

Oligarchy in Retreat: Guatemala's Election

By: Robie Mitchell and Mark Cameron, Research Associates at the Council on Hemispheric Affairs

Guatemala appears to be, for better or worse, entering the denouement of a climactic year for its ongoing corruption investigation, which saw its peak just weeks ago when the Guatemalan National Congress voted to strip former President Otto Perez Molina of his political immunity. Molina is now facing trial for his suspected involvement in the custom house bribery scandal known as “La Línea.” At least 28 officials within the national customs group called SAT collaborated to collect bribes in exchange for lowering the tariffs that were legally required to be levied on corporations, and included various importers, lawyers, and even a former intelligence agent. All told, the ranks of the guilty swelled to 64.¹ To keep the scam from becoming too blatant, importers still paid 40 percent of what sum was expected, paid 30 percent to the corrupt officials, and pocketed the other 30 percent as savings.² The Guatemalan people were defrauded \$328,000 weekly in this scheme, or the equivalent of the minimum daily wage for 1,682 industrial laborers.³ In Guatemala nearly 53 percent of the population lives in poverty according to the World Bank, and access and funding to health services and education is lacking. It is difficult to understand why Guatemala's political and economic elites never imagined they would be caught and punished for their abuse of power on this scale.

Today, Molina sits in a military detention facility facing charges of customs fraud, conspiracy, and bribery.⁴ His chances of avoiding prosecution appear slim. Former Head of Customs Claudia Azucena Méndez Asencio testified on Monday, September 21 to a meeting that took place between Molina, Carlos Enrique Muñoz the then Chief of Tax Administration, and Salvador Estuardo González—known as “Eco”—who is said to be one of the principle leaders of La Línea.⁵ The arrests of such high-ranking officials represents an impressive feat for the country's popular sectors and social movements.⁶

Credit for the removal of Molina's impunity and his subsequent arrest, has been most markedly handed to the International Commission against Impunity in Guatemala (CICIG), as well as the international actors who financially and logistically back the commission through the United Nations. The CICIG began its investigation into corruption and impunity within the Guatemalan state in September 2007. While due credit is owed to the relentless work done by the CICIG to root out corruption and impunity among Guatemalan officials, who for the previous half-century had been considered “untouchable,” the role of popular mobilization should not be understated. The protests that have emerged in recent months have put to test the democratic strength of Guatemala's institutions. Moreover, the success of these protests represents one of the most significant inroads for the left in Guatemala, and the northern triangle as a whole, since the U.S.-backed coup of the democratically elected President Jacobo Arbenz in 1954. The question that remains in the wake of the excitement that filled the streets of Guatemala following the resignation of Molina, is whether or not this mobilization directed at unseating Molina—dubbed by some media outlets the “Central American Spring”—will continue to press for further reforms. As the presidential electoral process continues and the country prepares for a new leader, it is important to understand what hangs in the balance of this uncertainty. Acknowledging how the historic memory of civil war informs the current dynamics sprouting from the social and political landscape is key in contextualizing the importance of Guatemala's elections.

Military Regime to Clandestine Forces: Oligarchic Control Persists

The reassertion of civilian control in Guatemala was not realized for more than forty years following the usurpation of Arbenz in 1954. After his ousting, the state fell under the control of a series of oppressive military regimes, during which a violent and bloody civil war erupted between the ruling armed forces and a leftist guerilla insurgency. After three decades the war finally came to an end with the signing of the “Agreement on Firm and Lasting Peace” during the Presidency of Alvaro Arzú in 1996, but not before more than 45,000 people were disappeared and more than 200,000 killed in the conflict.⁷ The military regime originally had enjoyed the support of U.S. aid, with which they were able to crush the rural peasant resistance movement and continuously silence opposition in an authoritarian state. The repression of rural and indigenous peoples grew to such an extreme, however, that the U.S. government eventually denounced the Guatemalan military in the late 1970s.⁸ As the civil war wended down, Guatemala’s economic elites, represented by oligarchical groups such as the Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations (CACIF), looked to redefine their relationship with the Guatemalan military as they no longer needed the military’s protection from leftist revolutionaries.⁹ Essentially, the mob could not keep up the racket, and had to stop selling “fire insurance”.

The military’s transition from a power was only made possible with its loss of support from Guatemala’s oligarchical business sector. Business leaders, though, did not stop supporting the military rule out of any sense of ethical obligation. Rather, they were self-interested individuals that accurately predicted a change in the political winds. In fact, the Guatemalan elites limited the scope of democratization in some respects by jumping to the front of the anti-military populist movement and directing it in an economically favorable path.¹⁰ The primary goal of these business elites was to distance themselves from the military’s waning reputation and stabilize internal affairs. In this way they would be able to attract foreign investment and to end Guatemala’s international isolation.¹¹ The CACIF banded together with Guatemalan civil society and the international community to resist the military’s domination of the government, albeit for their own ends.

Broad cross-cutting cooperation that worked in tandem against the military was most apparent after the CACIF refused to back the military’s right-wing puppet, President Jorge Serrano Elias, who tried to disband Congress and suspend the constitution in 1993. It is important to reiterate that the business community’s decision to cooperate, which might better be called a decision to *co-opt*, was made with their own interests in mind. Sure, the business community withdrew their support from the military and endorsed the democratic process, but, as was the case with revolutionary France in 1848, they wanted to create an ostensibly democratic state while maintaining their entrenched system of privileges. This consisted of undermining democratic institutions through patrimonial influence in order to maintain the traditional order and the system of land ownership within the country.¹² While the formal relationship between the military and economic elites had been undone, a new and arguably more sinister system had begun to emerge.

The open and apparent systematic corruption, political exclusion, and violent repression during the more than 40 years of military rule had begun to shift to one more akin to a clandestine subversion of the law, rather than outright disregard for the rule of law; this transition allowed those in power to maintain legitimacy in a “democratic” state, while in reality continuing to exclude the vast majority of Guatemalans from the political and economic realms. Hand in hand with the co-opting of the country’s democratic transition by the economic elite, was the emergence of various clandestine groups, known as Illegal Clandestine Security Apparatuses (CIACS).¹³ These groups were formed following the military’s loss of state control and consisted of former high-ranking military personnel, many of whom were trained at the U.S. founded *Escuela de las Americas*



(School of the Americas)—today known as The Western Hemisphere Institute for Security Cooperation. Guatemalan Analyst Arturo Matute of the International Crisis Group explains how the role of CIACS changed following the civil-war, “[a]fter the conflict ended, some CIACS mutated into profit-oriented criminal groups, using their ability to influence or infiltrate state criminal justice institutions to commit illegal activities with impunity.”¹⁴ These groups “...drew from their past connections to become a type of parallel government.”¹⁵ Drawing from their status and influence, the CIACS enjoyed considerable access to all levels of government.¹⁶ Among the most well known of these groups were Cofradia, La Montaña, and Sindicato—the last with which former-President Otto Perez Molina was associated.

At the heart of the organization of the CIACS was the Estado Mayor Presidencial (EMP) (the Presidential High Command). Originally created in the 1970s to protect the president and his family, the EMP gradually turned into an intelligence gathering service and a tool for silencing opposition within the country.¹⁷ In 2003 the EMP was formally dissolved, and some hope of reform emerged. However, Amnesty International (AI) gave only its cautious approbation in a report that year, “[w]e [Amnesty International] welcome the abolition of the EMP, as called for by the 1996 Peace Accords, but regret that it has only come about after almost 7 years of continued national and international insistence...we are also very concerned at signs that the military may continue to have influence over the new intelligence structure.” AI identified within the report that more than 30 percent of former EMP officers would be absorbed into the new agencies created to fill the role of the EMP. Ultimately, there was little change realized, and in 2006 the international community was asked to provide help in undoing the entrenched corruption within the state.

Since the return to civilian rule in 1996 every administration has been characterized by venality—extending to the highest levels of government. The removal of Otto Perez Molina’s political immunity, and his subsequent arrest, will be remembered only as a battle won in a long-fought war against corruption and impunity within the country.

The Truth Commission and Growing Political Consciousness

Development of a politically conscious civil society in Guatemala did not take place overnight.¹⁸ Hampered by the civil war and waves of political repression, its development has been long, winding, and has its origins in the results of The Commission for Historical Clarification.¹⁹ The aim of this truth commission was twofold—to prevent future human rights abuses and allow for social healing through truth.²⁰ Victims of heinous criminal acts perpetrated during the Guatemalan civil war provided over 9,000 testimonials from September of 1997 to February of 1998; 35 civilian organizations participated by contributed testimony as well.²¹ In working towards these goals, the truth commission inadvertently inspired confidence in the Guatemalan people’s ability to push back against the yoke placed upon them by the country’s military and oligarchical forces. Legal consequences of the truth commission’s reports include its use as evidence in the trial of military officials accused of assassinating an anthropologist, Myrna Mack, in 1990.²² Of course, there were setbacks. General Rios Montt’s deputy, Antonio Portillo, not only escaped prosecution, but also went on to become the President of Guatemala. This was hardly justice for his victims.²³ In 2013 a huge victory was realized with the conviction of General Rios Montt for genocide, however, this victory was quickly annulled with the reversal of the results of the trial only ten days after the ruling. Montt walked free.

The growing political consciousness and strength of the Guatemalan people over the last two decades has manifested itself in the enormous mobilizations—estimates go as high as 100,000 for protests in August—that have been activated in recent months. As Sergio Castañeda described it, “...the population, which was



accustomed to silence and political apathy, had awoken.”²⁴ The demonstrations were not called for by any specific political party; rather they were organized out of grassroots movements and universities, making use of social media. The only congressperson that gave this movement voice in the National Assembly was Amilcar Pop of the Winaq party. Pop stood alone on many occasions in his fight against corruption in the state. He was the first to call for the resignation of Otto Perez Molina in the National Assembly, an action for which he received constant death threats.

Consequently, the Guatemalan electorate has become suspicious of the motivations of political actors as they head into the run-off elections. The run-off presidential elections on October 25th, then, need to be seen within this post civil-war conceptual framework. There is an expectation that this election has the possibility to be the beginning of a real democratization process, instead of a continuation of a false democratization that has ignored the economic suffering of most Guatemalans. However, it appears that it will take much more than just merely electing a new president. Mike Allison, a professor of political science at the University of Scranton in Pennsylvania, referring to the three main candidates before the first presidential round of voting, said that he “[has] little faith that either Morales, Baldizon, or Torres will lead the change voluntarily.”²⁵

Prospects for Change

Even though corruption still runs rampant in the Guatemalan government, the oligarchy exerts a disproportionate amount of influence in the political realm, and the proceedings from truth commissions and trials have not yet completely healed the social fabric of Guatemalan society, there is room for hope in the upcoming presidential elections. The two remaining contenders for the presidency are Jimmy Morales and Sandra Torres. Morales, a comedian and entertainer, is running for president with the backing of the *Frente de Convergencia Nacional* (FCN).²⁶ Torres, a former first lady who was married to Molina’s predecessor Alvaro Colom, is running under the banner of the *Unidad Nacional de la Esperanza* (UNE).²⁷

Morales’ campaign catchphrase, “not corrupt, nor a thief” gives the outside world an indication of how low President Molina’s job performance has set the bar for the country’s president and how fed up Guatemalans have become with the political establishment. Morales’ platform has three parts to it: advocating for better health services, education services, and to create employment opportunities.²⁸ And throughout each of his promises, he reiterates that corruption will be rooted out and dealt with harshly. In terms of policy, to reduce corruption Morales wants to institute external audits on government programs, spend more on the judiciary so that they can find and prosecute corrupt officials, convene a National Constituent Assembly that will try to amend Guatemalan electoral laws, and make governmental procurements open to both the media and the public.²⁹ Economically, Morales is focused on developing small businesses, referred to in his platform as micro, small, and medium enterprises, or MSMEs. Morales believes that small business development will be spurred on by better access to credit, improved business education within Guatemala, and more autonomy to farmers within social programs.³⁰

Morales is a political outsider, an attribute that has played a large role in his success as a candidate. Just as in the current U.S. primary presidential race, voters in Guatemala are fed up with traditional politicians. Morales, however, does have some questionable ties and allegiances based on his affiliation with the FCN party, which is made up of ex-military personnel from the *Asociacion de Veteranos Militares de Guatemala* (AVEMILGUA). Members of the FCN are some of the very actors that have contributed to the weakening and corrupting of institutions in the country. Torres’ UNE, on the other hand, has more institutional ties and is further to the political left than Morales’ FCN.



The UNE trace their political lineage all the way back to the social democratic government of Juan Jose Arevalo—along with that government's accomplishments in education, social welfare, and in establishing a labor code. The UNE also cites similar successes under the social democratic government of Alvaro Colom, who is Sandra Torres' ex-husband.³¹ Indeed, these presidencies are known for policies that were, on the whole, good for the people, but Torres cannot coast on the coattails of past social-democrats without also bringing up the failures of Colom to root out long-standing corruption in the Guatemalan government—corruption that became so severe under Molina that it resulted in his arrest. Nevertheless, Torres seems more willing to use the force of the state to fight oligarchical powers than her opponent.³² Just as Morales has some questionable affiliations, so too does Torres. Her ex-husband, Alvaro Colom, is the former president of Guatemala and is remembered for the fumbling of the Alfonso Portillo trial, as well as his inability to curb corruption during his term (Mike Allison, Al Jazeera). Torres' sister, Gloria Torres, and her sister's two daughters were charged with embezzling money from Guatemala's municipalities in 2011, and Torres' niece stands accused of tax fraud.³³

An interesting division has emerged within the Guatemalan electorate. Torres pulls the majority of her support from rural and indigenous populations in Guatemala. With a platform focusing on social programs, this is not surprising. In Guatemala, of the 53 percent of the population living in poverty in the country, according to the Worldbank, the vast majority of the impoverished population comes from rural and indigenous communities. Morales on the other hand, has seen the majority of his support from urban regions. In some ways this gives him the upper hand, as this portion of the electorate will likely have greater access and ability to vote. In order to win though, both candidates will have to pull votes from the other side. This will most likely require coalition building with candidates who lost in the first round.³⁷ While both Torres and Morales face the unique opportunity to lead the country into a new era of democracy and political inclusivity, many in the political class are unenthused by their choices.

Andres Quezada, one of the young leaders of the #justiciaya (justice now) campaign, criticized the first round of elections stating, "[t]oday is nothing to celebrate, it's a tragedy. Elections should be about change and hope and a better future, but there are no genuine or worthy candidates to vote for. If I vote, I will be legitimizing a corrupt system. That isn't democracy; it's a vicious cycle we have to break."³⁴

Tempered Optimism

Although it is unclear whether or not the upcoming run-off elections will deliver the political and structural change that many hope will reduce crime and corruption while increasing living standards, the mere fact that elections will be happening is indicative of broad, positive, and gradual change in Guatemala's political system since the end of its bloody civil war. Arguably, though, the candidates' in the current election have centrist platforms that are so in-line with the interests of the traditional elite that they will not be put in conflict with the worldview of the oligarchy anyway. "There's been no plans for government, no debate about how to create jobs or control corruption, just good intentions," warned Phillip Chicola, political analyst for the Chamber of Commerce.³⁵

As with any democracy, a system of checks and balances is essential in ensuring the legitimacy and accountability of bona fide institutions. In the case of Guatemala, the fourth check—that of the people—it appears, will be the deciding factor in how the country moves forward. The CICIG is set to finish off its investigations in 2017 and with this pressure taken off of the state, it will be up to the left parties—Winaq and the UNRG—as well as grassroots mobilizations to carry on the vociferous fight against corruption that has been



witnessed in the country since April. Going by the high percentage of Guatemalan's that voted in the September 6th election that decided who the run-off candidates would be, this conflict-driven growth of political participation, while not guaranteed, seems to be occurring.³⁶

End Notes

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