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Guatemala Elects Berger Without Legislative Majority

by LADB Staff

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Four years after leaving office as mayor of Guatemala City and swearing he would never return to politics, Oscar Berger won a runoff election on Dec. 28 and is now president of Guatemala. Berger will be sworn in Jan. 14. The pro-business, center-rightist bested the center-leftist Alvaro Colom in a decisive victory.

Restoring the business sector to its former influence will be high on Berger's agenda. "Everyone will have to get to work immediately; we can't lose even one minute. A great effort will be made to make this country more competitive so that Guatemalans have more money in their pockets," he said. Berger takes over from populist Alfonso Portillo, whose hostility to the business sector resulted in a total breakdown in communication between the government and the private sector during the past four years.

Berger needed a good deal of goading to run for the presidency after a thorough whipping by Portillo four years ago led him to retire to his cattle ranch (see NotiCen, 2000-01-13). Some of the richest and most powerful businesspeople in the country put together a coalition, the Gran Alianza Nacional (GANAN), to run him as their candidate.

As mayor, Berger was a member of the then ruling Partido de Avanzada Nacional (PAN). With no party gaining a congressional majority, GANAN will have to come to an accommodation with the PAN and the Unidad Nacional de la Esperanza (UNE). A coalition knit from these yarns will restore the blanket of conservatism and private wealth that swaddled the country until Portillo pulled the covers. GANAN alone will have 47 of the 158 deputies of the Congreso Nacional.

Crafting a coalition will test the extent to which the formerly monolithic private sector can find common ground after having fractured along lines of divergent interests during the Portillo years. Some mending can be done with Cabinet appointments, some of which have already been announced. But there are other considerations and interests. If Berger wants to give his government a pluralistic cast, important for national unity in this country of deep divisions, he will have to make room in the Cabinet for women and indigenous, say analysts.

Alvaro Pop, political analyst and ethnic Q'eqchi', said the president will have "to include indigenous and women in his Cabinet, because not to do so will reinforce the perception that he represents the oligarchy." Agreeing with Pop were Miguel Angel Sandoval of the Centro para la Accion Legal en Derechos Humanos (CALDH) and Jose Pinzon of the Central General de Trabajadores de Guatemala (CGTG). "To have only businesspeople is a dreadful message that doesn't measure up to the promises of GANAN," said Sandoval. Pinzon noted that Berger suggested he would do otherwise during the campaign, but "his menu of ministers has vacancies."

It was feared that the final lineup would have few women and indigenous. But others, members of the GANA coalition whose places in the government are assured, including former Gen. Otto Perez, have said that appointments will be made on the basis of competence, rather than on profiles. Spokespeople for the president-elect have said that the full Cabinet would be presented by Jan. 9, but as of Jan. 7, most had been announced. They included: Alvaro Aguilar, agriculture. Jorge Briz, foreign affairs Maria Antonieta Bonilla, finance Marco Tulio Sosa, public health Roberto Gonzalez Diaz-Duran, energy and mines Eduardo Castillo, communications Marcio Cuevas, economy Manuel Salazar Tezahuic, culture Mario Dary, environment Cesar Mendez, defense Arturo Soto, interior.

Legislative issues

Meanwhile, back at the Congreso Nacional, the incoming regime had indicated that it would be able to announce a "governability pact" among parties on Monday, Jan. 5, but the date came and went without an announcement. After days of negotiation, participants told the media that they needed more time. The major impediment to an on-time announcement was Alvaro Colom, who, though beaten, still had some muscle to flex. Deputies involved in the closed discussions said they were close to agreement, however. "There are important things in the political history of the country that we have to take the time to discuss," said Luis Flores Asturias, GANA deputy and former vice president in the PAN government of Alvaro Arzu (1996-2000). "What we are doing is significant, and we cannot be held to a timetable."

Among other things, the UNE contingent wanted changes made to the distribution of space on the floor of the legislature. They apparently got that without much resistance. UNE also wanted the pact to reflect not only fiscal but social issues as well, so that the result could be seen as a social pact. Participants also agreed to an equitable distribution among the PAN, GANA, and UNE of places on 14 of 26 congressional committees. The rest will be divided among the smaller parties, which now include the former governing Frente Republicano Guatemalteco (FRG).

The three parties had tentatively agreed to shut the FRG out entirely, but they rethought the matter. Another agreement would have the three major parties seek a change in the Ley Organica del Congreso to increase the number of seats on the directorate (Junta Directiva) to include the minor parties.

Flores Asturias said representatives of these parties had been consulted and were in agreement with the proposal. He said that, if nobody brought up anything new, or rejected anything already agreed to, a final document would be ready for signing by Jan. 7. The presidency of the Congreso, now occupied by FRG leader and vanquished presidential candidate Efrain Rios Montt, will, according to plan, pass to one of three UNE candidates Rolando Morales, Rafael Barrios, or Eduardo Meyer.

UNE would have the office for the coming year as a result of the three-party negotiations. The legislature as a whole will elect its president. But as a revised Jan. 7 deadline for passage of the agreement approached, Flores' contingencies proved prophetic. UNE decided that its presidency of the Junta Directiva was insufficient. With the support of PAN, UNE demanded the first vice-presidency and leadership of one of the most powerful legislative committees, the Finance

Committee. GANA, which had claimed both those slots for itself, refused. That reopened the entire negotiation, which had already been in session for three weeks.

A frustrated GANA deputy, Roxana Baldetti, said, "All this has been in the document since the beginning," putting in doubt a successful conclusion to an agreement on governability. A pugnacious Colom retorted, "The accord will be signed if our proposals are accepted. Otherwise, we remain as a faction, and they can negotiate with the FRG." Deputies of UNE and PAN told the press they had reasons for their new demands.

Rolando Morales of UNE said that the demand for the two additional offices was a matter of equity. "It is in order to level things out within the Congreso," he said, suggesting that the two lesser parties had GANA over a barrel. "If they don't have time to negotiate, we have all the time in the world." For PAN, it was payback time, given that the new president was a PAN man who had jumped his party, depriving it of victory.

Deputy Mario Taracena said that GANA had run a "dirty campaign," and would now have to "swallow pardon pills." "Let's remember," he said, "that the political will is that of UNE and PAN. We could be doing a whole different kind of opposition, but we want to participate in this process of governability."

Unnamed sources within UNE confirmed that the holdup in the agreement was also the result of a "flirtation" that the FRG had commenced. These sources told the local daily *Prensa Libre* that the outgoing ruling party had offered its votes for a PAN-UNE Junta Directiva in exchange for control of some committees. The offer was said to have split UNE between those who want to go for the deal and those who have foresworn any accommodation with the party of Portillo and Rios Montt.

Berger on Rios

In what was recorded by one wire service as Berger's first policy statement, the president-elect said his government would support efforts to bring Rios Montt to trial for human rights atrocities. Berger said, "Nobody is above the law. The trials should begin and we will facilitate the investigation. We will make sure the resources are there so the investigation is very quick." The former unelected president of Guatemala (1982-1983) becomes subject to trial for his responsibility in government abuses as soon as he loses his parliamentary immunity from prosecution when Berger takes office. Genocide cases are being developed against him for, among other things, massacres in hundreds of villages in the interior during his reign. Rios Montt ran for president, but received relatively few votes, ending in third place and not making the runoff. By beating Rios Montt, Berger not only opens the door to the former dictator's doom, but also lifts from the country the threat of stern reaction from Washington, which had signaled that normal relations with Guatemala would be unlikely were Rios to win.

By contrast, US State Department deputy spokesman Adam Ereli quickly congratulated Berger on his victory and said the US government looked forward to working with him. In addition to its irritation with the corruption and crime that ran rampant during the regime of Rios' surrogate Portillo, the US was also concerned about the government's alienation of the private sector during

the recently concluded and as yet unratified negotiations on the Central America Free Trade Agreement (CAFTA).

In addition to his business credentials, Berger also gained a reputation during his term as mayor for running a clean administration. While he did somewhat better in the interior than some political observers projected, it was this reputation in the urban area that won him 54% of a vote in which only about 46% of those eligible cast ballots.

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