from UNE, repeatedly asked TSE to hand out a copy of the voter register and insisted in having computer experts check the voter transmission software. At district and municipal level party representatives participated in an incipient way.

Despite provisions in the electoral law (art. 130) allowing political party representatives to be present at all TSE sessions during the electoral period “with voice but no vote”, TSE avoided systematically to inform political parties about the agenda of sessions. UNE and DIA protested verbally without success.

It should be noticed that despite some lack of organization at TSE national level, well prepared election technicians such as the Director of Elections, and officials at the Secretariat have much experience and are part of the backbone of the institution.

Concerning the cost of elections, the actual if not the formal electoral budget was generously financed with funds from the national budget and from international assistance. The TSE budget amounted to 113 million quetzales, which is equivalent to USD 14 million. Additionally there was an estimated USD 9 million from international assistance (international observation missions not included), basically provided by the USA, Canada, Sweden, Norway and Switzerland. International aid was basically in support to the updating of voter lists and new organization of polling stations in urban areas in order to bring the voting facilities closer to the people homes; purchasing of equipment; voter education and training of polling officers. To a lesser extent it was provided to civil society organizations monitoring the elections. All in all, electoral expenditures amounted to around USD 23 million, which is equivalent to USD 4.6 per register voter in a voter list of 5.073.000. In fact, the 2003 election budget was more than twice as much as that of other previous elections, but still around the average in

Latin America¹. Nevertheless, the election was poorly managed at the first round both in terms of organization of the polling stations as well as of information made available to voters on where and how to vote.

It is relevant to note that a pattern emerged in Guatemala at the time of these elections, which had been previously observed at the elections in Nicaragua 2001 and Ecuador 2002. These were all third generation elections after acute social conflicts, which turned out more expensive and less well organized than the previous elections. As a substantial part of the electoral budget was funded through foreign aid, this finding should be taken as a warning by the international community.

IV. MEDIA COVERAGE

A troubled media environment

Although there is a legal frame protecting freedom of speech, a conjunction of factors keep preventing a truly free, independent and professional flow of ideas in Guatemala. Some of those factors appeared during the electoral campaign.

One of these factors is endemic violence. According to the Committee for the Protection of Journalists (CPJ), three reporters have been killed every two years, as an average, from 1981 to the present. Violence helps to explain why Guatemala recently ranked 99 in the 2003 world index of freedom of the press elaborated by Reporters Without Borders. This was the worst rate among Central American countries. After the elections were called in May 2003, José Rubén Zamora, editor of the daily *El Periódico*, and his family were retained, threatened and beaten at his home in Guatemala City. It is also well known that the only fatal casualty of the July riots in the country's capital was the reporter Héctor Ramírez, who suffered a heart attack after being harassed by the mob. On October 26, four reporters of the daily *Prensa Libre* were kidnapped by a group of ex members of the PAC militia.

Another negative factor on the media environment is the disturbing intervention of the executive branch in media matters, ranking from the unfair use of *cadena nacionales* to the irregular granting of radio and TV licenses. On the one hand, president Portillo has made a rather discretionary use of those compulsory broadcasts, simultaneously transmitted for all the national TV channels while the foreign channels are blacked out. The *cadena nacionales* are meant to be used in exceptional occasions, but during the first round of the campaign some of the messages broadcast through *cadena nacionales* were rather irrelevant presidential addresses or coincide with the messages of his party, a fact that has been rightly criticized.

On the other hand, the adjudication of radio and TV licenses has also been subject to much controversy, mainly for two reasons: on one hand, radio licenses are granted to

¹ In a regional comparative perspective, estimated costs in some other countries are as follows: Nicaragua in 2001 at USD 15 and further down in 1996 at USD 7,5; Mexico in 1997 at USD 5,9; Guatemala in 1996 at USD 1,8; El Salvador in 1994 at USD 4,1 and further down in 1997 at USD 3,1; Panama in 1994 at USD 6,2; Costa Rica in 1994 at USD 1,7; and Haiti in 1995 at USD 4,0. (Rafael López Pintor, *Electoral Management Bodies as Institutions of Governance*, New York: UNDP, 2000, p. 74).

the highest bidder, obstructing one of the objectives of the 1996 peace agreements, which urge the Government to reform the laws in order to give channels of expression to the indigenous people; on the other, the need to end the unofficial TV monopoly has not been met with the latter TV concessions.

Some days before the end of the campaign, the Corte Suprema de Justicia froze the granting of 17 radio licenses to the companies Televisiete and Central de Radios, owned by the Mexican businessman Ángel González, on the grounds that the adjudication had not followed the proper procedure. The concession of the TV licenses for channel 5 and 9 during the last stage of the campaign fuelled also criticism towards the Government's media policy. The concessions were made without a public bidding or previous discussion in Parliament or with professional groups. Others criticized that the awarded institutions, namely the Academy of Mayan Languages and the Congress, as respectful as they can be, have neither the resources nor the competence to manage a TV channel. As a result, critics say, the current, unofficial TV monopoly (the four only open TV stations are indirectly owned by Ángel González) will not have to face competition.

Lastly, in its preliminary statement after the first election round, the Mission pointed to another factor interfering with a strictly normal media performance, namely the fact that some media companies had crossed the borderline of what is professionally acceptable when reflecting their political preferences. This assessment, which was not well received by some media, would still hold at the end of the campaign, both for the written and the audiovisual media. While acknowledging the right of the companies to express their own views, the Mission considers that this right should not collide with good professional values, such as the sense of balance or the resort to different sources. Again, the Mission came to this conclusion particularly with respect to some print media.

Campaign issues, coverage and tone

The issues

During the first round of the election, a strong message emanating from the official party dominated the campaign: the elections were a confrontation between rich and poor, between the businesspersons, on one hand, and indigenous, peasants and workers, on the other. That was not only the FRG campaign motto, but also a byline continuously repeated by president Portillo and other high-ranked public officials.

The relationships among the rest of the parties were more consensual than confrontational. The "Group of Nine", originally created to oppose polls, was joined by all the parties running for the election, except FRG and GANA.

During the campaign for the second round, once Efraín Ríos Montt was left out of the race, Alvaro Colom disseminated a milder version of the FRG message for the first round: UNE was the party of the less affluent, whereas GANA was the voice of the businessmen, the party of those who, among other things, have privatized the phone and electricity services.

In spite of the aggressiveness of this message, both at the first and second round, there was not a real debate on the important issues for the country. Moreover, the candidates signed numerous governance agreements, presented to them by different social groups, some of them with completely opposed interests, such as ex PACs militias and victims of the armed internal conflict, thus transmitting an image of consensus.

Regarding other issues, one of the main topics on the news before the first round was still the candidature of Efraín Ríos Montt for the presidency. The written press was openly, with no exception, against it, countering its lawfulness and questioning the legal process that finally allowed it. Then, Ríos' campaign was harshly criticized as intending to create a confrontation among Guatemalans, between the haves and the have-nots. The presidency of Portillo was also made responsible for creating great social tension and trying to divide the country.

Two other topics centering much media attention during the first round were the payment of a subsidy to the ex PAC militia and the stoppage decreed by the Government around the days of the elections. The Government commitment to pay the *patrulleros*, which the FRG promised to keep, and the threats of the militia groups to boycott the elections in case the payment were not made became the main menaces to the elections in the view of the media.

The media, especially the press and the TV channel Guatevisión, also attacked the stoppage as an illegal attempt to silence them and challenged the Government announcing they would not observe it. The media and the social pressure have to be credited for the final repeal of a decree that would have created serious problems to the electoral process.

Coverage and tone at the first round

During the campaign for the first round, the media focused basically on three candidates, Berger, Colom and Ríos Montt, plus president Portillo. However, whereas Berger and Colom got a mostly neutral coverage, Ríos Montt and Portillo received hard criticism.

The written press was the news-richest medium (for figures and graphs, see Annex I). Ríos Montt, Berger, Colom and the president got two out of every three news, but whereas the two candidates who would go to the second round received a fairly neutral coverage, the coverage obtained by Ríos Montt and Portillo was unfavorable on average in all newspapers.

The four most attractive candidates for the press were also the four most interesting for the TV news. The only difference was that Portillo and Colom got both more attention than Berger. If we consider separately the coverage by channels 3 and 7 (owned by the Mexican media mogul Ángel González), on one hand, and channel 9 (the cable channel Guatevisión, owned by the *Prensa Libre* group, with a much smaller audience) on the other, a much richer picture emerges: in the two former, Ríos Montt and Portillo got marks close to 4, meaning favorable; whereas in Guatevisión they plunged below 2 (worse than unfavorable).

Finally, the radio was the medium least interested in the campaign. President Portillo was the politician getting by far the largest share of attention, almost as much as all the presidential candidates together.

Coverage and tone at the second round

The first round of the election left Ríos Montt out of the race, a fact that cooled down the temperature of the campaign, as well as the media coverage. With two candidates left, media attention was rather equally divided between them. However, Álvaro Colom began to receive soon the type of attention a candidate doesn't like.

Colom had serious clashes with representatives of the written press. An editorial by the daily *Prensa Libre* criticized him for his confrontational campaign (the same accusation the press made against Ríos Mont and Portillo). *El Periódico* remembered the problems his wife had with the workers of her factories as well as her debts to the national security system. The same daily reported that Colom's recently hired campaign manager (Hugo Peña) had designed the campaign that gave the presidency to Portillo, getting millionaire public contracts thereafter. The evening paper *La Hora* denounced that the candidate's wife asked the paper to fire a columnist who had allegedly insulted Colom in an article. Several newspapers aired the internal conflicts of Colom's party. Finally, the director of the Guatevisión program *Libre Encuentro* contested in an unusually aggressive manner the refusal of the candidate to participate in a debate with Óscar Berger.

No doubt, the press and Guatevisión stressed the weaknesses of Colom more than those of Berger, although in general quantitative terms (see Annex I) the coverage was fair. Colom's aggressive answer to media criticism did not help him, however, but kept deteriorating his relationship with the media. On his turn, Berger never answered directly to Colom's charges, for example that he was the candidate of the businessmen or that he was going to privatize the few remaining public companies. Berger chose to ignore the accusations (even during a TV debate referred below), letting someone in his entourage to do it.

In conclusion, the last stage of the campaign became bitterer, littered with dirty accusations, most of them directed against Álvaro Colom, and sometimes disseminated over the Internet to take advantage of the medium's anonymity.

The debate that never happened

Since the beginning of the campaign for the second round, the two candidates publicly said they were ready to debate, but never seemed to agree on the way to do it. Colom preferred a face to face debate, whereas Berger suggested that the candidates' teams should take part in the debate as well.

Finally, the debate took place on Monday December 5 at Hotel Tikal Futura, in Guatemala City, and was broadcast by the TV channel Guatevisión as well as by some radio stations and local TV. The candidates had to confront their views on seven topics, but neither the vice presidential candidates, who debated the first three (governance,

decentralization and peace agreements) nor the presidential ones, who dealt with the latter four (education, security, economics, and corruption), did more than repeating what they had previously rehearsed with their campaign managers, without engaging in a real debate. Alvaro Colom was the only one to challenge his contender, but either he was interrupted by the booing of Berger's supporters or his defy was ignored by the other candidate.

The controversy over opinion polls

On September 23, ten of the presidential candidates, including Álvaro Colom, denounced in a press conference the manipulation of the electoral polls and demanded the media to exclude their parties from the polls.

According to the candidates, there were personal links between some media managers and GANA, Óscar Berger's party, posing an ethical conflict to the newspapers and hindering them from publishing accurate polls. The candidates also said that the results of the polls were known in advance and pointed to some technical flaws. During the second round of the presidential election, Álvaro Colom repeated in several occasions his doubts about the quality of polls and even their alleged manipulation.

The fact was that, as shown by the graph below, the last polls published by the main media before the two election rounds accurately predicted the results with a margin of error lower than 5 percentage points.

Opinion Polls Predicting the Results at the First and Second Round

	Actual result, Nov 9	<i>Prensa Libre</i> , Nov 4		<i>Siglo XXI</i> , Nov 2	
		Prediction	Deviation from result	Prediction	Deviation from result
Berger	34.33%	30.90%	-3.43%	33.80%	-0.53%
Colom	26.36%	27.40%	1.04%	23.50%	-2.86%
	Actual result, Dec 28	<i>Prensa Libre</i> , Dec 26		<i>Siglo XXI</i> , Dec 22	
		Prediction	Deviation from result	Prediction	Deviation from result
Berger	54.13%	58.00%	3.87%	57.30%	3.17%
Colom	45.87%	42.00%	-3.87%	42.70%	-3.17%

Some commentators have pointed out that the sample of voters are not accurately drawn and do not reflect the ethnic or linguistic diversity of the country. However, the empirical practice of polling has consistently suggested that social sectors of the population excluded from the sampling (mainly non Spanish-speaking indigenous) are either non voters or, if voting, their vote is patterned along a similar distribution of the vote of non-indigenous populations.

Another frequent argument among the Guatemalan public had to do with legal deadlines to publish opinion polls, which for some Guatemalan commentators would be too short (36 hours before elections day). However, there are no international democratic standards on this issue with practice varying between total absence of deadlines and

total banning of opinion polls publication. Somewhat in between is the more common rule in Latin America with a few days ban on publication of electoral opinion polls.

V. THE ELECTORAL RESULTS

From an observation mission perspective, the national elections of November 9 and December 28 in Guatemala can be considered as reflecting the will of the people in spite of the fact that pre-electoral malpractices were occasionally observed, and a number of organizational and procedural difficulties existed at the voting and counting especially in the handling of voter lists more so during the first than the second round.

Voter turnout

First of all, a relatively high voter turnout is to be noticed, both at the first and the second round. Furthermore, there was a high mobilization among indigenous people, especially women, both for registration and voting, although lower women voter turnout was observed at the second round, particularly in rural areas.

The turnout rate at the first round was 57.9% of registered voters, somewhat higher than at the first round of the 1999 elections with 54%. This should be considered as a relatively high turnout in contrast to the widespread expectations for a low participation, and the fact that turnout was particularly low in the later poll on May 1999 when a referendum on constitutional reform in appliance of the peace accords was called and failed. If an estimate half a million electors living abroad are discarded, then turnout rate would raise up to 64% of registered voters resident in the country at elections time. At the second round, turnout amounted to 46.8%, which was 12 points lower than in the first round. In comparison to previous elections, turnout at the second round has been higher this time: six points higher than in 1999, nine points higher than in 1995 and one point higher than in 1990, although nineteen points lower than in 1985.

Split vote

Another interesting albeit traditional feature of Guatemalan elections is the extent of the split vote or differing support among parties between the presidential, congressional and municipal elections. This time, the split or strategic vote between presidency and congress amounted to over 800.000 votes, equivalent to 29% of the entire presidential ballot. Only the FRG among the main parties remained at around 20% of the ballot at the different elections. On its side, GANA's vote for Congress was over three hundred thousand votes lower than for the Presidency. In the case of UNE, its congressional vote was over two hundred an fifty thousand lower. Contrarily, practically all the other minor parties increased their congressional vis-à-vis their presidential vote. This finding illustrates, among other aspects of Guatemalan politics, the highly fragmented nature of the party system, heavily relying on local constituencies rather than on nationwide support and organizational networks.

VOTE DISTRIBUTION AND SPLIT VOTE FOR PRESIDENCY AND CONGRESS

Parties	Presidential		Congress (national list)		Difference (Pres.-Congr.)
	Votes	% (valid)	Votes	% (valid)	
GANA					
Gran Alianza Nacional	921,233	34.33%	620,061	24.30%	301,172
UNE					
Unidad Nacional de la Esperanza	707,578	26.36%	457,282	17.92%	250,296
FRG					
Frente Republicano					
Guatemalteco	518,328	19.31%	502,347	19.68%	15,981
PAN					
Partido de Avanzada Nacional	224,127	8.35%	278,340	10.91%	-54,213
PU					
Partido Unionista	80,943	3.02%	157,848	6.19%	-76,905
URNG					
Unidad Revolucionaria					
Nacional Guatemalteca	69,297	2.58%	107,263	4.20%	-37,966
DIA					
Democracia Integral					
Auténtica	59,774	2.23%	75,294	2.95%	-15,520
DCG					
Democracia Cristiana					
Guatemalteca	42,186	1.57%	82,289	3.22%	-40,103
DSP					
Democracia Social					
Participativa	37,505	1.40%	28,425	1.11%	9,080
UN					
Unión Nacional	11,979	0.45%	17,476	0.68%	-5,497
MSPCN					
Movimiento Social y Político					
Cambio Nacional	10,829	0.40%	18,005	0.71%	-7,176
UD					
Unión Democrática			55,788	2.19%	
ANN					
Alianza Nueva Nación			123,847	4.85%	
TRANS					
Transparencia			27,740	1.09%	
Total valid	2,683,779		2,552,005		813,909 (27.71% of pres.ballot)
Blank	114,004	3.88%	194,996	6.64%	
Null	139,386	4.75%	189,100	6.44%	
Total vote	2,937,169		2,936,101		
Turnout	57.89%		50.30%		
Total registered	5,073,282				

Source: EU-MOEG with TSE data

Presidential vote

A second round was required on December 28 between Oscar Berger and Álvaro Colom as no candidate obtained over 50% of the ballot in the first round. Berger came first with 34.5%, followed by Colom with 26.5%. Ríos Montt came third with 19.2%, followed at considerable distance by PAN López Rodas with 8.3%. The remaining candidates came out with 3% or below.

Geographically and for the first round, Berger came first in the departments to the South and East of the country, while Colom obtained larger pluralities in the North and West departments, except in Quiché and Huehuetenango, two North Western departments traditionally included among FRG strongholds, where Rios Montt came first.

In the second round Colom won in 13 departments and Berger in 9 following the same geographic pattern of the first round. Berger's urban support on Guatemala City and its province was decisive for his victory.

PRESIDENTIAL ELECTIONS RESULTS

	FIRST ROUND. November 9, 2003		SECOND ROUND. December 28, 2003	
	VOTES	%	VOTES	%
GANA (O. Berger)	921.316	34,32	1.235.303	54,13
UNE (A. Colom)	707.635	26,36	1.046.868	45,87
OTHERS	1.055.228	39,32	--	--
VALID VOTE	2.684.179		2.282.171	
INVALID	139.567	4,75%	67.106	2,83%
BLANK VOTE	113.89	3,88%	24.192	1,02%
TURNOUT		57.89%		46.78%

Vote for Congress

More than in previous elections, a highly fragmented Congress emerged with ten parties sharing seats although none of them enjoying a majority. Three contenders –GANA, FRG and UNE- got the larger number of seats. For an enlarged Congress with 158 seats, the GANA coalition came first with 47 seats, closely followed by the FRG with 43 seats and UNE with 32 seats. Other parties came out as follows: PAN with 17 seats; PU, 7; ANN, 6; UD, 2 ; URNG, 2; DCG, 1; and DIA, 1.

On gender representation, the percentage of women in Congress has kept falling down from previous elections. The proportion of women in Congress has decreased with only 13 women being elected for a total 158 seats. This is equivalent to 8% of seats, a declining percentage from the later two elections. In 1995, 13 women were elected for a parliament with 80 seats, which amounted to 16% of all seats. In 1999 there were 12 women elected for a parliament of 113 seats, which amounted to 11% of all seats. At the newly elected Congress, 5 out of the 13 congresswomen belong to FRG, 4 to GANA, 2 to ANN, 1 to UNE, and 1 to URNG.

Among the indigenous people, the fact that they were more largely mobilized for these elections did not lead them to an increase in representation. It can be said that there was

higher involvement but lesser achievement. Although more than 30% of all candidates for Congress were Mayan, only 9.5% of the chamber will be occupied by some Mayan representative: 15 out of 158 seats. This is somewhat lower than the indigenous share of the Congress elected in 1999 with 13% of parliamentarians of a Mayan origin.

Finally, four parties running for the presidential or congressional elections will legally disappear for not getting either of these two conditions established by law: a minimum 4% of the presidential ballot or one representative in Congress. These are Cambio Nacional, whose candidate was Manuel Conde, Unión Nacional, which ran with Francisco Arredondo, Democracia Social Participativa with José Angel Li Duarte, and Transparencia which ran only for Congress.

Vote for PARLACEN

At the election for the 20 Guatemalan seats in PARLACEN, GANA got 6, FRG 5, UNE 5, PAN 2, PU 1, and URNG, 1. Additionally, the leaving president and vice-president of Guatemala will join the 20 elected PARLACEN representatives.

CONGRESS AND PARLACÉN RESULTS

Congress		Parlacén	
Party	Seats	Party	Seats
GANA	47	GANA	6
FRG	43	FRG	5
UNE	32	UNE	5
PAN	17	PAN	2
PU	7	PU	1
ANN	6	URNG	1
UD	2		
URNG	2		
DC	1		
DIA	1		

(Source: EU-MOEG with TSE data)

Municipal vote

Equally fragmented was the local ballot with all significant parties and Comités Cívicos getting mayors and council majorities. The FRG is the party getting the largest number of municipalities, 120 (34 municipalities less than in 1999), almost half of them in the Western departments of the country. The department where the FRG won the largest number of councils was Quiché, with 14 out of 21 municipalities. GANA came second with 77, followed by UNE (37), PAN (34), several *comités cívicos* (28), Partido Unionista (10), URNG (8), DCG (7), UD (5), DIA (4), and ANN (1).

The capital city council and mayor was won by former President Alvaro Arzú of Partido Unionista. In other large cities of the country, the party with the larger number of mayors elected was GANA with 7 (San Marcos, Salamá, Cobán, Flores, Chimaltenango, Chiquimula and Cuilapa), followed by PAN with 6 (Antigua, Puerto Barrios, El Progreso, Guastatoya, Jutiapa, Retalhuleu). FRG got 3 mayors (Santa Cruz del Quiché, Totonicapán and Jalapa). UNE got only one large city (Escuintla).

Compared with the 1999 municipal elections PAN was the party losing the highest number of *alcaldías*, 75 in total. FRG won 34 *alcaldías* less in 2003, while ANN passed from 14 to only 1 *alcaldía* in 2003.

Among the indigenous people, and contrary to the election for Congress, municipal representation only suffered a slight decrease with practically the same proportion of mayors indigenous as in previous elections. 108 out of a total of 331 mayors are indigenous of a Mayan identity, which is equivalent to one out of every three mayors, similar to 1999 and 1995 (See ANNEX II).

MUNICIPAL ELECTIONS RESULTS	
Political Party or Civic Committee	Number of mayors
FRENTE REPUBLICANO GUATEMALTECO (FRG)	120
GRAN ALIANZA NACIONAL (GANA)	77
UNIDAD NACIONAL DE LA ESPERANZA (UNE)	37
PARTIDA AVANZADA NACIONAL (PAN)	34
COMITES CIVICOS	28
PARTIDO UNIONISTA (PU)	10
UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA (URNG)	8
DEMOCRACIA CRISTIANA GUATEMALTECA (DCG)	7
UNION DEMOCRÁTICA (UD)	5
DESARROLLO INTEGRAL AUTÉNTICO (DIA)	4
ALIANZA NUEVA NACIÓN (ANN)	1
TOTAL MUNICIPALITIES	331

Source: EU-EOM with TSE data

VI. ELECTORAL COMPLAINTS

It can be said that the appeals period regarding the first round was all but clear and swift. TSE announced, ten days after the first round, that all the received complaints had been dealt with and were about to be notified to the respective political party representatives. The notification process went on until a few days before the second round took place. The TSE did not organize a public record of complaints, and information on status of complaints was difficult to obtain. A shortage of TSE technical staff during Christmas period slowed down the process even more. A total of 142 cases were presented at TSE after the first round, including general requests, complaints, and appeals.

The appeal procedure can be divided into two steps. The first starts at the polling station on elections day and ends at the revision audience that follows within a five day period.

Complaints presented by political party representatives on elections day would have to be ratified in a special session held at provincial level. If complaints are ratified by party representatives, a countercheck of ballots could follow. No ratification closes the process.

During both electoral rounds revision audiences were held soon after elections and did not produce any significant revision process. At both occasions political party representatives expressed little interest at ratifying complaints as election results presented clear winners. Furthermore it should be noted that lack of training by party representatives contributed significantly to the low number of complaints at this stage.

The second step refers to the appeals that can be presented against decisions and resolutions of the TSE and cases brought forward asking for specific action. Regarding the first round the TSE received a total of 76 nullity requests, 19 request of revision of decisions and 3 appeals (*amparos*). All of these cases were rejected by TSE magistrates on grounds of lack of active legitimacy or prove.

Guatemala City and its department presented the highest number of cases (with 12 nullity requests, 4 revisions and 1 appeal) followed by Suchitepéquez with more than 10 cases (13 in total). All other departments presented a low number of cases (under 10).

A frequent motive for action at local level presented against municipal electoral authorities were accusations of usage of false ID cards (*cédulas de vencidad*) and minors voting. Most of these cases were rejected for lack of active legitimacy but forwarded to the TSE General Inspection for further investigation.

In 47 cases, the refusal in accepting municipal election results was the basis for action but overall rejected by TSE for lack of active legitimacy. The poor preparation of political party representatives in filing complaints was again the major reason for the high number of discarded cases.

Most cases presented to the TSE refer to municipal level issues. Nevertheless, the TSE was requested to revise its former decision to call for repetition of municipal elections in El Queztal, department of San Marcos, with the argument that congressional election should also be repeated at departmental level. The TSE rejected these arguments stating that the percentage of municipal voters would not influence results for departmental seats.

APPEALS AND PETITIONS- TSE	TOTAL
Recursos de Nulidad (Request for Nullity)	76
Recursos de Revisión (Request for Revision)	19
Recursos de Amparo (Habeas corpus)	03
Elevación de informes de las JED al TSE (Repports from the local electoral authority to the TSE)	25
Memoriales de ofrecimiento de pruebas (Presentation of proof)	9
Memoriales Caso Ixcán, pidiendo ratificar resultados municipales (Request for ratification of municipal results in Ixcán)	3
Rectificación de resolución (Request to reform decision)	5

Recurso de Revocatoria (Request for Repeal)	1
Recurso de Aclaración (Request for Clarification)	1
(Source: EU-MOE with TSE information)	

Supposedly acting as a buffer regarding complaints, the Inspección General office of the TSE investigates electoral law violations and accusations of electoral malpractices *ex-officio* or based on complaints. During the electoral period *fiscales* of General Inspection were sent to the provinces and acted as conflict mediators at TSE delegations. Unfortunately information on the number of cases handled is not available at TSE.

After the elections, complaints have been investigated. The vast majority of these concern irregularities, duplication and falsity of ID cards for single citizens. Out of 30 cases only one was passed to the Public Prosecutors Office, this being the case presented by OAS on usage of state resources during campaigning.

An important role was played by the Procuraduría de los Derechos Humanos (PDH) over the election period. On first round elections day the institution received a total of 769 election complaints (*denuncias*), the majority from Guatemala City with 351. Mixco, a municipality in the department of Guatemala, received the second highest number with 159. The majority of these complaints were presented by voters who did not managed to vote due to irregularities in the voter register. After a first analysis by PDH, complaints are passed on to the TSE or the Public Prosecutor's Office for further investigation. A PDH commission monitors the development of these cases.

Mirador Electoral, the local national observation group, presented a follow-up analysis regarding election complaints and appeals. It is interesting noting that from 719 complaints received, 40,9% resulted from voters being limited to cast their ballot. The Nacional Police (PNC), followed by Procuraduría de los Derechos Humanos (PDH) and the TSE were the three most sought authorities for receiving election related complaints. The Office of the Public Prosecutor came in last, not receiving any complaint.

VII. OBSERVER DEPLOYMENT AND OBSERVATION ACTIVITY

Deployment and briefings

Twenty two LTOs were in country for about a month for each election round. Sixty six STOs arrived from Europe for each election round and were joined by twelve observers recruited from the diplomatic community in Guatemala and by a delegation of five MEP. The core team also observed polling on election days. Thus over a hundred observers were deployed by the mission to observe both the first and second rounds of the elections.

The EU-EOM deployed LTOs in teams of two. The mission paired LTOs into teams according to a number of criteria, the most important of which was professional compatibility. The other main consideration was balancing experience and knowledge

of the country with previous election observation experience, also taking competence in Spanish language into account. Of the twenty two LTOs, ten had previous working experience in Guatemala, the majority with MINUGUA. All had varying degrees of election observation experience.

The mission established ten regional offices from which LTOs worked. Two teams were based in Guatemala City, one of which covered the Central District and Jalapa department and the second other municipalities in Guatemala department and Santa Rosa department. A third team was based in Chimaltenango, covering Sacatepéquez, Sololá and Chimaltenango departments. LTO team 4, based in Escuintla, covered departments Escuintla and Jutiapa. Team 5 covered departments Quetzaltenango, San Marcos and Totonicapán from a regional office in Quetzaltenango. Team 6 covered departments Suchitepéquez and Retalhuleu and was based in Mazatenango. Teams 7 and 8 covered departments Huehuetenango and Quiché respectively; both teams were based in their departmental capitals. Department Petén was covered from a regional office in Flores by team 9. Alta and Baja Verapaz and El Progreso were covered from a regional office in Cobán by team 10. Team 11 was based in regional office Río Hondo and covered three departments, Zacapa, Izabal and Chiquimula. The EU-EOM decided the locations of regional offices and the departments that should be covered by each team by taking into account population levels, geographical spread and the quality of transport facilities.

Long term observers were given a *Country Background Information Booklet*, which contained sections on the mission background, political, legal and electoral backgrounds, MINUGUA and the human rights situation, domestic observer reports and the media in the country. They also received a *Working Manual*, with suggestions for meetings and reporting guidelines.

STOs received a briefing before each election round similar to that received by the LTOs. Guests were invited to talk about the political context, election administration, indigenous background and domestic observation. Members of the core team talked about the political electoral context, the election administration, the media landscape and observation methodology and logistics and security. There were also STO debriefings after each round, at which a representative of each area of deployment gave a summary of observations in their area.

STOs also received a *Country Background Information Booklet*, which was essentially a slimmer version of that received by the LTO. They also received a working manual, in which they could find mission contacts, their code of conduct, directions for observation at the polling stations, their work programme and all necessary observation forms.

The CO visited all regional teams at different times in order to get on-the-spot impressions of the Mission operations, and to enhance the LTOs interaction with local authority, political parties and the media.

Methodology and work in the field

Teams held regular meetings with the election administration at departmental and municipal level. They also met with departmental and municipal party representatives

and with domestic observation groups and other members of civil society. LTOs submitted weekly reports to LTO Coordinator, who wrote weekly synopses of their reports.

Over the course of the mission LTO visited all 22 departments and more than three hundred of the three hundred and thirty one municipalities. On average, teams visited each JED (*Junta Electoral Departamental*) more than ten times, though the departmental election administrations in larger departments were given extra attention. In addition, teams visited the TSE departmental delegate at least as many times as the election administration.

At the end of the mission, LTOs evaluated the flow of information between the different levels of the election administration, the work of the different *juntas* in both electoral rounds and the general competence of the JED and JEM. Between the *Tribunal Supremo Electoral* (TSE) and the departmental election administration, flow of information was generally good, and was particularly good in Petén, Huehuetenango, San Marcos, Escuintla, Jutiapa, Chimaltenango, Sololá and Sacatepéquez. Only in Zacapa, Jalapa and Santa Rosa was the level of communication between the TSE and JED judged to have been unacceptably low. In most departments, communication improved for the second round.

Teams also assessed the work of the departmental administration over both rounds and their general professional competence. Both work and competence were generally acceptable in all departments. JED judged to be particularly efficient were Escuintla, Sacatepéquez, Chimaltenango, Sololá, Huehuetenango, Alta and Baja Verapaz, El Progreso and Quiché. Only in Jutiapa was the departmental election administration judged to have been weak in both rounds and generally incompetent.

Over the course of the mission, LTOs visited about two hundred and sixty municipal election administrations, the majority of which were visited twice or more. Teams also assessed the work and competence of the JEM and level of communication between the municipal and departmental levels of the election administration. Of all the municipal election administrations, only three (Quetzaltenango, Livingston and Palín) were judged to have been incompetent. Flow of information between departmental and municipal level was also deemed to have been satisfactory (though was only good in about a third of the municipalities observed). In a number of municipalities in which JEM were judged to have poor communication with their JED, communication was noted to have improved over the second round.

LTOs also prepared for the arrival and deployment of the STOs. Each LTO team prepared regional information packages and observation routes for the teams. The routes were designed to cover as broad a spread as possible of rural and urban, large and small, unproblematic and problematic municipalities with equal focus on all. All STOs had some days before each round with their LTO, in which they could familiarize with their areas and run through their routes with their drivers.

On election days, STO observed in teams of two. Teams observed opening in one polling station and then polling in between ten and fifteen polling stations, spending at least thirty minutes in each polling station to fill out a polling observation form. Teams then observed the close and count in one polling station and the transmission of results

in one computer centre. STOs reported three times on each elections day to their LTOs through a consolidation system. LTOs in turn reported through a consolidation system to LTO Coordinator.

Where possible, STO teams and the municipalities and polling stations that they visited were the same for both rounds. Included on the second round observation forms were questions which allowed the STO teams to compare the first and second rounds. Thus the mission could conduct a meaningful comparison between the organization of the first and second electoral rounds and see whether there had been any improvement on the part of the TSE. The mission also pinpointed weaknesses in the voters' register and designed second round observation forms which gave particular attention to this problem.

The mission observed both rounds of the elections in all twenty two departments and in one hundred and eighty five of the three hundred and thirty one municipalities. We observed the first round in five hundred and eighty three polling stations and the second round in five hundred and ninety one polling stations. Thus the mission observed in about seven percent of polling stations and more than half of the country's municipalities in both rounds.

A summary of STO observation

On November 9, EU-EOM observation of the polling day concluded that the voting and counting took place without major public disorders, although the organization of polling centers and especially the handling of the voter lists showed some serious deficiencies.

More specifically, almost all polling stations opened on time with all polling officials present (95%), more than half of them women. There were party representatives from four or more parties in practically all polling stations (97%). In one out of every three polling stations there were some domestic observers particularly those from Mirador Electoral.

Regarding polling center organization and management, a massive affluence of voters and problems with identification of polling stations gave rise to tensions, and the Police was called in to ensure public order (15%). An adequate amount of electoral materials were available almost everywhere. Nevertheless, the newly established arrangement of the polling centers with separate polling stations for updated and non-updated voters did not work properly. Besides the problem of those voters who were unable to find their names in the voter lists, there were very long queues before the updated polling stations and very few people queuing before the other polling stations. Many voters had to wait for hours after having traveled or walked from far away places. Otherwise, secrecy of the vote was generally respected (96%). Although indelible ink was generally applied (97%), it was often not properly applied. Very rarely the use of false voter identity cards was observed.

At the second round for the presidential race, it could be observed that polling centers were better organized and voters offered more and better information on where and how to vote. No public disorders at all were registered. As for the voting itself, secrecy of the vote was generally respected (99%), indelible ink properly applied (99%), and party

representatives of both candidates present in practically all polling stations (98%). Nevertheless, a limited number of voters had still problems in finding their names in the voter lists and could not vote. The problem was recorded in 15% of the polling centers visited by observers. Finally the counting of the ballot at the polling station proceeded with normality.

On December 28, a local election had been recalled in four municipalities where ballot boxes had been burned on November 9. These were Cuyotenango (Suchitepéquez), Quesada (Jutiapa), El Quetzal (San Marcos) and La Gomera (Escuintla). In all four places the elections unfolded with normality.

A statistical summary of STO observation results at both rounds are included in the tables below.

RESULTS FROM OBSERVATION OF VOTING		
FIRST ROUND (TOTAL 583 JRV (282 ACTUALISED AND 301 NOT ACTUALISED) IN 185 MUNICIPALITIES IN 22 DEPARTMENTS) SECOND ROUND (591 JRV (312 ACTUALISED AND 279 NOT ACTUALISED) IN 185 MUNICIPALITIES IN 22 DEPARTMENTS)	FIRST ROUND	SECOND ROUND
GENERAL QUESTIONS	Yes	yes
Is there campaign material inside the polling centre?	3%	1%
Are there police inside the polling centre?	16%	16%
Is there any tension in or around the polling centre or station?	9%	1%
VOTING PROCEDURE		
Are any required documents or materials missing?	11%	1%
Do you observe any misuse of <i>cédula de vecindad</i> ?	1%	1%
Does the clerk responsible check voters' hands for dye before allowing them to vote?	43%	n/a
How many people do not find their name on the voters' register?	n/a	mucha-4% bastante-3% poca-93%
Are voters' names checked against voters' register?	100%	n/a
Is the secrecy of the vote respected?	96%	99%
Do voters sign the voters' register after voting?	90%	n/a
Does the clerk responsible stamp voters' <i>cedula de vecindad</i> after they have voted?	97%	96%
Is the indelible ink applied to the voters' index finger?	97%	99%
Are disabled voters aided in voting?	8% (note 88% n/a)	9% (note 91% n/a)
Is assistance given in the relevant indigenous language?	n/a	16% (note 84% n/a)
Is assistance given to illiterate voters?	n/a	26% (note 66% n/a)
POLLING STATION		
Are members of the JRV acting in an impartial manner?	98%	100%
Are there national observers present at the polling stations?	38%	32%
How many parties are represented by party agents in polling stations?	3 – 3% more- 97%	Berger in 98% Colom in 97%
How many members of the polling station committee (of 3) are present?	3 – 100%	3 – 97%
How many members of the polling station (of 3) are women?	0-13% 1-33% 2-40% 3-14%	0-13% 1-35% 2-36% 3-16%
EVALUATION		
Evaluation of the election officials' work in the polling station	A39%B54%C7%D0%	A59% B39%C2%D0%
Evaluation of the voters' comprehension of process	A18%B54%C7%D3%	A42%B54%C4%D0%
Overall assessment of the polling process	A32%B59%C8%D1%	n/a
Compared with the first round, the problem of people not finding their name on the voters' register is?	n/a	Greater-1% The same-14% Lesser-85%
Compared with the first round, organisation in the polling station is	n/a	Better-63% The same 36% Worse 1%

RESULTS FROM OBSERVATION OF CLOSE AND COUNT		
	FIRST ROUND (TOTAL 43 JRV)	SECOND ROUND (TOTAL 48 JRV)
	% Yes	% Yes
Are all voters queuing at closing time allowed to vote?	91%	27% (note 73% n/a)
Are unused ballots stamped with stamp <i>NO USADA</i> ?	95%	96%
Does the president announce the validity of the ballots?	98%	90%
Are there any official complaints?	0%	8%
Does the polling station committee president show the party agents the ballots?	100%	100%
Do party agents receive a copy of the electoral acts?	91%	100%
Are election officials acting in an impartial manner?	100%	100%
How many candidates are represented by agents in the polling station?	100% - more than 3	Berger – 100% Colom – 100%
Are domestic observers present in the polling station?	53%	23%
Overall assessment of the closing and counting processes	A-53% B-40% C-7% D-0%	A-73% B-23% C-4% D-0%

VIII. MISSION LOGISTICS AND SECURITY

Transportation

Core team members were provided with 5 vehicles (2 sedans and 3 4x4s), and each team of LTOs and STOs were provided with a 4x4. AVIS was in charge of hiring drivers for all CT, LTO and STO. An effort was made to choose them with recommendations from International Agencies although due to the sheer amount of drivers need it this was not always possible. Drivers were briefed before starting their duties and received a code of conduct, rules on driving security and an explanation on the task of the observers. Drivers had a decent salary and a per diem for spending the night in areas away from their base. It is fair to say that with very few exceptions they performed well and most were highly recommended by the observers.

Insurance Policy

All mission members were provided with an insurance policy: a) Van Breda for hospitalization, accident and life. This is a standard insurance widely used by International Organizations; b) SOS International for Medical Evacuation from the field and repatriation to home countries

Medical Considerations

All observers were informed prior to their arrival about medical requirements and recommended vaccinations. In addition a list of hospitals throughout the country was provided to all, a comprehensive medical briefing was given by Doctor Javier Fernández, who was recommended by the EU delegation. He put together a satisfactory medical kit with a few more items recommended by Operations. Dr Fernández was available to requests from any Mission member when needed. Two types of insurance were given to the observers as indicated above.

Security

The security of observers was the responsibility of the Operations Expert and the Security Advisor. The description that many Guatemalans have of their country is “Here anything can happen at any time” Given the high rate of murders, lynching, drug traffic activity violence and common criminality and considering the limited resources that the Mission had for security, we had to implement several basic rules for all mission members to follow strictly. These rules prohibited observers from traveling after dark or outside their areas of responsibility. They also required observers to inform headquarters of their daily movements. There was also a list of “no go areas”. The Security advisor contacted each team at the end of the day to confirm their location. Observers were also made aware of the costumes of the country with respect to local sensitivities. There were regular close contacts with the Ministerio de la Gobernacion and the National Police. An intelligence network was also established with counterparts in MINUGUA, OAS and the US Embassy, and meetings were regularly held.

Security before the first round was hectic and time consuming given the abundance of rumors such as gang leaders paid by FRG to disrupt the elections and the movement of ex PACs blocking roads. The latter even affected mission deployment, delaying STO reaching their final destination by one day.

One incident worth reporting was the theft of one of our STO vehicles in Antigua in an area considered “very safe”. The driver having dropped off the Observers at the hotel proceeded to the fuel station, the vehicle in front of him stopped blocking the street and three individuals jumped out of the car and boarded the EU vehicle; they took the driver hostage at gunpoint for a couple of hours releasing him in the outskirts of Guatemala City, 65 km away from his area of responsibility, fortunately unharmed but without the vehicle.

Accommodation and office space

AGMIN provided the EU-EOM with an ample office (350 meters) located in the top floor of the Hotel Meliá, which was in working order by the arrival of the Core Team. Following exercises early conducted by Operations, LTOs and STOs were accommodated in secure quality hotels when available. The reconnaissance also provided information concerning general logistics, security intelligence gathering and a list of candidates to be interviewed as language assistants.

Mission local staff

Identified at arrival by the Core Team from a list of candidates provided by AGMIN, staffing was in sufficient numbers in line with terms of reference. The local staff was qualified and cooperative, worked long hours when needed and contributed substantially to the success of the Mission. Interpreters for the observers were identified on the spot from either a list of candidates given by the Mayan Languages Academy or by recommendations from international organizations such as MINUGUA. The length of their assignment depended on the LTO criteria according to their needs.

Visibility

Observer’s polo t-shirts, reporter’s vests, bags, car stickers and caps were ordered from three different companies. Business cards, IDs and the printing of working manuals were assigned to a company named Graphipronto. All these firms performed reasonably well.

Communications

Mission headquarters was supplied with a PABX system to provide for 7 lines, 2 of which were reserved for the 2 Fax machines. Core Team members, LTOs as well as STOs were provided with mobile phones. LTOs and STOs were also supplied with satellite phones. This equipment also included a car antenna which was very useful for having communications with the observers while in the vehicle. Comprehensive sat

phone training was given, as well as a guide for their use prior to the LTO and STO departure.

Emailing and Internet

The web site was designed by the company Quik Internet with instructions and updating from the Mission's media expert Xabier Meilán. Given the fact that email reporting via LAN connection was not always possible from some of the locations a provision was made for the use of the web site through an encoded mailbox for means of sending and receiving the weekly report so observers could access and report information from Internet cafes all over the country. The mission headquarters used the means of the Hotel Meliá for Internet and email.

Accreditations

All observers were accredited by the TSE. This was a relatively easy process due to the fact that they had a computerized system. The Mission would send filled-in forms and pictures of observers via email or hand carried to the TSE, and an accreditation was ready in a short time.

IX. RECOMMENDATIONS FOR FUTURE ELECTIONS

The Mission considers that it belongs to the sovereign right of the Guatemalans to decide on the main features of the electoral system, including voter registration and decentralization of the polling stations. Some of the long demanded reforms by relevant actors in Guatemala and widely advocated also by the international community have been voiced at the occasion of these elections, and it could be expected that the newly elected Congress will reopen the debate on electoral reform.

Notwithstanding the above, an overall assessment of the recent electoral experience, with positive elements and pitfalls, would lead this Mission to make some suggestions for the future, which could strengthen the electoral system, and correspondingly the democratic institutions. These are the following:

1. Establishing a centralized civil registry and a single national identity card (*documento único de identidad*). A single identity card by itself will not change the current shortcomings of the *padrón electoral*, which basically stem from a municipally based inadequate civil registry and issuance of identity cards (*cédulas de vecindad*).
2. The above mentioned civil registry and citizen identity cards shall be the basis of permanent and more easily updated voter lists (*padrón electoral*).
3. Polling centers could be decentralized to smaller and more isolated locations than the municipal township in order to bring the ballot box closer to where the voters live. This should be considered standard international practice. Moreover, it seemed that lower turnout at the second round in comparison to the first round, especially in

the rural areas, had to do with a shortage of transportation made available by political parties and other social agents.

4. Some institutional mechanisms for public information shall be created at the TSE in order for the electoral authorities to perform more transparently and responsively before the party representatives and the citizens. According to widely shared democratic standards, this would include the following: a) making the law unambiguous in that the TSE shall hand out a copy of voter lists to political parties and candidates enough in advance of elections day so that they can use voter lists for their political work., b) setting public information procedures at the TSE whereby political parties and citizens can be ensured that they have access to relevant information on the handling of complaints related to voter and candidate registration as well as election results.
5. An apparent legal vacuum on campaign funding, campaign expenses and financial control by public authorities should be filled in by appropriate legislation. The fact that this aspect of the electoral system is a highly controversial one everywhere should not preclude the establishing of certain limits, which could have some positive effects as compared to situations where no limits existed at all. It is this Mission's view that at least the opening of a public debate on this issue would be beneficial to the cause of democracy in Guatemala.
6. The electoral calendar could be modified so that general elections are not held during the Christmas and crop season. Both factors are by themselves and for different reasons unfavorable to voter mobilization. The fact that the current electoral calendar is largely tied by constitutional provisions should not deter taking into consideration other alternatives on the timing for elections; including the possibility for a second round held before Christmas day without having to modify the current constitutional framework (i.e. from earlier in November until a week before Christmas if there is a second round). It goes without saying that this latter alternative does not write off the crop season obstacle.
7. Enhancing civic education especially among the peasants and indigenous populations. More than in previous occasions, indigenous people especially women have shown to an extraordinary degree the political will to register, getting mobilized during the campaign and turn out on elections day. Certain areas of citizen participation seem of particular importance such as the protection of fundamental rights and the procedures to deal with public authorities, both in getting information and presenting complaints. On this latter respect, it is not just by change that the largest number of all electoral complaints brought before the electoral authorities was discarded on the ground of the complainant's "lack of active legitimacy."
8. In view of the potential for conflict around municipal elections, and the fact that current electoral law facilitates the election of mayors and the formation of governing majorities without the support of a majority of voters (such would be the case in one out of every four municipal councils), it seems advisable to open the public debate on the convenience of maintaining or changing the current formula of representation at municipal elections. The current formula allows for a party list obtaining a plurality to get the mayor and an absolute majority in the council. In a

highly fragmented party system with stronger local than national bases, this formula discourages pre-electoral coalitions and post-electoral negotiation for governance; therefore encouraging the opposition to play municipal politics “from the street” rather than within the council. The current formula may have originally been designed to facilitate governance through easy formation of governing majorities, but as time passed the actual outcome may be working against the original purpose of the law. In connection with this issue, the EOM has elaborated relevant statistics based on the electoral results, which may be handed out to the TSE.

ANNEX I

MEDIA MONITORING STATISTICS

1. FIRST ROUND OF THE PRESIDENTIAL ELECTION

1.1. NEWSPAPERS

1.1.1. Information

Table 1: Presidential candidates on the news². October 10 to November 7

	% Stories	Tone	% Pictures	% Headlines
R. Montt	22.91%	2.1	15.10%	25.05%
Berger	16.74%	2.9	23.27%	19.62%
Portillo	14.46%	2.1	9.16%	14.20%
Colom	12.18%	2.9	17.33%	15.03%
L. Rodas	8.06%	2.7	9.41%	6.26%
Fritz	7.54%	2.7	9.41%	7.31%
Suger	4.20%	2.8	3.47%	2.71%
Arredondo	3.30%	2.9	3.71%	2.92%
Asturias	2.99%	2.8	3.71%	1.88%
Conde	2.95%	2.8	1.98%	2.30%
Arbenz	2.36%	2.7	1.24%	1.04%
Lee	2.32%	2.8	2.23%	1.67%

Table 2: Presidential candidates by type of item (information or opinion). October 10 to November 7

	Information		Opinión	
	% Stories	Tone	% Stories	Tone
Ríos	18.90%	2.3	20.11%	2.1
Berger	15.64%	2.9	17.08%	2.7
Portillo	12.39%	2.3	15.15%	2.4
Colom	12.33%	3.0	12.40%	2.8
Arredondo	9.39%	2.9	3.86%	3.1
Fritz	8.45%	2.7	6.34%	2.5
Rodas	7.88%	2.9	8.82%	2.6
Suger	3.69%	2.8	5.23%	3.1
Asturias	3.25%	2.9	3.31%	2.9
Conde	3.13%	2.9	3.31%	2.7
Arbenz	2.50%	2.9	2.20%	2.7
Lee	2.44%	2.9	2.20%	2.6

² Based on the analysis of *Prensa Libre*, *Siglo XXI*, *El Periódico*, *Nuestro Diario*, *Al Día*, and *La Hora*.
Tone goes from 1, very unfavorable to 2, very favorable. 2 means unfavorable, 3 neutral and 4 favorable.

**Table 3: Main presidential candidates by type of opinion item.
October 10 to November 7**

	Letters		Cartoons		Op-eds and editorials	
	%	Tone	%	Tone	%	Tone
Berger	21.14%	3.2	15.32%	2.6	16.17%	2.8
Colom	7.43%	2.6	9.68%	2.6	11.96%	2.7
Ríos	29.14%	1.7	26.61%	1.9	26.77%	1.9
Portillo	13.14%	1.9	18.55%	1.6	16.85%	1.9
Total (4 candidates)	70.86%		70.16%		71.74%	

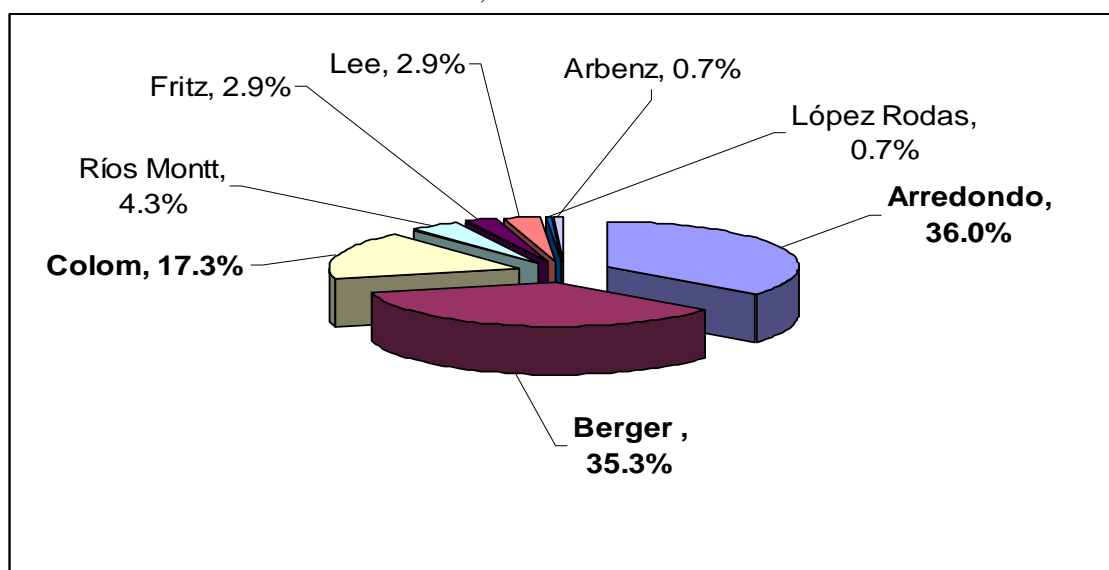
Table 4: Presidential candidates by newspaper. October 10 to November 7

	<i>Nuestro Diario</i>		<i>Prensa Libre</i>		<i>Siglo XXI</i>		<i>Al Día</i>	
	% Stories	Tone	% Stories	Tone	% Stories	Tone	% Stories	Tone
Berger	13.29%	3.3	17.44%	3.0	13.81%	2.8	18.52%	2.7
Colom	12.03%	3.2	12.12%	3.0	10.49%	2.9	11.57%	2.8
Ríos	22.15%	2.0	26.50%	2.1	21.48%	2.2	16.67%	2.2
Portillo	9.49%	2.2	14.78%	2.0	19.69%	1.9	9.26%	2.4
Total (4 candidates)	56.96%		70.84%		65.47%		56.02%	

	<i>El Periódico</i>		<i>La Hora</i>	
	% Stories	Tone	% Stories	Tone
Berger	17.72%	2.9	17.08%	2.7
Colom	13.36%	2.9	12.40%	2.8
Ríos	23.42%	2.1	20.11%	2.1
Portillo	13.51%	2.0	15.15%	2.4
Total (4 candidates)	68.02%		64.74%	

1.1.2. Publicity

**Graph 1: Share of presidential candidates' ads on newspapers,
October 10 to November 7, 2003**



1.2. RADIO

1.2.1. Information

Table 5: Presidential candidates on the radio news³. October 11 to November 6

	% Stories	% Voice⁴	Tone
Portillo	47.35%	44.38%	2.5
Ríos	13.06%	2.14%	2.4
Berger	11.02%	21.64%	2.9
Fritz	8.57%	3.72%	2.5
Colom	6.53%	4.24%	3.1
Rodas	4.08%	12.17%	2.8
Suger	2.45%	1.09%	3.2
Asturias	1.63%	4.63%	3.3
Arredondo	1.63%	1.89%	3.0
Arbenz	1.22%	1.28%	3.3
Conde	1.22%	0.78%	3.0
Lee	1.22%	2.03%	3.0

Table 6: Main presidential candidates on radio news, by channel. October 11 to November 6

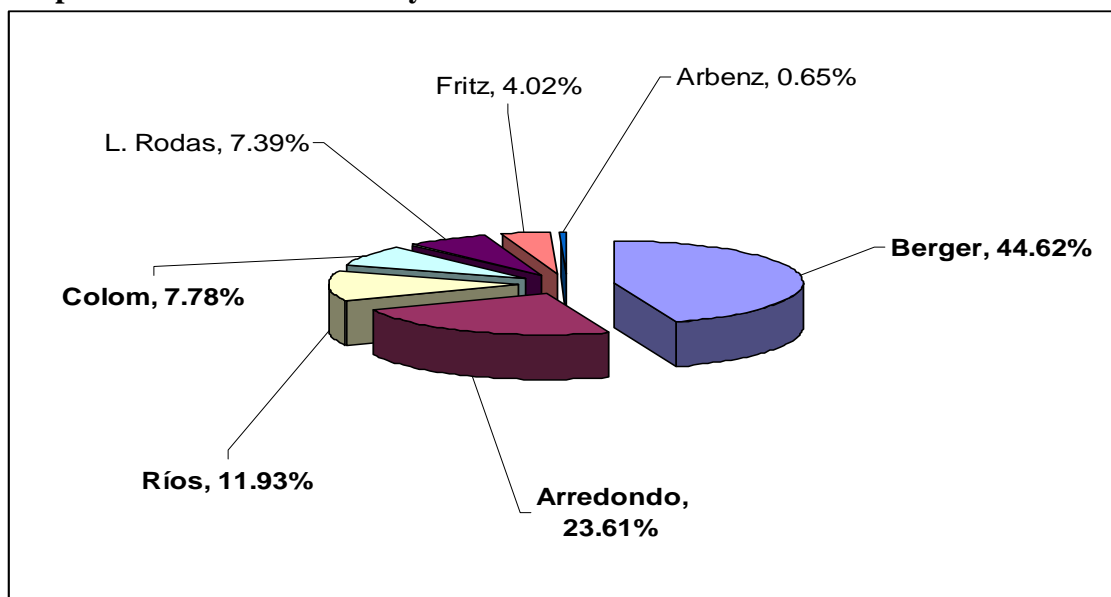
	Radio Punto						Total
	Berger	Colom	Ríos	Rodas	Fritz	Portillo	
% Stories	13.89%	6.94%	16.67%	0.00%	4.17%	52.78%	94.44%
Tone	2.9	3.2	2.4	N/A	2.7	2.7	
	Radio Sonora						Total
	Berger	Colom	Ríos	Rodas	Fritz	Portillo	
% Stories	7.5%	7.5%	13.4%	4.5%	10.4%	44.8%	88.06%
Tone	2.6	3	2.4	3	2.1	2.2	
	Emisoras Unidas						Total
	Berger	Colom	Ríos	Rodas	Fritz	Portillo	
% Stories	11.3%	5.7%	10.4%	6.6%	10.4%	45.3%	89.62%
Tone	3.1	3	2.3	2.7	2.7	2.5	

³ Based on the analysis of the afternoon's (prime time) radio newscasts of the three main national radio stations: Radio Punto, Radio Sonora and Emisoras Unidas.

⁴ *Voice* means percentage of stories in which a candidate's voice is heard.

1.2.2. Publicity

Graph 2: Share of radio ads by candidate. October 10 to November 7



1.3. TELEVISION

1.3.1. Information

Table 7: Presidential candidates on the TV news (summary). October 10 to November 6

Candidate	% Stories	Tone
R. Montt	20.20%	2.6
Portillo	13.47%	2.3
Colom	11.11%	3.5
Berger	10.10%	3.8
R. Asturias	9.43%	3.2
L. Rodas	8.08%	3.8
Arredondo	8.08%	3.6
Fritz G.	6.06%	3.9
E. Suger	6.06%	3.2
M. Conde	4.38%	3.2
Lee	2.02%	3.8
J. Arbenz	1.01%	2.7

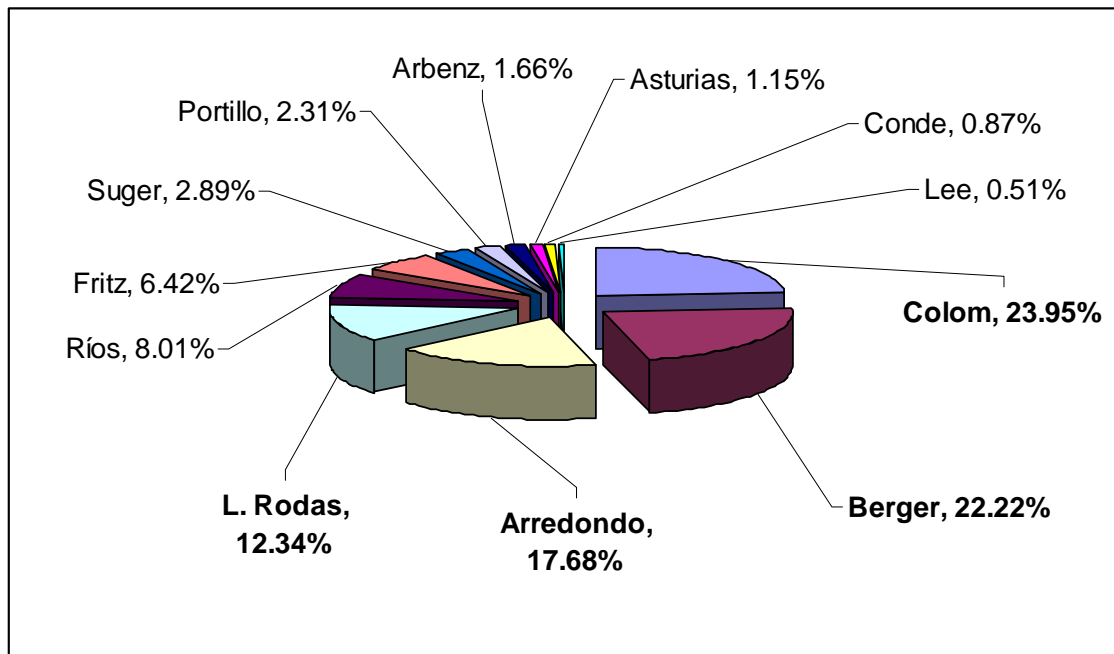
Table 8: Presidential candidates on the TV news by channel. October 10 to November 6

Candidate	Channels 3-7		Candidate	Channel 9 (Guatevisión)	
	% Stories	Tone		% Stories	Tone
Colom	14.71%	3.5	R. Montt	30.71%	1.8
R. Asturias	14.12%	3.3	Portillo	24.41%	1.9
R. Montt	12.35%	4.0	Berger	16.54%	3.7
L. Rodas	10.59%	3.8	Colom	6.30%	3.6
Arredondo	10.59%	3.7	L. Rodas	4.72%	3.8

E. Suger	8.24%	3.2	Arredondo	4.72%	3.3
Fritz G.	7.65%	4.3	Fritz G.	3.94%	3.0
M. Conde	7.06%	3.2	R. Asturias	3.15%	3.0
Berger	5.29%	4.0	E. Suger	3.15%	3.3
Portillo	5.29%	3.8	J. Arbenz	0.79%	1.0
Lee	2.94%	3.8	M. Conde	0.79%	4.0
J. Arbenz	1.18%	3.5	Lee	0.79%	4.0

1.3.2. Publicity⁵

Graph 3: Share of spots by candidate. October 10 to November 6



⁵ We have measured publicity in two ways: in number of ads (*spots*) and in time (number of seconds, *Time*).

Graph 4: Share of ads time by candidate. October 10 to November 6

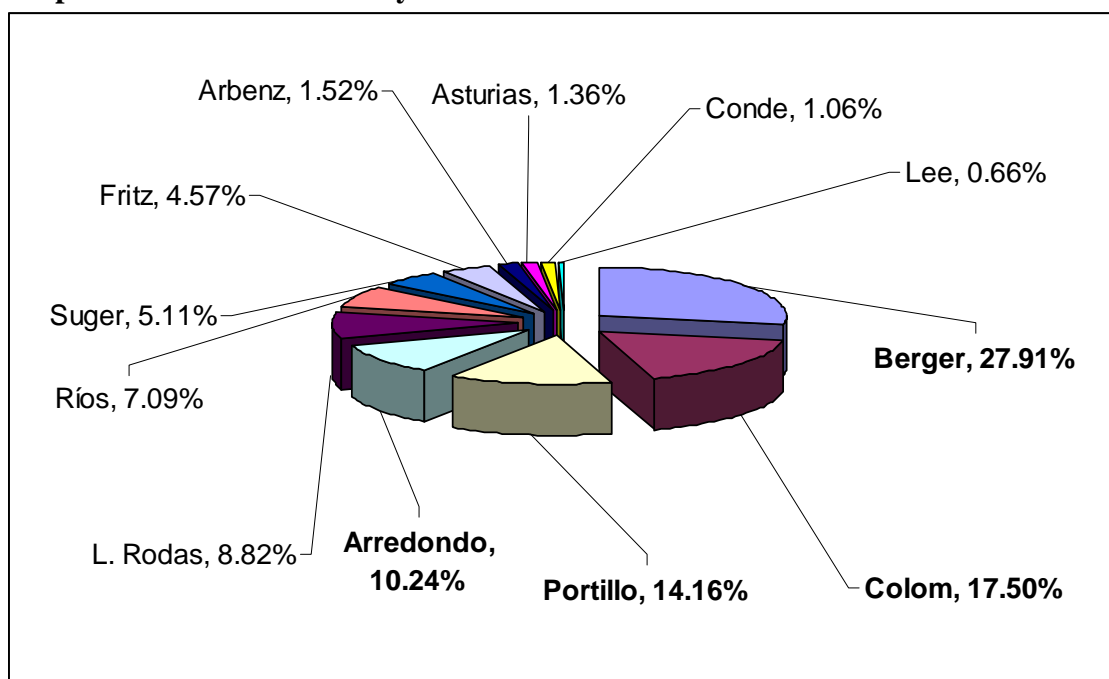


Table 9: TV ads by channel and candidate, October 10 to November 6, 2003

	Channel 3	Channel 7	Guatevisión (9)
Berger	32.90%	27.36%	39.74%
Colom	28.31%	25.00%	46.69%
Ríos	57.66%	42.34%	
L. Rodas	55.56%	29.24%	15.20%
Arredondo	19.18%	14.29%	66.53%
Portillo	46.88%	53.13%	

Table 10: Number of ads in local TV⁶, during first round of presidential election, by party

FRG	31.0%
GANNA	30.1%
PAN	17.8%
UNE	11.1%
UN	2.8%
President	2.4%
PU	1.7%
DCG	1.5%
URNG	0.8%
DIA	0.6%
CN	0.2%
DPS	0.0%

⁶ Figures are self reported to the mission's media unit by a national sample of 28 local, cable TV stations, covering most of the Guatemalan territory.

2. SECOND ROUND OF THE PRESIDENTIAL ELECTION

2.1. NEWSPAPERS

2.1.1. Information

Table 11: Presidential candidates and president on the news. November 12 to December 26

	Stories	Vicepresident ⁷	Headlines	Mentions	Tone	Pictures	Size
Berger	40.4%	52.1%	42.3%	44.0%	2.95	44.8%	47.0%
Colom	39.9%	31.7%	45.2%	42.9%	2.85	44.5%	44.5%
Portillo	19.8%	16.2%	12.5%	13.0%	2.57	10.7%	8.5%

ONLY INFORMATION

	Stories	Vicepresident	Headlines	Mentions	Tone	Pictures	Size
Berger	41.4%	52.1%	42.5%	45.4%	2.97	44.8%	47.0%
Colom	40.7%	31.7%	45.7%	43.2%	2.88	44.6%	44.4%
Portillo	17.9%	16.2%	11.8%	11.4%	2.72	10.6%	8.6%

ONLY OPINION

	Stories	Vicepresident	Headlines	Mentions	Tone
Berger	38.0%	46.3%	35.9%	39.4%	2.88
Colom	39.4%	29.9%	48.7%	43.8%	2.93
Portillo	22.6%	23.9%	15.4%	16.8%	2.52

LETTERS TO THE EDITOR

	Stories	Vicepresident	Tone
Berger	39.0%	53.3%	3.32
Colom	35.6%	20.0%	2.64
Portillo	25.4%	26.7%	2.29

CARTOONS

	Stories	Vicepresident	Tone
Berger	42.0%	20.0%	2.49
Colom	39.7%	20.0%	2.54
Portillo	18.3%	60.0%	1.79

Table 12: The newspapers and the candidates

Nuestro Diario

Information

	Stories	Vicepresident	Headlines	Mentions	Tone	Pictures	Size
Berger	52.70%	72.73%	60.00%	52.74%	3	51.56%	53.89%
Colom	47.30%	27.27%	40.00%	47.26%	2.97	48.44%	46.11%

Opinion

	Stories	Vicepresident	Headlines	Mentions	Tone
Berger	32.69%	40.00%	28.57%	15.27%	3.29
Colom	67.31%	60.00%	71.43%	84.73%	3.12

⁷ Vicepresident means percentage of stories in which the vicepresidential candidate (when referred to Colom or Berger) or the vicepresident (when referred to Portillo) are mentioned.

Prensa Libre
Information

	Stories	Vicepresident	Headlines	Mentions	Tone	Pictures	Size
Berger	50.32%	64.71%	48.20%	53.05%	2.97	49.46%	51.80%
Colom	49.68%	35.29%	51.80%	46.95%	2.84	50.54%	48.20%

Opinion

	Stories	Vicepresident	Headlines	Mentions	Tone
Berger	50.33%	60.71%	55.56%	51.72%	3.01
Colom	49.67%	39.29%	44.44%	48.28%	2.68

Siglo XXI
Information

	Stories	Vicepresident	Headlines	Mentions	Tone	Pictures	Size
Berger	48.43%	54.17%	42.31%	48.44%	2.98	48.84%	48.63%
Colom	51.57%	45.83%	57.69%	51.56%	2.90	51.16%	51.37%

Opinion

	Stories	Vicepresident	Headlines	Mentions	Tone
Berger	51.14%	50.00%	42.86%	45.98%	2.76
Colom	48.86%	50.00%	57.14%	54.02%	2.70

El Periódico
Information

	Stories	Vicepresident	Headlines	Mentions	Tone	Pictures	Size
Berger	51.30%	65.79%	47.78%	49.73%	2.98	50.00%	53.24%
Colom	48.70%	34.21%	52.22%	50.27%	2.88	50.00%	46.76%

Opinion

	Stories	Vicepresident	Headlines	Mentions	Tone
Berger	51.87%	63.16%	54.17%	51.79%	2.93
Colom	48.13%	36.84%	45.83%	48.21%	3

Al Día
Information

	Stories	Vicepresident	Headlines	Mentions	Tone	Pictures	Size
Berger	47.78%	61.54%	50.00%	50.63%	2.88	47.22%	47.85%
Colom	52.22%	38.46%	50.00%	49.37%	2.83	52.78%	52.15%

Opinion

	Stories	Vicepresident	Headlines	Mentions	Tone
Berger	51.22%	100.00%	100.00%	50.82%	2.71
Colom	48.78%	0.00%	0.00%	49.18%	2.65

La Hora
Information

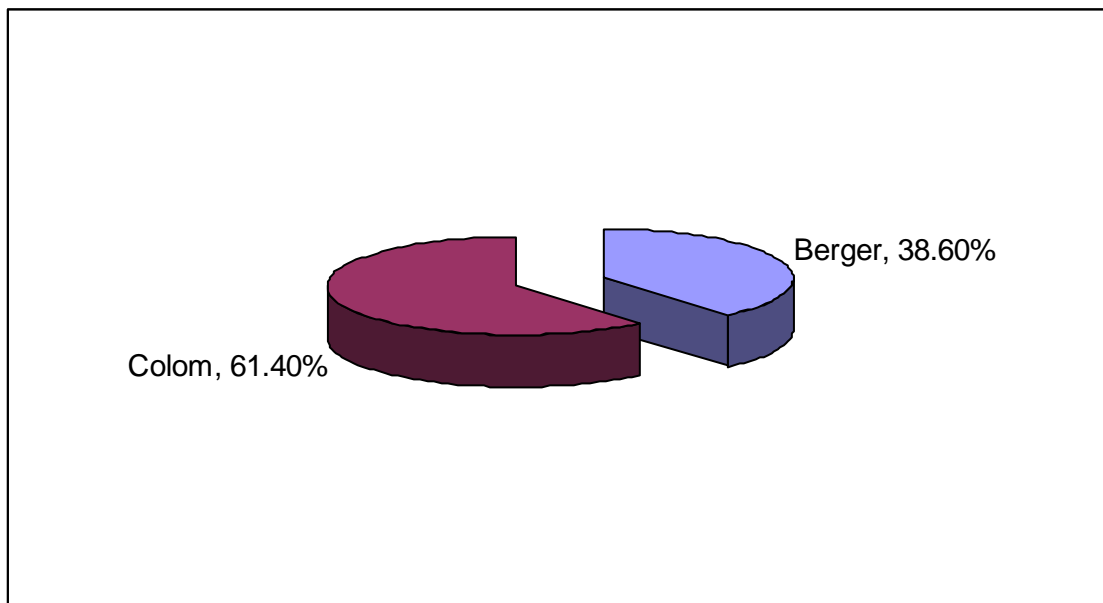
	Stories	Vicepresident	Headlines	Mentions	Tone	Pictures	Size
Berger	51.74%	62.86%	48.21%	51.45%	2.97	52.94%	49.26%
Colom	48.26%	37.14%	51.79%	48.55%	2.91	47.06%	50.74%

Opinion

	Stories	Vicepresident	Headlines	Mentions	Tone
Berger	49.19%	42.86%	58.33%	37.42%	2.92
Colom	50.81%	57.14%	41.67%	62.58%	2.90

2.1.2. Publicity

Graph 5: Share of newspaper ads by candidate. November 12 to December 26



2.2. RADIO

2.2.1. Information

Table 13: The candidates and the president in the radio news. November 12 to December 26

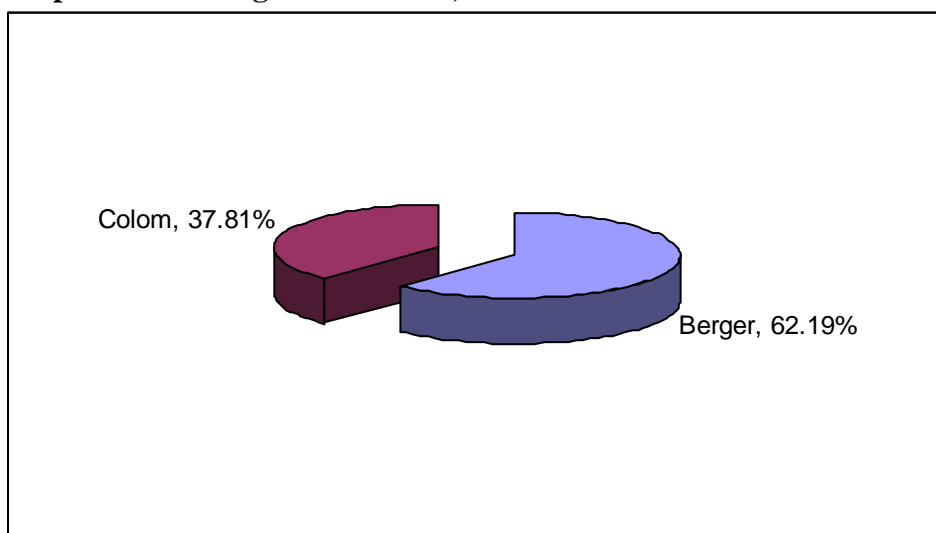
	Stories	Vice president	Voice	Tone
Berger	42.3%	55.0%	45.8%	2.97
Colom	40.0%	10.0%	30.5%	2.95
Portillo	17.8%	35.0%	23.7%	2.84

Table 14: The radio stations and the candidates. November 12 to December 26

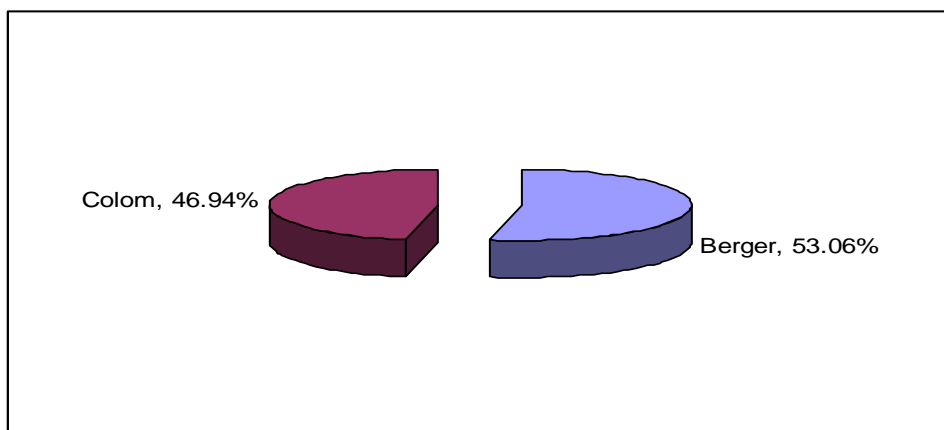
	Radio Punto		Radio Sonora		Emisoras Unidas	
	Stories	Tone	Stories	Tone	Stories	Tone
Berger	51.5%	3.04	49.5%	2.90	52.6%	2.98
Colom	48.5%	2.96	50.5%	2.90	47.4%	2.97

2.2.2. Publicity

Graph 6: Percentage of radio ads, November 12 to December 26



Graph 7: Duration of radio ads, November 12 to December 26



2.3. TELEVISION

2.3.1. Information

Table 15: The candidates and the president on the TV news. November 13 to December 26

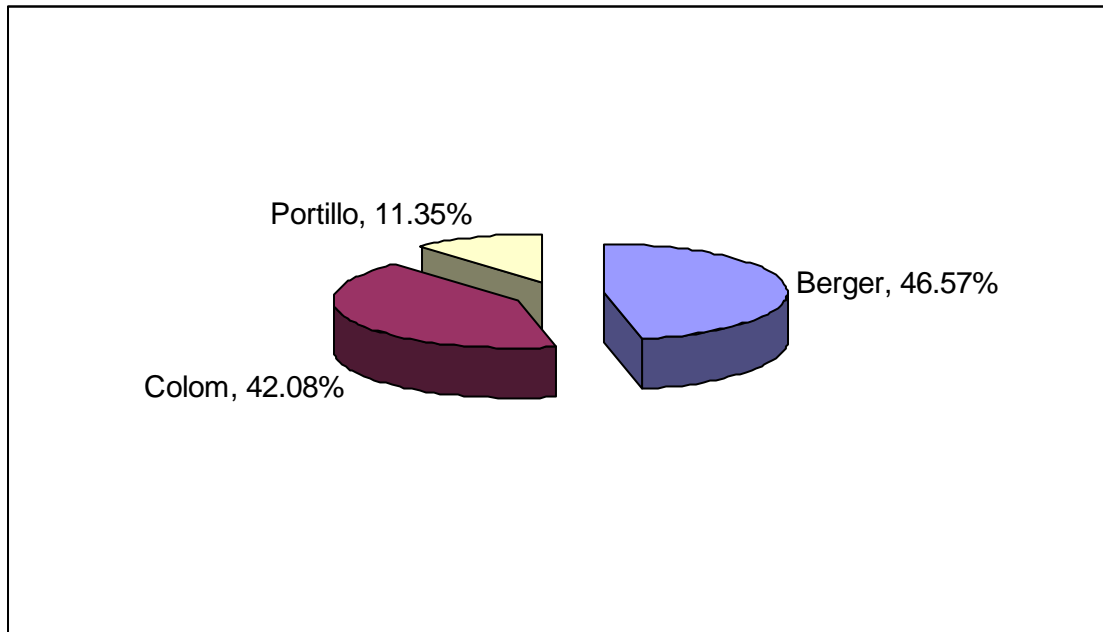
	Stories	Vice pres	Voice	Voice time	Tone
Berger	41.7%	61.54%	43.1%	29.23%	3.5
Colom	46.8%	0.00%	47.5%	50.94%	3.2
Portillo	11.5%	38.46%	9.4%	19.83%	2.5

Table 16: The TV channels and the candidates. November 13 to December 26

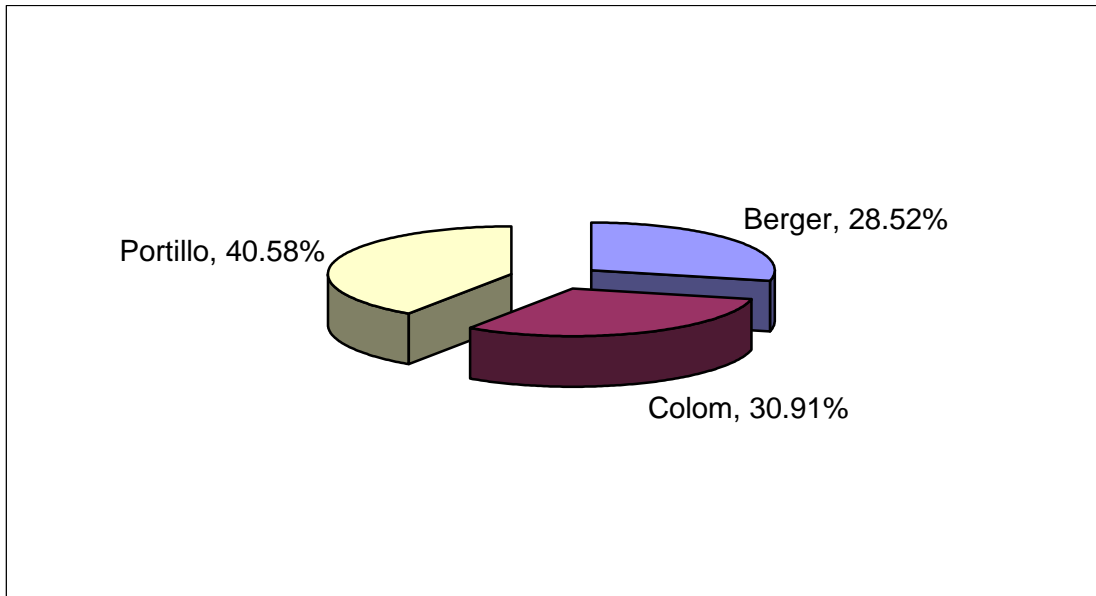
	Channel 3		Channel 7		Guatevisión	
	Stories	Tone	Stories	Tone	Stories	Tone
Berger	30.00%	3.4	37.04%	3.4	43.69%	3.5
Colom	56.67%	4.1	50.00%	3.8	45.31%	3.0
Portillo	13.33%	2.6	12.96%	3.1	11.00%	2.4

2.3.2. Publicity

Graph 8: Percentage of ads by candidates and president. November 13 to December 26



Graph 9: Percentage of ad time by candidates and president. November 13 to December 26



ANNEX II: THREE CASE STUDIES

The following three case studies have been brought out from the observers' reports in different areas of the country aiming to illustrate social and political-cultural environments where the elections were held

I. ELECTORAL POLITICS AMONG THE INDIGENOUS PEOPLE

NOTE: The following report was prepared by the Mission locally recruited Expert on Indigenous People. It was written in Spanish.

1. Participación y representación indígena 2003: Más voluntad y menos logros.

La participación de la población indígena en el proceso electoral 2003 presenta un aumento sensible respecto de anteriores elecciones, muy especialmente entre las mujeres. Sin embargo, esta mayor movilización no estuvo acompañada de mejores logros en la representación tanto del Congreso como de las municipalidades.

Por un lado, *se evidenció un mayor interés de la población por la contienda*. Un reflejo de esto es la multiplicación de foros de candidatos a alcaldes, y alguno a diputados. Este fenómeno se ha generalizado en esta ocasión, e incluso por primera vez se han dado en poblados rurales. Muchas organizaciones indígenas se han dado a la tarea de organizar este tipo de evento (Consejo Departamental de Pueblos Indígenas en Sololá, Asociación de Alcaldes Auxiliares de Quetzaltenango, Foro de la Mujer de Totonicapán, etc.) En cuanto al alcance de estos eventos, es difícil evaluarlo con exactitud, ya que solían ser transmitidos por canales de televisión y emisoras de radio locales. Lo que sí se comprobó es que el éxito de la actividad dependía en gran medida de la legitimidad y credibilidad entre la población de las entidades organizadoras. Por ejemplo, FUNDAR logró la asistencia de 300 mujeres en San Andrés Semetabaj, equivalente a más del 1% de la población femenina adulta de las 16 comunidades que conforman este municipio. Los asistentes directos a las actividades solían ser socios, contrapartes o beneficiarios de estas entidades, y en su gran mayoría personas con liderazgo en sus comunidades. Aprovechaban estos eventos no sólo para conocer las ideas de cada candidato, sino también para evaluar su capacidad y conocimiento del cargo que pretendía asumir (“a ver si sabe de qué se trata”). Posteriormente comentaban lo percibido con sus vecinos. Es de notar que por su novedad y sobre todo por la facilidad de acceso que significaba para mucha gente, los foros realizados en poblados rurales contaron en su gran mayoría con un público muy numeroso (por ejemplo, 700 personas en la aldea Las Majadas, Quetzaltenango).

Por otro lado, *ha habido más candidatos indígenas a cargos electos*. Esto ha sido el caso en el nivel municipal y, en menor medida, en el de diputaciones departamentales. Sin embargo, estas candidaturas indígenas siguen estando por debajo de la proporción de indígenas en la población total no sólo del país, sino de los mismos departamentos de mayor población indígena. Según un análisis realizado en los 11 departamentos con mayor población indígena del país, que agrupan un 50,4% de la población nacional, de los 703 candidatos postulados a diputaciones departamentales, entre 230 y 256 eran mayas (existe duda sobre la identidad de 26 candidatos). Es decir, que el porcentaje de

mayas candidatos fue de entre el 32,7% y el 36,4%, muy por debajo de la proporción de mayas en la población total del área estudiada (el 68,3%). En cuanto a las mujeres mayas, si bien representan el grupo de población más importante del área si se combinan los criterios de identidad y género (alrededor del 35% del total), sólo ocuparon 37 candidaturas a diputaciones, es decir el 5,3% del total. Además, del total de 135 listados a diputaciones departamentales postulados por los diferentes partidos políticos, solamente el 28,9% estaba encabezado por un candidato indígena. El caso de la mujer indígena es nuevamente mucho más sintomático en este sentido: solamente 3 encabezaban un listado departamental de diputados (un 2,2% del total). Esta proporción aún menor de indígenas en cabeza de listado refleja que los indígenas no sólo siguen siendo minoría entre los candidatos, pese a ser una gran mayoría en la población, sino que además están más presentes en casillas “de relleno” que en lugares claves. Al comparar los datos de cada partido, se evidencia que el que con diferencia ha dado más oportunidades a la participación indígena en estas elecciones legislativas es la URNG. Le sigue la ANN y en tercer lugar, aunque ya lejos, la UNE. Los partidos más excluyentes resultaron ser la GANA, el Unionista y, más aún, el FRG.

Esta situación de candidatos aún minoritarios y en puestos secundarios explica en gran medida *el retroceso que se dará en el nuevo Congreso de la República en cuanto a porcentaje de diputados indígenas*: de un total de 158 diputados, habrá 15 indígenas (todos mayas; no habrá ni hubo nunca diputado alguno xinka o garífuna). Es decir, que un 9,5% del total de los diputados serán indígenas. Esto representa una regresión de dos puntos porcentuales en relación al Congreso 2000-2004, que contó 13 indígenas entre sus 113 legisladores (un 11,5% del total). Con ello, el porcentaje de indígenas en el Organismo Legislativo sigue muy por debajo de la proporción de indígenas en la población guatemalteca en su conjunto: el 42% según el último censo del INE, alrededor del 55% según otras fuentes.

En el ámbito de los alcaldes *se da un muy leve retroceso* respecto de las elecciones anteriores. Los alcaldes indígenas electos en el 2003 son 108, de un total de 331, es decir, que constituirán entre el 32,6% del total de alcaldes del país, aproximadamente uno de cada tres. Si se analizan los datos por partido, puede observarse que todos los partidos muestran mucha mayor apertura a la participación indígena para las alcaldías que para las diputaciones al Congreso. Tomemos una muestra de 209 municipios: 179 pertenecientes a los 10 departamentos con más del 40% de población indígena y otros 30 municipios de otros departamentos con más del 35% de población indígena. En primer lugar despunta la URNG pues la totalidad de los 7 alcaldes obtenidos por la URNG en esta zona son indígenas (100%). Los partidos grandes quedan muy lejos de este nivel y no muestran diferencias significativas entre ellos: UNE con 15 alcaldes indígenas de los 28 que consiguió en esta zona (54%), GANA con 17 de 34 (50%), FRG con 40 de 83 (48%) y, finalmente, PAN con 8 de 21 (38%).

En el conjunto nacional, la proporción de alcaldes indígenas es parecida a la de las dos elecciones anteriores, ya que el número de alcaldes indígenas fue de 110 en el período 1996-2000 y de 113 en el período 2000-2004, equivalente al 33,3% y 34,2% respectivamente. Se observa pues un estancamiento en la progresión de alcaldes indígenas, que viene después de una década de fuerte aumento entre 1985-1995, aún cuando sigue existiendo una infrarepresentación de la población indígena en estos espacios políticos.

En efecto, solamente en los dos departamentos de población casi exclusivamente indígena, la proporción de alcaldes indígenas se acerca a la de la población indígena del departamento. Así en Totonicapán hay un 87,5% de alcaldes indígenas (7 de 8) entre una población indígena del 98,3%. En Sololá, con una población indígena del 96,4% un 89,5% de los alcaldes son indígenas (17 de 19). En los demás departamentos, la relación es mucho menos proporcional. Por ejemplo, en Alta Verapaz hay un 43,8% de alcaldes indígenas (7 de 16) por un 92,2% de población indígena. En Quiché, un 52,4% de alcaldes indígenas (11 de 21) por un 88,8% de población indígena. En Chimaltenango, un 50% de alcaldes indígenas (8 de 16) por un 79,1% de población indígena. En el conjunto de los demás departamentos con población indígena entre el 60-95% la media de alcaldes indígenas está en torno al 50%.

Entre las causas del estancamiento en el nivel de representación municipal de la población indígena cabría destacar, hipotéticamente, las siguientes. Primero, es posible que el aumento en el número de candidaturas indígenas haya provocado una división del voto indígena, facilitando que la alcaldía corresponda a un alcalde ladino. Podría haber sido el caso de San Lucas Tolimán en Sololá con una población maya-kaqchiquel del 93% donde se presentaron 14 candidatos a alcalde de los cuales 5 eran indígenas, saliendo elegido un alcalde ladino del FRG con solo el 21,4% de los votos. Una segunda hipótesis es la de la decepción o inconformidad con la gestión de un alcalde indígena, o dos alcaldes consecutivos, que llevaría al poder a un alcalde ladino con el voto indígena. Tal podría haber sido el caso de la ciudad de Quezaltenango con un 50% de población maya.kiche y 11 candidatos a alcalde de los cuales solo 2 eran indígenas. Fue elegido un alcalde ladino por el PAN y el sucesor designado del alcalde indígena saliente llegó solo al cuarto lugar en la votación. En el municipio de Santa Cruz del Quiché se podrían haber combinado los dos factores antes analizados. Con un 83% de población maya-kiche, hubo 12 candidatos a alcalde de los cuales 9 eran indígenas. Fue elegido alcalde un candidato ladino por el FRG.

En cualquier caso, ambas hipótesis debilitan la creencia hasta fechas recientes fuertemente arraigada, de la existencia de un voto étnico “duro” entre amplios sectores indígenas. En la misma dirección abundaría un hecho relevante en relación con las elecciones presidenciales: La pre-candidatura presidencial de Rigoberto Quemé Chay, popularmente conocido en todo el occidente del país y que finalmente no logró formalizarse. A pesar de ser el primer indígena candidato a presidente en la historia del país, la candidatura nunca levantó cabeza en ninguna de las encuestas de opinión en las que apareció sin llegar nunca al 2% de intención de voto.

2. Características de la cultura política de los pueblos indígenas

Este apartado contiene un análisis de la percepción que la población indígena tiene de los actores políticos y del tipo de relación que sostiene con ellos. Está basado en entrevistas que el experto en temas indígenas llevó a cabo durante los 3 meses que duró la Misión. Entrevistó a más de 60 personas indígenas que proporcionaron información sobre la implicación de la población indígena en el presente proceso electoral. Con 33 de los entrevistados, personas en posiciones de liderazgo en su medio social y originarios de 13 departamentos distintos, aplicó un cuestionario con preguntas abiertas. Se trata de personas que viven en contacto permanente con la cotidianidad de sus conciudadanos.

Concepto de Estado

En la mayoría de la población prevalece el desconocimiento del Estado como tal. No se sabe qué es y para qué está. Esto se da especialmente en las áreas en las que el Estado aún no se ha hecho presente, donde se le suma el desinterés por este algo ajeno y ausente (el 24% del total de respuestas). La lejanía y la no identificación son otros sentimientos dominantes hacia el Estado (18% de respuestas). En personas un poco más informadas, la percepción es crítica: es una entidad al servicio de los ricos, y al pueblo (indígena, rural, campesino) o no le ayuda o le reprime; también le ordena hacer cosas, pero no lo escucha. Además es de los “otros” (blancos/mestizos) y no se adapta a la realidad indígena. En lugares menos desatendidos se le reconoce el haber hecho obras civiles (caminos, escuelas, etc.) y se cree que éste es su único papel.

En fin, mucha gente no identifica ni habla del Estado, sino solamente de presidente o si acaso de gobierno (46% de respuestas). Sólo reconoce la autoridad de una persona, aunque cambie, pero no la institucionalidad de una estructura. Y es ínfima la proporción que se siente parte de este Estado. De allí que el respaldo indígena al aparato estatal es casi inexistente, lo que constituye una gran debilidad del sistema democrático guatemalteco.

Concepto de las autoridades electas: Presidente de la República

El Presidente es visto como la máxima autoridad del país (61% de respuestas), como lo demuestran los calificativos que se le atribuyen: jefe, general, mandamás, papá (desde años las décadas de 1920-30 con Ubico; 49% de respuestas). Es el que toma decisiones que afectan a todos y que son inapelables. Se traslada a nivel del país la estructura de poder que existe en la familia (padre = autoridad) o más aún en las encomiendas de la época colonial y en los latifundios actuales: es el patrón, el dueño, el finquero de la nación (12%).

Se le cree todopoderoso ya que se desconocen sus funciones reales y la división de poderes que existe en el Estado, hecho relativamente nuevo en Guatemala. Por eso se le responsabiliza de todo, lo bueno y lo malo. Antes se le tenía divinizado, pero últimamente el aumento de la información sobre sus actuaciones, por medios de comunicación y organizaciones sociales, ha hecho que se le perdiera el respeto, aunque se reconoce su autoridad. Solamente una pequeña minoría más instruida piensa que no es un mandadero, sino al contrario un “mandado” (6% de respuestas), cuyo papel es defender los intereses de quienes realmente detentan el poder en el país, especialmente la oligarquía económica.

Diputado por el distrito departamental

Hasta finales de los años ochenta, se desconocía por completo tanto la persona, aislada de la población, como las funciones. Desde entonces, se dio a conocer por su intromisión en el manejo de fondos descentralizados del Estado (fondos sociales y Consejos de Desarrollo). Por eso, aunque en la mayoría de la población persiste el desconocimiento tradicional (49% de las respuestas), un sector creciente lo identifica como gestor/tramitador/facilitador de proyectos de infraestructura (46% de respuestas), que es lo que ofrecen cuando hacen campaña. Por tanto, este sector sí conoce a la persona, pero está confundido en cuanto a sus funciones. De hecho, sólo se busca a los

diputados del partido oficial, por su acceso a los fondos, y nunca a los opositores. A fin de cuentas es mínima la parte de la población indígena que conoce la función real (legislativa) de los diputados.

La imagen de los diputados es variable: entre personas sin instrucción ni acceso a información que “recibieron algo”, pueden ser vistos como un verdadero apoyo y un salvador (se da su nombre a obras civiles); pero entre gente más preparada se conocen y critican sus características principales: arrivismo, incompetencia, corrupción y prepotencia.

Alcalde municipal

Es la máxima autoridad del municipio (55% de las respuestas). Se hace el paralelo con el presidente a nivel nacional. Es también la más cercana, aunque esta cercanía con la población llega a ser nula en alcaldes urbanos desvinculados de la realidad rural de su municipio. Se tiene la idea que debe responder por todo y velar porque no le falte nada a la población (como un padre con sus hijos; 24% de respuestas). Al ser el más accesible y conocido, es la autoridad de la que más se habla. Esto lo hace más respetado si su actuar satisface a la población (sigue siendo la autoridad política más respetada del país, según encuesta nacional de ASIÉS), pero también más vulnerable si no gusta⁸. En fin, en algunas regiones, entre ellas las áreas k'iche', q'eqchi' y mam, sigue siendo una autoridad moral y un consejero, lo cual era su principal función (impartir justicia local y orientar a los vecinos) hasta el inicio de la descentralización del Estado a finales de los años ochenta. Sin embargo, a raíz de esta reforma, ha ido perdiendo esta autoridad, también por incurrir en corrupción y prepotencia, y muchos lo ven ahora simplemente como gestor y tramitador de proyectos de infraestructura (24% de respuestas).

Motivos de relación con estas autoridades

- Presidente: **No se le busca**. Está lejos, inaccesible, ajeno.
- Diputados: **Muy poca gente los busca**, primero porque no se conoce su papel (27% de respuestas) y segundo porque no se encuentran (ausencia casi total de su distrito; 24% de respuestas). Los pocos que lo buscan lo hacen para tramitar proyectos (obras; 33% de respuestas) y en menor medida para pedir un empleo (12% de respuestas), pero nunca para promover reformas legales o nuevas leyes.
- Alcalde: **Se le busca permanentemente**. El principal motivo desde hace 15 años es la solución de necesidades concretas (84% de respuestas), sea porque la pueda dar él mismo o porque se sabe que es un intermediario obligatorio para acceder a recursos del Estado central. Además, se le sigue buscando en algunos lugares para consejos de toda clase (21% de respuestas) y en menor medida para resolver conflictos locales (sobre todo gente mayor, que desconoce o desconfía de autoridades ahora encargadas de esta tarea, como los juzgados de paz; 9% de respuestas).

⁸ Esto lo demuestran las numerosas protestas actuales contra alcaldes electos o reelectos. En cambio, en ningún lugar se manifiestan contra la elección de tal o cual diputado.

Orden de importancia de autoridades electas entre la población indígena

El más importante para la población indígena es con diferencia el alcalde (85% de las respuestas). Según el 70% de los entrevistados lo es en solitario, mientras que para otro 15% comparte esta preferencia con el presidente (9%) o con el diputado (6%). Las explicaciones son que interesa más lo local (que se administre bien lo que llega al municipio); que es el más cercano, conocido y accesible –y un intermediario necesario para llegar donde se toman decisiones mayores-; que se depende mucho de él y que puede dar solución a problemas personales o colectivos concretos. Sólo el 9% de los entrevistados atribuye la preferencia (en solitario) al presidente y el 3% al diputado. Esta tendencia explica el tradicional incremento sustancial del abstencionismo en las segundas vueltas (en la que sólo se vota para presidente).

Percepción de los partidos políticos

De los 33 entrevistados, sólo uno (el 3%) dio una opinión a primera vista positiva de los partidos políticos, indicando que su papel es dar a conocer a la población las propuestas de los candidatos. Otros tres (el 9%) dan una versión aparentemente neutral, al decir que para la población constituyen un medio para alcanzar puestos políticos. Todos los demás (el 89%) informaron de la visión extremadamente negativa que la población indígena tiene de los partidos: mal manejo de recursos, representan a ricos, mentirosos, incumplidores, engañosos, aprovechados, excluyentes (poca participación indígena), etc. No son vistos como instituciones serias (sólo funcionan en campaña electoral) y han contribuido a que la política sea vista como una cosa sucia, contaminada, en la que no hay que meterse.

No se hace diferenciación entre ellos: “todos son iguales” (el 58% de respuestas). Por todo ello no se tiene claridad sobre el papel real de un partido político, y nadie los ve como intermediarios con el Estado a través de los cuales se puedan lograr cambios políticos. El único beneficio que se puede sacar de ellos son donaciones y, del que gane, empleos o incluso proyectos (de allí las afiliaciones masivas a los favoritos en vísperas de elecciones). Esta imagen pésima es antigua, aunque empeoró en los últimos 15 años por dos factores: la decepción por el actuar de gobiernos civiles (de los que se esperaba mucho después de 30 años de regímenes militares) y el mayor acceso a información que permite conocer mejor la corrupción imperante en el Estado (con la descentralización en las municipalidades). Esta imagen es otra gran debilidad del sistema democrático guatemalteco.

3. Participación electoral de los ciudadanos indígenas

Para este estudio, se analizaron los resultados de las dos vueltas en los cinco departamentos con mayor población indígena del país: Totonicapán, Sololá, Alta Verapaz, El Quiché y Chimaltenango. Según el censo 2002 del INE, estos departamentos suman el 22,5% de la población total del país, con 2.524.804 habitantes, de los cuales el 90,5% son indígenas. Para poder hacer comparaciones, se realizó el mismo trabajo con los cinco departamentos del país con menor población indígena: Zacapa, El Progreso, Santa Rosa, Jutiapa y Escuintla (1,568,857 de habitantes –el 14% de la población nacional- donde solo un 4,1% son indígenas).

Primera vuelta

Tasa de participación: Datos globales

En la zona altamente indígena estudiada, la asistencia de los ciudadanos empadronados a las urnas ha sido superior a la media nacional. La participación promedio de los 5 departamentos ha sido del 61,4%, frente a una participación del 58% a nivel nacional. Esto tiende a reflejar que, a pesar de no sentirse parte del Estado, los indígenas ejercen su derecho a emitir el sufragio en una proporción superior al promedio de la población nacional. Es de notar también que la tasa promedio de participación de los cinco departamentos más indígenas supera en casi 5 puntos porcentuales la de los cinco departamentos menos indígenas (un 61,4% y un 56,8%, respectivamente), lo cual es una diferencia significativa.

Participación electoral y desarrollo humano

Un departamento de los cinco de mayor población indígena tiene una tasa de participación muy inferior a los demás y es el único que está por debajo del promedio nacional. Se trata de Totonicapán, con una tasa de participación del 55,5%. En este caso, la razón no es ni un nivel de instrucción más bajo (es el segundo de cinco con mayor nivel de alfabetización), ni tampoco la accesibilidad a centros de votación (es el tercero de cinco en cuanto a extensión promedio de sus municipios). La explicación parece radicar en el nivel de desarrollo de la población. En efecto, Totonicapán tiene el Índice de Desarrollo Humano más bajo del país (0,49, frente a un promedio de 0,536 para los cinco departamentos juntos y de 0,61 a nivel nacional). Así mismo, tiene la tasa de pobreza más elevada de la zona estudiada (un 85,62% de la población total, frente entre un 81,09% y un 57,92% para los demás departamentos), y sobre todo una tasa de extrema pobreza sin comparación con las de sus vecinos: un 55,62% (más de la mitad de la población), frente a una tasa entre el 36,75% y el 13,46% para los otros departamentos indígenas estudiados. Estos datos evidencian que las condiciones infrahumanas de vida constituyen un claro obstáculo al ejercicio del derecho ciudadano de emisión del sufragio. Esto se ve aumentado en Guatemala por los gastos que implican el votar, debido a las distancias a recorrer y tiempo a dedicar para acceder a los centros de votación (situados únicamente en cabeceras municipales).

Participación electoral y accesibilidad a los centros de votación

Otro de los departamentos indígenas, Sololá, despunta por tener la participación electoral más alta no sólo de la zona estudiada sino del país: una tasa de participación del 69,5%, frente a un 58% de promedio nacional (y un 66,4% en el Distrito Central). Aquí, la razón no es ni un nivel de instrucción mayor (es el tercero de los cinco en cuanto a tasa de alfabetización) ni un desarrollo humano superior (tiene el segundo IDH más bajo del país y un índice de extrema pobreza idéntico a los de Alta Verapaz y El Quiché). El factor determinante en este caso parece ser la accesibilidad de los centros de votación, que se puede medir por la extensión promedio de los municipios y consecuentemente la dispersión de sus aldeas. En efecto, los municipios de Sololá tienen una extensión promedio de 55,8 kilómetros cuadrados, frente a un promedio de 250 km² de superficie tanto para la zona indígena como para la zona no-indígena estudiadas. A nivel nacional, coincide que este departamento con mayor participación

electoral es también el de menor extensión promedio de sus municipios. Los datos de los otros departamentos estudiados confirman esta correlación: si exceptuamos el caso de Totonicapán (descrito en el inciso anterior), el departamento con menos participación electoral de cada zona estudiada es el que tiene municipios más extensos: Alta Verapaz para la zona indígena (542,9 km² de promedio, pero aún así una participación ligeramente superior al promedio nacional: un 58,7%), y Escuintla para la zona no-indígena (337,2 km² de promedio, un 51,7% de participación). Ello demuestra la necesidad en ocasiones futuras de habilitar centros de votación en núcleos de población distintos a las cabeceras municipales, para facilitar a la ciudadanía rural del país (un 55% del total) el ejercicio del derecho a elegir sus autoridades políticas. Esta novedad tendría otro efecto positivo: garantizar una mayor independencia del ciudadano respecto de los partidos en la emisión del sufragio. En efecto, el hecho de que muchos pobladores rurales dependan del transporte proporcionado por los partidos para acceder a los centros de votación sigue condicionando el voto de parte de ellos.

Voto blanco / Voto nulo

Los votos nulos y blancos presentan en las dos zonas estudiadas exactamente las mismas tendencias. La suma de ambos representa una menor proporción de los votos emitidos para presidente (el 10,6% en la zona indígena y el 9,3% en la no-indígena) y una mayor proporción para Corporación Municipal (el 15,4% en la zona indígena y el 14,7% en la no-indígena), situándose en el medio la elección a diputados departamentales (con el 13,2% en la zona indígena y el 12,4% en la no-indígena).

Al menos en la zona indígena, llama la atención que la proporción más alta corresponda a las elecciones municipales, cuando el 85% de los líderes indígenas entrevistados afirma que el alcalde es la autoridad electa más importante para sus conciudadanos. Se sabe que la proporción de votos nulos (7% en zona indígena y 6,7% en zona no-indígena) se explica en parte por el doble marcaje realizado erróneamente por simpatizantes de un comité cívico, que además del símbolo de éste tachan también el del partido por el cual quieren votar para diputado y/o presidente. Más inexplicable resulta la alta proporción de blancos (8,5% para zona indígena y 8% para la no-indígena). Una hipótesis podría ser que parte de la población, especialmente entre los “novatos”, no haya logrado votar en todas las boletas o haya pensado que el voto emitido en la elección presidencial (más fácil de emitir por la presencia en la papeleta de las fotos de los candidatos) era válido para los demás cargos en juego. En todo caso, fue evidente que tanto el TSE como la mayoría de instituciones que hicieron campaña a favor de la participación electoral se concentraron en la motivación al voto y descuidaron la formación para su emisión, complicada por la cantidad de cargos en juego. Esta formación era especialmente necesaria para los primerizos, que representaban aproximadamente un 20% del padrón electoral, es decir, un elector de cada cinco.

A parte de la similitud de las tendencias, estos datos nos indican que los votos nulos y blancos son ligeramente más comunes en la zona indígena estudiada que en la no-indígena. Esto puede reflejar una ligera menor preparación del electorado indígena para emitir correctamente el sufragio, lo cual confirma la necesidad de realizar más trabajo de formación del votante. En todo caso, los datos de las dos zonas estudiadas (tanto indígena como no-indígena) están muy por encima de los del Distrito Central (ciudad

capital): allá la suma de nulos y blancos sólo llega al 2,5% para presidente y al 6% para alcalde.

Particularidades en la distribución del voto indígena

La observación de los resultados de la primera vuelta en los cinco departamentos con mayor población indígena estudiados arroja entre otras las siguientes conclusiones: a) Son los departamentos *donde menos apoyo recibió Óscar Berger*; con la excepción de Alta Verapaz (donde obtuvo un 33,97% de los votos válidos), todos los departamentos estudiados le dieron un apoyo mucho menor al 34,32% recibido a nivel nacional: desde un 24,32% en Chimaltenango hasta un 18,07% en Totonicapán. b) Son los departamentos *donde más apoyo recibió la URNG*: para presidente, el porcentaje que recibió esta organización (heredera de los movimientos guerrilleros y signataria de los Acuerdos de Paz) osciló entre el 2,4% en Totonicapán y el 7,17% en Sololá, frente a un promedio nacional de 2,58%. Esta tendencia se refleja aún más en las elecciones a diputaciones. En la zona indígena, el apoyo para Listado Nacional va desde el 4,3% en Totonicapán hasta el 10,27% en Sololá, frente a un promedio nacional de 4,2%.

La combinación de estas dos características (menor apoyo a la derecha neoliberal y mayor apoyo a la izquierda pos-insurgente), parece demostrar que los motivos del conflicto armado interno, que afectó principalmente estas áreas indígenas del país, no han sido superados a la fecha⁹. Será pues necesario que las nuevas autoridades ataquen de lleno estas causas, para evitar el surgimiento de una polarización de la sociedad (mayor a la electoral arriba constatada), que pueda obstaculizar el proceso de democratización del país.

Finalmente, es de destacar que contrariamente a lo pronosticado por medios y analistas, las zonas indígenas no han votado más por el FRG que otras zonas no-indígenas, con la excepción notoria de El Quiché. El apoyo en los otros cuatro departamentos indígenas estudiados osciló para presidente entre el 18,75% y el 23,49%, y para diputado departamental entre el 18,22% y el 29,30%. En el caso de los cinco departamentos no-indígenas, el apoyo tiene características similares: para presidente varió entre el 18,41% y el 23,25%, y para diputado departamental entre el 19,99% y el 26,36%.

Voto diferenciado, “cruzado” o “estratégico”

Hasta estas elecciones, se consideraba que el voto llamado “uniforme” (idéntico en todas las papeletas) era muy común, especialmente entre población rural con poca instrucción e información, en su mayoría indígena. Así pues entre los indígenas hubo menos voto cruzado que entre el resto de la población. Sin embargo, si bien el voto diferenciado tiene menores proporciones en las áreas indígenas, tampoco es un fenómeno aislado ya que lo practica la tercera parte de su electorado, como mínimo¹⁰. Este hecho confirma que una parte importante (aunque no mayoritaria) de la ciudadanía indígena no vota de forma uniforme, sino que analiza cada uno de sus votos (al menos

⁹ De hecho, Guatemala sigue siendo según Naciones Unidas uno de los tres países del mundo con mayores desigualdades sociales, junto con Sudáfrica y Brasil.

¹⁰ Es un mínimo porque los cálculos anteriores sólo toman en cuenta totales, y no reflejan las “permutaciones” de voto que sin lugar a duda ocurrieron (Doña María votó X para Presidente y Y para Diputado, mientras que don Juan votó Y para Presidente y X para Diputado).

para las tres elecciones que considera más importantes: presidente, diputado departamental y alcalde). Con ello ejerce su derecho a elegir de una forma más razonada y madura.

Para intentar valorar el alcance real de cada tipo de voto (el diferenciado y el uniforme), estudiamos las tres elecciones para las cuales el conocimiento de los candidatos (aunque sea mínimo) permite cierto análisis: la presidencial, la legislativa departamental y la municipal. Se observaron los resultados de los 4 partidos con más aceptación a nivel nacional (GANA, UNE, FRG y PAN), en una muestra de 31 municipios: 15 eminentemente indígenas (3 por cada uno de los 5 departamentos de la muestra precedente, en general los más poblados), 15 eminentemente ladinos (también 3 por departamento), y la ciudad capital o distrito central.

En cuanto a la relación Elección Presidencial – Elección Legislativa (departamental), la variación del voto es del 36,79% para la muestra no-indígena (un poco más de un elector de cada tres cambió su voto en la legislativa, respecto de la presidencial), contra el 29,13% para la muestra indígena (un poco más de un elector de cada cuatro). En el distrito central, la variación es del 38,74%, muy similar a la de la muestra no-indígena.

Respecto de la relación Elección Presidencial – Elección Municipal, la variación de voto es ligeramente superior a la precedente para la muestra indígena (el 34,71%, equivalente a un elector de cada tres), y muy superior para la muestra no-indígena (el 49,28%, equivalente a un elector de cada dos). En el distrito central, la variación es del 71,20% (muy por encima de las otras dos muestras).

Segunda vuelta

Sistemáticamente, desde el regreso de la democracia en 1985, la participación ha disminuido en las segundas vueltas electorales. En esta oportunidad, es de constatar que el descenso ha sido bastante mayor en la zona indígena estudiada que en la no-indígena. En efecto, la variación promedio de las cinco departamentos ha sido de un 25,06% menos de votantes para la zona indígena, frente a un 19,56% menos en la zona no-indígena. Es decir que en la zona indígena, un elector de cada cuatro que votaron en la primera vuelta no repitió en la segunda, frente a uno de cada cinco en la zona no-indígena, e incluso uno de cada cinco de promedio a nivel nacional (menos 19,21%). Es de notar que si no fuera por la excepción notoria de Alta Verapaz, que con un descenso de solamente un 10,73% merece un análisis propio, el descenso hubiera sido aún mayor (los departamentos de Sololá, Quiché y Totonicapán tiene variaciones de entre menos 30 y menos 35%)

Con esta variación, la zona indígena pierde la ventaja de casi cinco puntos porcentuales más de participación que tuvo en la primera vuelta. De allí que las tasas de participación son casi idénticas: un 45,70% para la zona no-indígena y un 45,94% para la zona indígena, ambas un punto porcentual por debajo de la participación promedio nacional: 46,78% (cuando la zona indígena tuvo en la primera vuelta un participación dos puntos y medio por encima del promedio nacional).

Una explicación a tenor de los factores de cultura política antes mencionados indicaría que esta disminución de la participación mayor que la de la zona no-indígena e incluso

que la nacional, se debe a la menor importancia atribuida a las autoridades nacionales respecto de las municipales. Sin embargo, se pueden adelantar otros factores o circunstancias que seguramente hayan influido también en la menor participación de la segunda vuelta:

Ausencia del FRG en la segunda vuelta: Exceptuando la del TSE, ninguna campaña de movilización ciudadana en la primera vuelta (medios de comunicación, organizaciones religiosas y civiles) fue imparcial. Todas llamaban, de manera más o menos directa, a deshacerse del “peligro Ríos Montt”. Eliminado este peligro, una parte del electorado pudo desinteresarse de las elecciones (“Cualquiera de los dos sirve” fue un comentario bastante escuchado), ayudado en ello por la casi-desaparición de las campañas de concienciación. El caso más sintomático al respecto fue el del Frente Cívico por la Democracia, que no se manifestó ni una sola vez desde el 10 de noviembre. Sin duda, este peligro era más sentido en áreas indígenas, bajo fuerte dominio del FRG y además las más afectadas durante el gobierno de facto de Ríos Montt, especialmente El Quiché, Alta Verapaz y Totonicapán. Esto pudo motivar una mayor movilización en la primera vuelta del electorado deseoso de quitarse de encima este peso.

No-participación del voto duro FRG: Sobre una muestra de 15 municipios indígenas, hemos constatado que el voto más disciplinado con diferencia era el del FRG. Es decir, que es el partido que menos variación registró en la primera vuelta entre los votos recibidos para presidente y para diputado por un lado (un 12,08%) y para presidente y para corporación municipal por otro lado (un 20,30%). Los dos partidos finalistas tuvieron variaciones mucho más grandes. Y aunque también en la zona no-indígena el FRG contó con el electorado más constante, las variaciones fueron mayores: del 16,08% entre presidente y diputado, y del 28,41% entre presidente y corporación municipal. Por tanto, es probable que parte del voto duro indígena del FRG no haya acudido a las urnas en la segunda vuelta, al no participar su candidato.

Descontento por mala organización de la primera vuelta: Las grandes incomodidades generadas principalmente por los defectos en la actualización del padrón electoral, y adicionalmente por otras razones (preparación deficiente de las Juntas Receptoras de Votos, inadecuación de lugares elegidos para centros de votación), podría haber desanimado a electores a no participar en la segunda vuelta. El comentario “Con las penas que me hicieron pasar, yo ya no vuelvo” era bastante común en las semanas siguientes a la primera vuelta. Esto era más frecuente entre la población rural (y por tanto alta o exclusivamente indígena en el occidente del país), por el esfuerzo mayor que les significaba ir hasta la cabecera municipal para emitir su sufragio. Por tanto, es muy probable que la organización deficiente de la primera vuelta por parte del TSE haya influido en el descenso de la participación en la segunda.

Menos transporte proporcionado por los partidos: Esto es también tradicional en las segundas vueltas, no sólo porque hay menos partidos en competencia (sólo 2, frente a un número entre 6 y 16, según los municipios, en la primera vuelta), sino porque los partidos finalistas ya no cuentan con tantos recursos. Por ejemplo, en el departamento de Sololá, la GANA movilizó el 28 de diciembre unos 124 vehículos entre buses, camiones y pick-ups, contra 300 el 9 de noviembre. Esto afecta sobre todo a la

población rural. De hecho con excepción de Alta Verapaz¹¹, fueron los departamentos de Totonicapán y El Quiché, los más rurales de la muestra indígena, los que conocieron las disminuciones de participación más altas (menos 35,21% y menos 31,46%, respectivamente)¹². Y afecta más cuando la población es de escasos recursos, pues el pago de transporte y alimentación y la pérdida de un día completo le significan un sacrificio mayor: Totonicapán es el más pobre y el que más disminuyó. Asimismo, Sololá disminuyó mucho más que Chimaltenango (menos 29,67% frente a menos 18,25%), cuando ambos tienen municipios pequeños y la misma tasa de ruralidad; pero Sololá tiene el segundo Índice de Desarrollo Humano más bajo del país (0,52) y una tasa de extrema pobreza elevada (32,62%), mientras que Chimaltenango tiene un IDH cercano al promedio nacional (0,59, contra 0,61) y una tasa de extrema pobreza menor a la nacional (13,46%, contra 22,77%). Estos datos evidencian una vez más la necesidad de que en próximos comicios haya centros de votación en algunos poblados que no sean cabecera municipal y que sean de fácil acceso para pobladores rurales.

Finalmente, aunque no se pueda contar con datos numéricos al respecto, los observadores de la EU-EOM han constatado en la segunda vuelta una disminución notoria de la participación de la mujer, en especial de la mujer indígena. Una posible explicación es que su participación en la primera vuelta era en gran medida inducida más que por iniciativa propia. La motivación a la participación fue el resultado de la actuación de dos actores principales:

Partidos políticos: Fue sobre todo el caso del FRG, pero también lo hicieron otros partidos como el PAN y, donde tenía presencia, el Partido Unionista. Estos partidos no sólo facilitaban a las mujeres su empadronamiento, sino que las organizaba en grupos o comités locales en torno a proyectos concretos (sobre todo mejoramiento de vivienda y pequeños proyectos productivos), que les concedería el candidato del partido si ganara. Esto motivó una participación electoral de grupo, que pudimos constatar por ejemplo en San Antonio Palopó (Sololá), donde las filas de espera de varias mesas de votación eran constituidas casi exclusivamente por mujeres (y de una misma comunidad). Esto indica que se empadronaron juntas y se movilizaron juntas hasta el centro de votación. Los ofrecimientos los hacían los candidatos a alcalde de cada municipio, por lo que pasada la primera vuelta disminuyó lógicamente el interés de estas mujeres por las elecciones.

Organizaciones sociales: Fue sobre todo el caso de ONGs locales o nacionales que trabajan el desarrollo integral y/o ciudadano de la mujer, y que también realizaron campañas de empadronamiento y concienciación. Su ámbito de acción fue también municipal, con organización de foros de candidatos a alcaldes y elaboración de agendas municipales de la mujer. Por tanto, también disminuyó el interés de sus beneficiarias o socias al quedar en juego sólo la Presidencia. Además, la gran mayoría de estas organizaciones suspendieron sus actividades en diciembre como cada año, por feriado anual, lo cual les impidió seguir motivando a las mujeres a acudir a la segunda vuelta.

¹¹ En este departamento hubo mucho más transporte que en los demás: la GANA movilizó bastantes vehículos al conocer su potencial electoral en este gran departamento (el quinto del país en cuanto a número de empadronados), y el diputado reelecto del FRG Haroldo Quej organizó transporte (en parte con vehículos del Estado) a favor de la UNE.

¹² Esta correlación se repite en la zona no-indígena: mientras más rural, más disminución de la participación.

II. CONFLICTIVE MUNICIPAL ELECTIONS

The following case has been taken from a situation report relating to conflict arising at the polling stations as many voters could not find their names in the voter lists.

El Quetzal, Department of San Marcos (date of reporting: 20.12.2003)

Political situation: Current Mayor is FRG. The municipal election was recalled for December 28. For the repetition of the election, there are 12 candidates running for Mayor; 10 from political parties and 2 from Comités Cívicos. The strongest parties are FRG, URNG and ANN. The total number of registered voters is 8.948. An interview with the local Subdelegado of the TSE preceded the preparation of this report.

On elections day, November 9, at about 12:00 o'clock a group of people wanted the elections to be declared null and void in El Quetzal. This was due to the large queues and to the fact that many people did not appear or could not be found in the list of voters at the polling stations. The group of angry persons said that only persons from FRG appeared in the lists, and that they would not accept only FRG members to be able to vote. Shortly afterwards persons from different parties started to get all the polling material and burned it outside of the three voting centers of the municipality. The nine present policemen did not interfere, as around 800 persons took place in the burning of the election material.

The electorate got afraid and the people left for their houses. At 16:00 Procuraduría de Derechos Humanos arrived together with the Public Prosecutor officials to verify the damages made. Two days before the elections a group of ex PACs had taken hostage the secretary of the municipality to extort their payment. These ex PACs had not been paid until now, which might lead to negative impact on elections day in the second round. 25 National Police will be installed for security on the 29 of December.

Measures taken by TSE Department Delegate of San Marcos to facilitate the work of TSE in El Quetzal: a) provided computer equipment in order to find persons quickly in the PE; b) facilitated 10 persons as brigades paid by OAS to work as queue controllers on elections day; c) organized a meeting with all the candidates for mayor, the PDH, UE and PNC; d) and held a training session with the JRV of El Quetzal. Furthermore 25 policemen will be present on 28 of December.

TSE explained that the burning of the election material is a crime which can be punished with up to 10 years in prison. But as nobody is denouncing the persons who started the riot, there will not be a trial. The unofficial version is that a candidate for mayor started to burn the polling material, but nobody dares to denounce him, as his son had been a military and people do fear repressions. The TSE is positive that a smooth election is going to take place on December 28 in El Quetzal.

III. IRREGULARITIES AT EX PACS PAY

The text below was taken from an Incident Report on vote buying at Santa Cruz del Quiché, the capital city of the Department of Quiché on October 21, 2003, twenty days before elections day.

Several entities (MINUGUA, GANA, COTON) had told us of alleged vote buying by FRG via ex PAC payments. To confirm these accusations LTOs went to see ex PAC payment at the Zona Militar of Santa Cruz Quiché on Sunday 19th October at 7.00 in the morning. The garrison commander insistently denied that there had been any politician inside the garrison “except the presidential candidates who landed at the military airstrip for their rallies”. We asked him several times and he always denied there had been any party candidates at the ex PAC payment (although LTOs disposed of a MINUGUA memorandum giving names, dates and position within FRG of several FRG candidates who had been speaking to the ex PACs within the garrison. The commander, on Sunday, showed us the payment for ex PACs and presented us to two persons in charge of filling in the checks, who were a young lady and a man, who presented himself as an apolitical Gobernación official.

On Monday 20th of October, LTOs saw a long line of persons (about 90) queuing up at the FRG office in Santa Cruz Quiché, so LTO went on Tuesday 21st of October to queue up there at 8.00 among the ex PACs, allegedly in order to arrange a meeting with FRG candidates. There were two queues, each of about 45 persons: one at the FRG office (opposite 3 calle-21, z. 1), and one at Farmacia Wendy, next door to the FRG office. Almost all people (totally about 90) were indigenous, mostly beyond age 35 (so they might have served), but there were also some women and younger men (below age 30), so they cannot have served as PAC, which were dissolved 17 years ago. While remaining queued up there for about 2 hours, people told the LTO that queuing took so long because people first had to enroll with FRG in order to get their ex PAC check - they got their checks directly at the FRG office and at the pharmacy “Wendy”. In fact, the LTO saw applicants come out with the checks in their hands, and some with FRG posters too. For changing their checks into cash, they had to go to the garrison, where this transaction was done by Banco Hipotecario, (which emerged from a fusion with Banco del Ejército, so the Army still gets benefit from this transaction).

After 2 hours of queuing at the door of the FRG office, the LTO was identified by the secretary in charge of enrolling the applicants. Surprisingly, she was the young lady who on Sunday at the Army garrison had issued the checks, together with the man mentioned before. Another surprise: the same man was also present the following day at the FRG office. He happened to be the FRG candidate for Mayor for Santa Cruz Quiché.

This was the first time for the Mission getting hard evidence for the widespread claims of manipulations of the ex PAC payment by FRG. In fact, in the Quiché Department, the ex PAC payment was often perceived as the decisive element for the outcome of the elections. Nowhere in Guatemala was ex PAC participation higher than in Quiché.

Most astonishing was the fact that this manipulation of voters happened openly with nobody looking surprised about the LTO presence, and the ex PAC asking without surprise if the LTO also had come to enroll with FRG in order to get a check. Applicants came from the whole department of Quiché, though mostly from Santa Cruz Municipality, and about 30 of them were processed in an hour (in FRG office and pharmacy together), which gives an outcome of about 200 per day.

The LTO driver, seemingly a GANA sympathizer, said very naïvely that he also had to enroll with FRG (in Sacapulas Municipality) in order to appear on the ex PAC list.

When asked about the presence of young men (25, 26, 28 years old) at the ex PAC queue on Sunday, the garrison commander admitted that some persons being paid obviously were too young to have served 17 years or more years ago, including his own driver was such a case. The FRG candidate for mayor, when asked about this item, explained that these young persons had been admitted after they had signed a “sworn declaration” that they had served as PAC. This declaration was signed at Gobernación- at his office! This system obviously invites to abuse- (some of the observed applicants would have served at age 7, 8 or 10!)

The FRG office is two blocks from the Police Department, and check issuance and queuing take place at least since several days. Police must know what is going on, but prefers not to know. The military commander was not obviously sincere about FRG involvement into ex PAC payment in the military compound.

The electoral authorities in Santa Cruz Quiché were not cooperative with the LTO, and they turned a blind eye on the FRG enrollment/ ex PAC payment issue. In short words, all the State or quasi-State authorities seemed to participate actively or passively, at least at Department level, in these electoral malpractices.