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Venezuela: A Fragmented Opposition Looks Towards Referendum

Margarita López Maya

After overcoming significant political challenges during the past year, on August 20, 2003 President Chavez completed the first three years of his six-year presidential term. In the first half of his term, he weathered a coup d'état initiated by the opposition and a general strike that halted petroleum production. In the wake of this unrest, Venezuela continues to be politically and socially polarized, hard hit economically and psychologically traumatized. Nevertheless, the priorities and strategies of both government and opposition have changed over the last several months, with the latter focusing their efforts on a revocatory referendum.

The government, by bringing an end to the strike and resuming control of the oil industry, has made some advances in the reconstruction of this sector—something that it had promised in its electoral campaign in 1998, but that it had a hard time realizing politically. The Venezuelan government is seeking to re-assert control over this important industry, which over the past 10 years has increased its autonomy from government, contributing less to national income but improving its efficiency and productivity. In recent months the government has also re-initiated a set of economic and social development strategies, in areas such as food security, support for small and medium enterprises, employment, debt refinancing, combating illiteracy and providing medical assistance in urban neighbourhoods. Only time will tell if these much-needed policies are well conceived and able to sustainably fulfill their proposed objectives. Overall, however, these initiatives indicate that the government is looking to project an image of dedicating itself to the task of governing.

In contrast, opposition organizations continue to focus on ousting the President, albeit via different means than before. Characterized by internal divisions, the opposition continue to try, (though not always successfully), to present a coherent, unified discourse on the need to organize a revocatory referendum as soon as possible. They justify this strategy by pointing to the apparent public support for a referendum, which according to some polls is as high as 70 percent (however, polls are not reliable given the political polarization of those commissioning them.)

The revocatory referendum is a Constitutional right. It is granted in Article 72 of the Constitution, which stipulates that its activation requires the following pre-requisites: a) it must be held after the halfway point of the elected official's mandate; b) the request for a referendum must be backed by a minimum 20 percent of the voters listed in the Permanent Electoral Register (REP); c) the number of votes in favour of the

revocation of the mandate must be greater than the number of votes that elected the authority in question d) 25 percent of the electorate listed on the REP must vote; and e) it can only be done once during the term of that elected official.

The Venezuela National Electoral Council (CNE) is responsible for overseeing any election. However this institution has undergone great turmoil regarding the appointment of new members. The National Assembly failed to appoint new members to the CNE due to the political polarization of the congress, resulting in an "unconstitutional omission of duties," and the turning over of the selection process to the *Tribunal Supremo de Justicia de Venezuela* (TSJ). However having the TSJ appoint CNE members brings with it an additional complication to the revocatory process. When the normal process for appointing the electoral arbiter is sidestepped, even if legal, it can undermine the credibility of election results and aggravate problems of political legitimacy.

Passing the decision to the TSJ also signals the lack of a credible and viable alternative to unify the government, such as a well-known leader who can act as mediator. To initiate a revocatory process in the coming months would likely exacerbate political polarization and along with it all the violence and economic difficulties of the past year, which have begun to dissipate in the past four or five months. Many Venezuelans ask whether it is worth returning to another such confrontation when it is not clear what political alternative revocation would offer. Furthermore, municipal and regional elections will be held in 2004, and could shed light on the state of politics in the country, clarify policy options and alternatives and better prepare citizens for future presidential elections in 2006.

Serious doubts remain about the intentions underlying the opposition's strategy. The Constitution stipulates that they must present more than 2.4 million signatures of registered voters in the REP to solicit a referendum. To revoke the mandate they must then obtain more than 3,757,773 million votes, as Chavez won with this number in 2000. Both numbers are ambitious and present a significant political challenge for opposition groups, who would need to effect a sustained and coherent effort to meet these requirements in the midst of what is a divided and weakened position.

There continues to be evidence of chronic ambiguity in the opposition's proposals for political change. Fragmentation within the opposition has resulted in inefficiency in their actions and exposes them to further failure in this new approach. With the mid-term point (August 20) past, the enthusiasm for a referendum is declining. Some within the opposition have even said that they would prefer to wait until the 2006 elections to initiate political change. Others disagree on how to proceed to achieve the Constitutional requisites for revocation, particularly with regard to the signatures that need to be collected. Some organizations maintain that the signatures collected in February 2003 in an event known as "*el firmazo*" are valid and only need to be brought to the National Electoral Council (CNE) to initiate the process. Others, including the heads of the political parties, *Acción Democrática* and *Primera Justicia*, representing the constitutionalists within the opposition, warn that the question used in February appears to be unconstitutional. Moreover, many

maintain that it is problematic to submit these signatures to the CNE when it is facing severe problems of legitimacy. They are concerned that these factors might lead to tensions and complications, and that the opposition would subsequently run the risk of having these signatures declared illegal or requiring revision by a new CNE or the Supreme Court (TSJ). If this occurs, the signatures would have to be collected again and valuable time as well as momentum would have been lost in initiating the process. This is significant as the Constitution stipulates that if the President is revoked after 4 years of his term, the Vice President (VP) or an authority designated by the President, will replace him for the remaining period. From the opposition's perspective, there would be little sense in evicting Chavez after 2003 if his VP would remain in power. Despite this lack of consensus, the opposition leaders submitted the existing signatures on August 21, 2003. The CNE's ruling on their validity is still pending.

Unfortunately, emotions, political immediacy and anti-democratic interests still appear to predominate within the leadership of the opposition. However, at the time of this article being written, opposition members had organized a peaceful march, demonstrating a degree of unity and emphasizing a democratic spirit underlying their push for a revocatory referendum. Hopefully this will be maintained in the difficult days ahead. Over the next weeks the extent of their political support will likely become apparent and whether, in the midst of such ambiguity and division, they will be able to convince the electorate to support a revocatory referendum and presidential elections within the next few months.

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La versión original en español será disponible en el sitio web de FOCAL.

Ecuador's Coalition Crumbles

Judy Meltzer

In early August, the governing coalition in Ecuador crumbled with the departure of the indigenous party, the *Movimiento Pachakutik* (MP), and to a lesser extent the *Movimiento Popular Democrático* (MPD). With the dissolution of the coalition, President Lucio Gutiérrez potentially faces the same political fragmentation and paralyzing protests that lead to the premature departure of his predecessors in the 1990s. The break-up represents a setback not only for the governing party, the Patriotic Society, but also for the indigenous political movement and political representation in Ecuador.

Gutiérrez came to power in 2002 as a leader of the *Partido Sociedad Patriótica 21 de Enero* (PSP), a coalition consisting of PSP supporters, the indigenous party *Pachakutik*, the *Movimiento Popular Democrático* and a few independent candidates. The alliance between *Pachakutik* and the PSP was rooted in their cooperation in the coup in January of 2000, co-lead by Gutiérrez and indigenous leaders. The alliance was considered crucial to Gutiérrez's subsequent presidential victory. From the outset, however, the coalition was fragile. Not only were there divergent policy priorities among the coalition members, but Gutiérrez's strategy to woo the international community and distance himself from then frequent comparisons to Hugo Chávez by advocating "more of the same" neoliberal economic policy immediately following his inauguration, alienated coalition members, particularly indigenous representatives. The rift among coalition members grew as campaign promises to address poverty and housing crises were superseded by Gutiérrez's focus on a US\$205 million deal with the International Monetary Fund (IMF) and the austerity measures it entailed—privatizing utilities, and cutting subsidies for cooking gas and oil development in the Amazon.

The *Pachakutik* – PSP relationship deteriorated as indigenous party members increasingly expressed public discontent with Gutiérrez and the PSP, against cabinet policy to present a united front. In June 2003, *Pachakutik* presented Gutiérrez with a list of 82 demands, including many of the campaign promises he had previously made, upon which continuing the alliance was contingent. The rift between the coalition members was further exacerbated at the end of July when Gutiérrez demanded the resignation of indigenous education minister Rosa María Torres after she publicly criticized Gutiérrez in violation of a cabinet "gag order." Her dismissal led to the resignation of 24 other *Pachakutik* officials who she had appointed and prompted increased threats from *Pachakutik* members to resign from the coalition (Latin News Daily 07/03).

The final straw was the defeat by *Pachakutik* congressional representatives of a public service reform bill, introduced by the PSP, on the grounds that it potentially threatened workers rights. This "betrayal" prompted Gutiérrez to terminate the four remaining cabinet posts held by *Pachakutik* representatives and to announce the end of the coalition between the two parties.

The dissolution of the alliance does not bode well for Gutiérrez. The PSP held only 22 of the 100 seats in the legislature. With both *Pachakutik* and the MPD out, Gutiérrez needs to look elsewhere for allies within the highly fragmented congress. He will likely have to turn to more conservative parties such as the *Partido Social Cristiano* for support. In doing so, however, he risks further alienating former coalition members and increasing political volatility in the country. With his popularity sliding and the threat of protests increasing, Gutiérrez finds himself in a situation similar to his predecessors – Presidents Mahuad and Bucaram—who were both removed from office in the wake of massive public protests.

The outcome is not positive for *Pachakutik* or indigenous representation either. In many respects the coalition with the ruling party had represented a breakthrough for indigenous politics in the region. Although Ecuador's main indigenous movement (under the umbrella of the *Confederación de Nacionalidades Indígenas de Ecuador* - CONAIE) has had hemisphere-wide recognition for the political gains made and the increasing success of its political arm (the *Pachakutik* party), it had never before held a leadership role in the formal national political arena. Their coalition with the PSP had marked a return to alliance formation by the indigenous organization with non-ethnic movements, which they had moved away from in the 1980s and early 1990s. Through this alliance, indigenous representation in government reached a high point in Ecuador, offering hope for more inclusive political representation in one of the most socially and politically stratified countries in the region.

Pachakutik fared better by being ousted rather than resigning. Their forced departure from the coalition allows the party to be perceived as staying true to their principles and maintains the confidence of their core indigenous supporters. However their inability to collaborate and expand political influence within the coalition translates into lost ground in the political arena. It is unlikely that they will enter into intra-party coalitions in the near future and therefore will likely be some time before they achieve the same high-level institutional presence.

No longer part of the governing coalition, *Pachakutik* supporters and indigenous organizations have returned to their historical strategy of organized protest. This leaves Ecuador once again facing potentially immobilizing protests, an even more fragmented congress and a further loss of confidence in what are considered to be some of the region's most dysfunctional democratic institutions. Perhaps the greatest loss has been the opportunity for more inclusive politics, which the *Pachakutik* / PSP alliance had represented -of paramount importance in a country where political, social and economic inequity along lines of ethnicity prevails.

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Brazil

President Luiz Inacio "Lula" da Silva won a major victory in August 27 when the lower chamber of Congress approved the government's social security /public pension reform bill. Four months after being sent to Congress, the bill was passed by a 357 to 123 votes with 6 abstentions. The bill is now in the Senate where it needs two third of votes in order to become law. Senate president (and former president of Brazil), José Sarney, said he expects the bill to be passed by the end of September.

The core of the government's reform proposal was to tax larger state pensions and reduce some of the most extravagant pensions. However, in order to get the bill passed the government was forced to make several concessions – in particular, agreeing to the maintenance of full salary after retirement for current public servants. Nonetheless, the government managed to introduce three limiting conditions for these pension holders: a minimum retirement age of 55 and 60 (for women and men, respectively); obligatory pension contributions for 30 and 35 years; and at least 20 years employment in the public service, including 10 as a career public servant and 5 years in the last job. Despite these concessions, Social Security Minister Ricardo Berzoini argued that the reform will permit a reduction of US \$15 billion to the state pension system deficit over the next 20 years.

This partial victory came at a time when the "Lula team's" approval rate has fallen from 62.5% in late January to 47.9% in the third week of August (Brazil Focus, 23/8/03), partly as a result of growing unemployment and Lula's handling of relations with the Landless Movement (MST), on which issue he is perceived as being weak and tolerant of rising land invasions.

Argentina: The End of the "Automatic Majority"

María Gabriela Spuches

The Supreme Court continues to be the focus of interest for Argentines, as well as the focus of attack from the government since Kirchner took power back in May. The campaign against the Supreme Court seeks to purge the institution of those judges known as the "automatic majority" of the court. The "automatic majority" was the result of former president Carlos Menem's (1989-1999) machinations to limit the independence of the judiciary immediately after arriving in power. Menem enlarged and packed the Supreme Court to ensure its subservience to his political agenda.

Creation of the "Automatic Majority"

During the 1990s, the Supreme Court was practically reduced to an extension of the will of the executive by the appointment of a majority of judges who were obedient in the face of government initiatives. The National Constitution does not determine the number of judges on the Supreme Court. Prior to Menem, Law 27 established that the Supreme Court would have five members. This law was modified in 1990 by Law 23,774, which increased the number of justices from five to nine. The change allowed Carlos Menem, as president, to name the four new members of the court, subject only to the approval of the Senate. With a Peronist majority in the Senate, these judges were chosen by the executive with the sole objective of ensuring the court's support for government initiatives. In this way, inside the Supreme Court, Menem's infamous "automatic majority" was created. When two Supreme Court justices resigned over the manipulation of the Court by the executive, these new vacancies were also filled by Menem. As a result, six of the nine magistrates who made up the Supreme Court systematically supported the policies of the Menem government – sometimes in contradiction with the rule of law.

End of the "Automatic Majority"

With the new Kirchner government in May, the judiciary constituted the only power of the state that remained, relatively speaking, under the

control of Menemism. However, the Supreme Court was not one of Kirchner's political priorities when he took power. Those priorities changed when the president of the Court, Julio Nazareno appeared to complicate the political-economic scenario for the new government by addressing the question of the re-dollarization of the bank deposits only one week after the new president was sworn in. Dollar-denominated bank deposits had been converted to pesos at a devalued rate during the height of the economic crisis and re-dollarization of those deposits threatened to undermine the government's fiscal position and its successful stabilization of the economy. Then, the most problematic of his comments was that this ruling already had

the support of the five votes necessary for its approval – those of the “automatic majority.” In addition, Nazareno made rash statements about the ability of the Court to condition the new administration's ability to govern by means of its rulings. Kirchner was not willing to allow himself to be systematically pressured by a Court that was evidently increasingly opposition-minded each time an issue of political significance was in its hands. For this reason, he decided to wage a definitive battle much earlier than expected.

Paraguay

Nicanor Duarte Frutos, elected on April 27 with 37% of the vote, was sworn in as President of Paraguay on 15 August 2003. Duarte Frutos replaces Luis González Macchi marking a change in leadership but not the rule of the Colorado Party (ANR), which has continued in power since the return to democracy in 1990.

In his inaugural address, Duarte Frutos identified four strategic objectives of his administration: to rebuild confidence in public institutions; promote a new economic model based on agro-industry; battle corruption and impunity; and the reduction of poverty and inequality. In tone, his address was peppered with populist references criticizing oligarchic privilege and the kind of liberalization recommended by the International Monetary Fund (ABC Color, 15/8/03). With this address, and with the most prominent figures of the Latin American “new left” in attendance – including Fidel Castro, Duarte Frutos sought to position himself as another “new left” president with a strategic interest in prioritizing his country's economic and political relationships with its Latin American neighbours. It is a position that has already raised the concern in the United States—that Paraguay may be joining a nascent anti-Free Trade Agreement of the Americas bloc apparently forming in South America behind the leadership of Brazil (ABC Color, 20/8/03).

Hemispheric leaders in attendance at the inauguration included Néstor Kirchner (Argentina), Gonzalo Sánchez de Losada (Bolivia), Luiz Inacio “Lula” da Silva (Brazil), Ricardo Lagos (Chile), Alvaro Uribe (Colombia) Fidel Castro (Cuba), Lucio Gutiérrez (Ecuador), Jorge Batlle (Uruguay), and Hugo Chávez (Venezuela).

With Duarte Frutos' ascension to the presidency, it is hoped that Paraguay may be able to turn the page on the political paralysis, institutional decay, rampant corruption, and party infighting that characterized the last year of González Macchi's embattled presidency. But the country is in the midst of a severe economic crisis and on the same date as Duarte Frutos' inauguration, Paraguay entered into default with the World Bank when it failed to repay an obligation of only US \$2.7 million. Over the next 4 months, Paraguay must meet US \$156 million in payments to creditors – a seemingly impossible task (ABC Color, 22/8/03).

Kirchner's strategy was to attack, one by one, each of the five members that constituted the “automatic majority.” The executive recommended to the Congress that it initiate the impeachment of the president of the Supreme Court, Julio Nazareno. Accused of numerous charges by the Commission of Impeachment of the Chamber of Deputies, Nazareno resigned on June 27, thus producing the first vacancy in the Court and with it, the end of the “automatic majority.” Without wasting time, the Commission initiated another impeachment against another of the “automatic majority,” Eduardo Moliné O'Connor against whom 15 charges of failure to perform his duties have been made. The Commission of Impeachment sent its accusation to the Senate, which plays the role of tribunal in determining the sentence. The impeachment process could take up to two months to play out to its conclusion.

In the meantime, the government has assured Argentines that the vacancies produced in the Court will be filled through a transparent process that is designed to assuage public fears of a new attack on the independence of the judiciary – in which a simple rotation of judges belonging to a different political stripe could occur. As a result, Kirchner established through Decree 222 (see FOCAL POINT June 2003) a new and until now, unheard of in Argentine legislation, consultation mechanism to designate new members of the Supreme Court. Decree 222 limits the discretion of the president to designate new members of the court and has been positively received by public opinion. The candidate proposed to replace Nazareno is Eugenio Zaffaroni, a recognized criminal lawyer. With reports in favour and against Zaffaroni, it has been a long time since Argentine society has seen such a positive

debate (www.jus.gov.ar). The Senate is currently considering his nomination.

Will the government continue its campaign against the “automatic majority”? Kirchner now finds himself at a crossroads due to the fact that the timetable for the Court no longer coincides with the government’s agenda. It is certain that the inactivity of the Court is almost total, due to the instability in which the institution currently finds itself. At the same time, there remain unresolved important legal questions on which the government needs rulings from the Court: such as the reopening of human rights cases against military personnel dating from the 1976-1983 dictatorship and a definitive decision on the constitutionality of the impunity laws (Due Obedience and Full Stop) that halted such prosecutions. Although it is certain that with the removal of Moliné O’Connor, the “automatic majority” will be broken up, it will still require much hard work to obtain a consensus inside the Court where some of Menem’s judges still remain.

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Haiti

With the current political impasse in Haiti, it is widely hoped that the next legislative elections could solve the country’s crisis, which started with Aristide’s rise to power in May 2000 in disputed elections. On August 14, Aristide announced that his government is planning to hold legislative elections by the end of 2003. The terms of two-thirds of the country’s legislators will expire in January 2004 and Aristide is using the fear of a political vacuum at that time to call early elections (Miami Herald, 15/08/03).

However, Aristide’s gamble seems unlikely to garner support outside of his Lavalas organization, and for that reason, will not bring the political impasse with the opposition to a satisfactory conclusion. For the next election to restore democracy in Haiti, Aristide has to fulfill the conditions set by the Organization of American States (OAS) in Resolution 822. Among other requirements, Aristide must establish a climate of security with the assistance of an effective and uncorrupted police force, as well as an independent electoral monitoring agency (the *Provisional Electoral Council - CEP*) with representatives from all major Haitian social and political sectors before the next elections. It is anticipated that the Lavalas government will bypass these crucial conditions.

The current composition of the CEP does not meet the conditions outlined in Resolution 822 and the opposition remains doubtful about the likelihood of holding free and fair elections by the end of this year. Ambassador Roger F. Noriega, former U.S. Permanent Representative to the OAS, recently commented that if the government of Haiti cannot create a secure climate for its chief of police, who fled Haiti due to threats to his personal safety, how can the government claim it can protect the opposition (www.haiti-info.com, 26/6/03)?

The Good Governance Agenda, Good for Whom?

Francis Adams

World Bank officials routinely stress the “*non-political*” nature of their work in Latin America. The bank’s charter explicitly forbids interference in the political affairs of member states and its lending policies are ostensibly based solely on “economic” considerations. Yet in recent years the World Bank has become extensively engaged in the promotion of political reform throughout the region. The bank’s “good governance” agenda includes new programs to enhance public sector management, strengthen legal and judicial systems, and ensure transparency and accountability. Bank officials contend that support for political reform *is* consistent with their traditional mandate since the success of development assistance depends, to a considerable extent, on the quality of governance in recipient countries.

Public Sector Management

Enhanced public sector management is a central component of the World Bank’s governance agenda. Resources have been channelled toward redefining the role of the state, strengthening civil services, reforming public enterprises, upgrading financial management systems, and improving investment programming.

Legal and Judicial Reform

The World Bank has also channelled considerable resources toward the promotion of legal and judicial reform. Bank projects have supported reorganizing courtroom management systems, rationalizing internal court procedures, automating record keeping and information systems, training judges and court personnel, publishing judicial decisions, and adopting improved case management techniques.

Transparency and Accountability

The World Bank’s governance agenda also includes projects to strengthen public sector transparency and accountability. The bank has prioritized enhanced public knowledge of government actions and access to accurate data

on the economy. World Bank officials have also worked to increase the legal requirements for financial reporting, improve auditing practices, and promote compliance with international financial management standards.

Good for Whom?

The World Bank's governance agenda in Latin America is laudatory in some respects. In fact, the bank's failure to consider the political character of recipient governments in the past frequently had the effect of simply strengthening authoritarian regimes. Democratic institutions and practices remain weak throughout the region and a second generation of reform is obviously needed to ensure that political systems effectively represent the interests and aspirations of all citizens. Moreover, broad-based social and

economic progress, which improves basic living conditions for the poorest communities, requires inclusive, representative, and effective political systems.

At the same time, it is important to recognize the close links between the World Bank's campaign for "good governance" and its broader economic agenda in Latin America. The bank has consistently advocated the adoption of market-oriented economic reforms. Governments are encouraged to reduce publicly funded social programs, remove subsidies, freeze wages, dismantle price controls, deregulate domestic markets, sell off publicly-owned enterprises, and remove barriers to foreign trade and investment.

Central America

On August 25 and 26, the Central American Vice-Ministers of the Interior (national security), Foreign Affairs and Defence met in El Salvador for the XXVII Meeting of the Security Commission of Central America. The main objective of this meeting was to discuss and analyze the proposal for the *Restriction and Control of Armaments in Central America*, which was presented and unveiled by the government of Nicaragua at the Extraordinary Meeting of Member States of the Central American Integration System (SICA) this past July in Guatemala City.

The concept of security in Central America has changed over the years. In the 1980s, the Central American security model was shaped by internal conflicts, civil wars and the proxy elements of the Cold War. In the 1990s, the signing of the peace accords unleashed a series of structural changes and socio-political transformations that led to the adoption of a new concept of security, which combined principles of peacekeeping, democracy, respect of human rights and social inclusion. Building on this concept, the new model of regional security, the *Framework Treaty on Democratic Security in Central America* (TMSDCA), was created. The treaty encompasses the new concept of security and moves beyond it to include economic freedom, the fight against extreme poverty, the promotion of sustainable development, the eradication of violence, corruption, terrorism, drug and arms trafficking and the establishment of a balanced-approach to the armed forces and the use of force. It is from this treaty that the principles of the *Restriction and Control of Armaments in Central America* emerge.

At the meeting, the proposal raised some concerns among the delegates and was not fully endorsed by the end of the day. However, the Central American Security Commission, will prepare a report highlighting the current state of regional security and will further discuss the proposal as a means of promoting stability, trust and security in the hemisphere at their next meeting in September 2003.

Clearly, the political reform programs of the World Bank were designed to facilitate these market reforms. The bank's public sector management programs, for example, advocate a smaller state equipped with a professional, accountable bureaucracy that can provide an "enabling environment" for private sector growth. Emphasis is placed on austerity, deregulation, and privatization of state-owned corporations. The bank's legal and judicial reform initiatives focus on the stability and predictability of economic rules and regulations to reduce private sector risks. This includes measures to enforce contracts, defend property rights and foreign investment, and lower transaction costs. Private sector interests are also prioritized in the drive to improve transparency. The efficiency and effectiveness of economic actors and the competitiveness of markets, bank officials argue, require the provision of information about the economy, market conditions, and government financial policies.

There is little doubt that the World Bank's political reform initiatives were carefully crafted to further its neoliberal economic agenda in Latin America. Yet this will not necessarily produce more democratic political systems. In fact, because market reforms have frequently intensified societal inequalities, this agenda may actually undermine the prospects for deepening democratic institutions and practices. With highly skewed distributions of income and wealth, it is relatively easy for a narrow elite to dominate political affairs. These people have the financial

resources and personal connections to advance their interests within the political system while the rural and urban poor are largely excluded from meaningful participation in governance. Economic exclusion engenders political exclusion.

Clearly, the broad participation of all social groups in political affairs is critical for the effective functioning of democratic governance in Latin America. Such participation will require greater equality of income and wealth. To create truly inclusionary and participatory political systems, it will be important to reduce the vast imbalances that have long characterized the region. The political and economic reform agendas of the World Bank are unlikely to engender such results.

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A New Face in the Internal Opposition

Ana J. Faya

In the midst of an implacable campaign against the dissident organizations in Cuba, the government has demonstrated a strange moderation following the decision of Eloy Gutiérrez Menoyo, leader of an organization of Cuban exiles, to stay in the country. On August 7, following a visit to the island with his family, Menoyo announced that the time had come to work for political change from within Cuba, and for that reason he was staying.

Menoyo is leader of the organization Cuban Change (Cambio Cubano), which up to now had been headquartered in Miami. He was also a former *comandante* of the 2nd Front in the Escambray Mountains during the struggle against the dictatorship of Fulgencio Batista (1952-1958) and in the first months of 1959 was feted by the Cuban population together with Camilo, Che, Húber Matos and Raúl Castro. However, Menoyo opposed the *rapprochement* with communism and was later imprisoned for 22 years after leading an expedition against the government in 1964. With his recent decision to stay in Cuba, Menoyo may have inaugurated – perhaps unknowingly – a new kind of non-violent civic action against the Cuban regime: that of exiles who return to Cuba to exercise opposition from within, based on their moral “right” to remain in their own country.

The tolerance by the Cuban authorities for Menoyo’s decision takes place in a peculiar context. Cubans can be denied the right to return to their country once they have decided to live abroad, despite retaining their citizenship.

Thus, Cubans living outside the island must apply for an “entry permit”. This permit may be turned down, on a temporary or permanent basis, even if the person has not been involved in what Cuban authorities consider “activities against the state”. Therefore, Menoyo’s ability to stay in Cuba after his entry permit expires in September is ultimately contingent on the approval of the authorities.

The peaceful political activity that Menoyo hopes to develop is “illegal” in the island, as was that of the 75 dissidents imprisoned in March and April of this year. In this latter case, some political activities had been tolerated, until the government found it was convenient to send them to jail. Elizardo Sánchez, head of the Cuban Commission of Human Rights and National Reconciliation (CCDHRN), had attempted to act in a similar manner until recently, when the authorities sought to undermine his international prestige by accusing him of being a spy for the Cuban government. By putting some in prison and launching campaigns to discredit others, the official strategy, although not entirely successful, has been to deactivate an opposition that has become increasingly visible and active in the recent past.

In this context, the attitude of the government towards the decision of Menoyo raises questions and suspicions. It may be convenient for the government to tolerate the presence of Menoyo for the moment, after having imprisoned the 75 dissidents on charges of “conspiring” with the head of the US Interest Section in Havana. Allowing Menoyo to return could be seen as a gesture of tolerance towards an opposition figure who has never made common cause with the opposition within Cuba and is noted for sharing the same position with the Cuban government vis-à-vis the United States (US) and the embargo. “I don’t support any political opposition that is supported by a superpower”, Menoyo told the press recently (Dallas Morning News, 24/8/03).

A few months after widespread international condemnation of his crackdown on dissidents, Castro may be trying to establish a difference between those opposition figures accused by the government of being pro-US and those like Menoyo. In this way, Castro may be seeking to deflect attention from his harsh crackdown on

dissidents and Cuba's failure to meet with international standards of human rights.

In 1995 the leader of Cuban Change asked Castro permission to open an office in Havana – a request that was denied. His current visa expires in September and only then, will it be possible to see whether the Cuban government will throw him out of the country or whether the opening of a national branch office of his organization will be tolerated. Even then, his presence in Cuba and the official limits on his political activity could serve the Cuban government in terms of justifying its most recent actions and discrediting the traditional internal opposition.

Menoyo has stated that he hopes to establish a “point of departure, beginning with a legal space that can be opened without destabilization, so that the problem resulting from 45 years of one-party rule can be brought to an end” (*Notimex*, 26/7/03). He believes that there should be an opposition in Cuba, where a dialogue can take place. Considering that the existing legislation prohibits such an opening, it could occur only if Castro, using his personal discretionary power over-and-above any existing legal instrument, secretly makes a pact with Menoyo. But, a special deal with Menoyo would not constitute a real *apertura*. A democratic transition should not be selective or based on arrangements with particular opposition figures, but rather inclusive of all social sectors of Cuban society, and thus, should begin with the liberation of the 75 dissidents currently in prison.

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Guatemala's Controversial Elections

Dinorah Azpuru

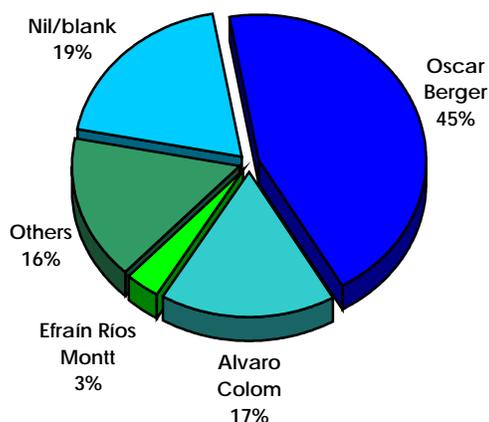
As the November 9 general elections approach, the ghosts of the past still haunt Guatemala some 18 years after the failed democratic opening of 1985 and seven years after the signature of the peace accords put an end to one of the bloodiest internal conflicts in the western hemisphere. The most recent setback to democracy is the presidential candidacy of retired General Efraín Ríos Montt under the banner of the party he founded and which is currently in power, the *Frente Republicano Guatemalteco* (FRG).

Although Guatemala's democracy is far from consolidated, some positive steps had been taken. However the situation deteriorated in May 2003 when the Supreme Electoral Tribunal opened the presidential race for the November 9, 2003 elections. Political violence against opposition parties, rumors of a coup d'état, electoral fraud and threats to civil society leaders by alleged death-squads have reappeared on the political scene, “just like in the early 1980s,” as Nobel Prize winner Rigoberta Menchú put it (*Prensa Libre*, 8/3/03). In addition, important democratic institutions, the credibility of which was already low among the population, have been caught in the middle of a highly complex legal battle between Ríos Montt supporters and his opponents. Valentín Paniagua, chief of the Mission sent by the Organization of American States (OAS) to supervise the elections has stated that the current situation in Guatemala is as complicated as it was in Peru under Alberto Fujimori in 2000 (*Tiempos del Mundo*, 8/7/03).

Ríos Montt's *de facto* government (1982-1983) is accused of genocide against indigenous Guatemalans during the peak of the armed conflict. The Electoral Tribunal, the Supreme Court and the Constitutional Court rejected his candidacy in 1990 and 1995 because of a constitutional provision that prohibits those who have participated in military coups from seeking the presidency. In 1995 and again in 1999 the FRG chose to support the candidacy of Alfonso Portillo, whose populist and hard-line discourse

Guatemalan Elections

Voting Intentions*



*Poll taken between 31 July and 4 August 2003.
Source: Infografías Prensa Libre, 12/08/03.

made him attractive to voters. Many consider him to be a stand-in for Ríos Montt. The FRG won the presidency and a majority of seats in Congress by a landslide in the 1999 elections and took office in January of 2000. Ríos Montt was elected to congress and appointed President of the Legislature.

Their privileged position in Congress allowed the FRG to appoint pro-Ríos Montt lawyers in key positions at the Constitutional Court. On July 14, 2003 after the Electoral Tribunal and the Supreme Court had rejected his candidacy once again, the Constitutional Court voted 4-3 to overturn the ban and allow Ríos Montt to run. This decision was strongly criticized by opposition parties, lawyers' associations and civil society organizations. One of the opposition parties appealed to the Supreme Court, resulting in the temporary suspension of his candidacy. This prompted the FRG to organize violent demonstrations in support of Ríos Montt at the end of July (FOCAL POINT July 2003). The United Nations Peace Accords Verification Mission to Guatemala (MINUGUA) concluded that the FRG government held responsibility in the riots.

A poll taken shortly after the July riots and published by one of Guatemala's leading newspapers, *Prensa Libre*, showed that Ríos Montt's share of the "vote intention" had decreased dramatically as a result. Other polls have shown that around 15 percent of Guatemalans support him. Although the long-term strategy of the FRG is not clear, their immediate goal appears to be getting Ríos Montt into the second round. The other candidate in the second round will almost certainly be Oscar Berger of the *Gran Alianza Nacional* (GANAN) party, who collected 44 percent of the vote in the 1999 elections despite losing to the FRG. A second round will be held in the last week of December if none of the candidates obtain a majority of votes in the first-round.

Ríos Montt seems to have very little support in urban centers, but is appealing to poor peasants in isolated rural areas - the very same areas that were targeted by his scorched-earth campaign in the early 1980s. He is using a populist discourse, attacking the rich and portraying himself as a champion of peasants' causes. Most analysts believe that Ríos Montt stands little chance of winning the elections under normal conditions. But opposition parties have made it clear that nothing is normal in this electoral campaign. The FRG is allegedly using public resources to give away fertilizer, agricultural tools and other gifts to peasants. This may not be new in Latin America, but what seems to be different is the alleged use by the FRG of lingering counterinsurgency structures, in particular former civil patrolmen and military commissioners, in order to threaten people in rural areas either not to go to the polls on November 9 or to vote for the FRG.

Ríos Montt also benefits from a divided political opposition. Although three candidates have dropped out of the race in recent days, there are eight other candidates competing - most on the right of the political spectrum - but there is no sign of a united front to oppose the FRG. In addition, studies carried out by the University of Pittsburgh show that Guatemala is one of the countries of Latin America with the highest proportion of lingering authoritarian values, which leads many to support military-type *caudillos* like Ríos Montt. Furthermore, opposition parties have warned that the FRG may be trying to

pull off a sophisticated fraud that escapes the control of the independent Electoral Tribunal.

However Ríos Montt and the FRG face different challenges than they did in 1999: the FRG government performance has been plagued with accusations of corruption. Common crime, which was one of the reasons why the FRG was voted into office in 1999 - in particular in urban areas - has increased during the FRG administration. The evangelical vote (around 30 percent of Guatemalans), which was key for the success of the FRG in 1999, currently appears to be split. The most important civil society organizations are pulling together in the *Frente Cívico por la Democracia* in order to supervise the elections and oppose manipulation by the FRG. And the FRG has history against them: no incumbent government party has ever been reelected in Guatemala.

As the race nears the end, nothing is definite yet. The legal battle by the opposition to block Ríos Montt's candidacy is still ongoing. Under the current circumstances public opinion polls can also be unreliable. Civil society and opposition parties have made an appeal to the international community to send election observers as soon as possible.

It is unlikely that any candidate will win the first-round election outright. In this scenario the best outcome for Guatemala's democracy would be to have two civilian runners-up. The most likely contenders are Oscar Berger (GANAN) and Alvaro Colom of the *Unidad Nacional de la Esperanza Party* (UNE), who held a 17% share of vote intention in early August. Whoever wins the presidency will not have an easy task. Democratic institutions have been profoundly damaged in recent months, the economy is in bad shape and lack of consensus among social sectors abounds.

A more worrisome scenario for democracy in Guatemala would be if Ríos Montt made it into the second-round runoff. This could bring heightened political polarization and violence. And of course, the worse-case scenario for democracy would be if the FRG won the elections. Not only would the country be isolated at the international level, but it would also enter a

period of extreme polarization and chaos, with the media, the private sector and organized civil society in a permanent struggle against the government. Even worse, without the presence of MINUGUA in Guatemala - the UN observation group is scheduled to withdraw at the end of 2004 - the counterinsurgency structures that work in favour of the FRG could resurface again leaving rural areas under the control of Ríos Montt's network of former military officers. As the New York Times put it in the editorial of August 1st, Guatemala would likely return to the dark ages.

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