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Transparency Concerns Regarding Election of Comptroller General

by Louisa Reynolds

Category/Department: Guatemala

Published: 2015-01-15

After the election of Guatemala’s new attorney general and new Corte Suprema de Justicia (CSJ) and appellate court magistrates were mired in corruption allegations, a number of claims have been made regarding the alleged lack of transparency surrounding the election of the new contralor general de cuentas (comptroller general).

On Dec. 2, after ten rounds of voting, the nomination committee in charge of drawing up the shortlist of candidates that will be submitted to Congress for the final selection announced its choices. The six candidates are: Carlos Humberto Echeverría Guzmán (17 votes); Carlos Enrique Mencos (15 votes); Sergio Oswaldo Pérez (14 votes); César Armando Elías Ajca (15); Thelma Leticia Girón Alvarado (13); and Hugo Ovidio Chacón Cabrera (13).

Echeverría Guzmán is the dean of the economics department of the Universidad Rural and served as secretary of the nomination committee to choose the comptroller general in 2010; Mencos served as comptroller general in the administration of President Álvaro Colom (2008-2012); Pérez is serving as the Office of Comptroller General’s director of audits on the quality of public spending; Elías Ajca is serving as the Office of Comptroller General’s director of control and interinstitutional verification; Girón Alvarado is serving as deputy director of internal audits at the Ministerio de Desarrollo Social and formerly served as an internal auditor for the national civil registry (Registro Nacional de las Personas, RENAP); and Chacón Cabrera is a consultant and has worked for various government bureaus.

However, the nomination committee’s president Cyrano Ruiz admitted that committee members had based their choices on personal interests rather than on the track record of the candidates and their suitability for the position. "The vote was clearly intended to favor certain candidates. I imagine that, when the votes were cast, personal factors, a sense of loyalty among colleagues, and a certain sense of desperation weighed heavily," said Ruiz.

He added that, although he considered he had competently fulfilled his role as president, he would never again take part in a nomination committee.

Pro-transparency groups say Pérez, whose efficiency as the Office of Comptroller General’s director of audits on the quality of public spending has been questioned, is the administration’s favorite candidate.

Carmen Aida Ibarra, leader of the civil society organization Movimiento Pro Justicia, branded the selection process as shameful. "The list that was drawn up is worthless because some committee members voted purely because they have the constitutional obligation to send the list to Congress, even though the consider the candidates to be unfit," she said.

The legality of Mencos’ inclusion in the shortlist has divided legal experts. While some interpret the constitutional prohibition to re-elect a comptroller general (Article 233) as meaning that the current
comptroller general cannot be re-elected, others have interpreted it as meaning that no one who has previously served as comptroller general can stand for re-election.

Ricardo Sagastume, one of the legal experts who argue that Mencos’ re-election would be unconstitutional, has lodged an appeal with the Corte Constitucional (CC), Guatemala’s highest court, in an attempt to challenge his inclusion on the list. The CC has yet to issue its ruling on the issue.

A national women’s rights organization, the Alianza de Mujeres y Mujeres Indígenas, has also expressed its dissatisfaction in that Girón Alvarado is the only woman included in the list of candidates handed over to Congress to make the final selection.

**Comptroller General’s Office remains a weak institution**

Adding to the controversy surrounding the election of the new comptroller general, outgoing Comptroller General Norma Segura has been accused of clinging to her position and refusing to leave office by the Oct. 13 deadline, in compliance with the law.

The nomination committee should have drawn up the shortlist of candidates months ago to allow Congress enough time to elect the new comptroller general before the deadline. However, as a result of unforeseen delays in the nomination process, the deadline has elapsed and Segura’s successor has not been elected, which is why she has not left office.

Critics say that, when similar situations have arisen in the past, the comptroller general has usually left his or her position even when a successor has yet to be appointed.

Pro-transparency groups have also questioned Segura’s efficiency as comptroller general. In November 2013, a series of legal reforms went into effect that allowed the Comptroller General’s Office to audit trust funds. The reform was regarded as an important step forward in the fight against corruption, as the Comptroller General’s Office had habitually blamed its failure to sanction the misuse of public funds on the fact that a significant percentage of the funds were managed by trusts and that it lacked the necessary legal powers to audit them.

The Instituto Centroamericano de Estudios Fiscales (ICEFI) also accused Segura of failing to investigate the administration’s "floating debt." The administration of President Otto Pérez Molina was strongly criticized for awarding public works contracts even though these expenses had not been included in the budget. This led the Attorney General’s Office to accuse a number of high-level government officials of corruption, but Segura failed to carry out an investigation.

These failings illustrate that the Comptroller General’s Office remains a weak institution and that despite the reform that went into effect in 2013 much remains to be done to ensure accountability and a transparent use of public resources.

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