

5-15-2008

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### Recommended Citation

LADB Staff. "President Alvaro Colom Suspends Constitutional Guarantees In Guatemala." (2008).  
<https://digitalrepository.unm.edu/noticen/9608>

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## President Alvaro Colom Suspends Constitutional Guarantees In Guatemala

by LADB Staff

Category/Department: Guatemala

Published: 2008-05-15

Transport strikes brought Guatemalan commerce to a halt last week, with reported business losses amounting to more than US\$200 million. Truckers on May 5 put the brakes on to protest a Guatemala City ordinance in force since last year intended to curb traffic congestion and ease air pollution. The city sought to end its legendary perpetual asphyxiating gridlock by restricting the circulation of heavy trucks from 5:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 8:00 p.m. Three days later, President Alvaro Colom declared an "estado de prevencion," a modified martial law in which certain constitutional liberties are suspended in order to restore order.

On May 5, Victoriano Zacarias, leader of the Central General de Trabajadores de Guatemala (CGTG), announced, "There is a suspension of heavy transport on the north and south routes [highways in and out of the capital]" to protest the ban on trucks during the specified hours. Zacarias said there would be no highway blockage as such, but trucks would be stopped at roadsides and other locations. The strike widened on the second day when fuel trucks joined the strike, not only to Guatemala City but throughout the nation. Director of the Asociacion de Expendedores de Combustibles Enrique Melendez warned that fuel on hand at gas stations would only last a day and that fuel shortages would soon be apparent. At that point, no one was giving any quarter.

The transport people had asked for mediation from the national government or from the legislature in dealing with the city, where Mayor (and former president 1996-2000) Alvaro Arzu had declined to negotiate with them regarding the ban. Arzu's argument was that he was not going to talk to "one little group" about a measure that affected a million or more cars, but the business sector was clearly worried. The Consejo de Usuarios del Transporte Internacional de Guatemala (CUTRIGUA) estimated losses resulting from the stoppage at about US\$55 million a day. President of the Asociacion Guatemalteca de Exportadores (AGEXPORT) Tulio Garcia said losses to the export sector would amount to another US\$19 million.

### *Quick action, quick results*

By the third day of stoppage, President Colom had seen enough of rotting perishable goods, fuel shortages, hospitals running out of oxygen, and other ills. He declared the state of emergency. The constitutional measure gives him about a month during which he can restrict some rights to end the strike. Colom said in a televised address that the strike violates the public order. "I exercise the powers that the Constitution gives me to preserve the tranquility of Guatemalans," he said. The president's power in this situation is conferred through the Law of Public Order and expressly allows him latitude to guarantee the delivery of basic services to the population. Colom also gets the power to use security forces to break up any demonstration or public protest that had not been accorded specific official authorization. He can prohibit parking or vehicular traffic that impedes

the general flow and can militarize public services and private enterprises that deliver vital services. Backed by the decree, authorities lost little time in implementing their prerogatives.

Ricardo Gatica, Government Ministry spokesman, said that, in the early hours of the morning, military and civilian security forces had arrested about 50 truck drivers who had refused to return to work. "In the framework of what the law establishes," he said, "the capture of these persons has proceeded. We are in a state of emergency, and we are going to ensure compliance with the law to benefit citizens." Officials of the fuel-distribution companies announced a return to business as usual, offsetting a nationwide panic that set in as local supply dwindled. The many hundreds of big rigs parked along the roadsides began to roll and get out of the way of traffic, and all was beginning to return to the state that Guatemala calls normal.

Zacarias objected to the arrests, calling them "arbitrary," and denying that the drivers had offered resistance. Colom appears to have weathered charges of overreaching and arbitrariness. Former attorney general Acisclo Valladares editorialized favorably, noting that one of the most progressive and democratic presidents the country ever had, Juan Jose Arevalo (1945-1951), made repeated use of the constitutional states of exception available to him, while one of the most repressive, Fernando Romeo Lucas Garcia (1978-1982), never resorted to his constitutional options to suspend basic rights. Colom's prompt action in ensuring the provision of essential services, wrote Valladares, "can in no way qualify as being against the state of law or as antidemocratic."

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