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Guatemalan Voters Reject Referendum on Constitutional Reforms

by LADB Staff

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By a 2-1 margin, Guatemalan voters rejected constitutional reforms that would have reduced the power of the military and improved the juridical status of the indigenous population. The results raised concerns that the 1996 peace accords and national reconciliation might now be in jeopardy. The peace accords, signed by President Alvaro Arzu and the guerrilla umbrella organization Unidad Revolucionaria Nacional Guatemalteca (URNG) in December 1996, called for reforms aimed at eliminating the root causes of the 36-year civil war.

The package of 47 constitutional changes proposed to establish Guatemala as a multiracial, multicultural, and multilingual nation, recognizing the identity and rights of the majority indigenous population, most of whom are Mayan. Minority groups such as the Garifunas and Xinca would also be recognized.

The proposals also included a major constitutional overhaul of all three branches of the government and new controls on the power of the military. The military's function would be restricted to national defense, ending its customary role in maintaining internal security. In that role, the military committed 93% of the human rights violations during the civil war, a level of atrocities regarded as genocide by the Comision de Esclarecimiento Historico (CEH) in its February 1999 report (see NotiCen, 1999-03-04). Had the reforms passed, the military would also have lost its autonomy and come under the control of a civilian defense minister.

Congress approved the reform package in October 1998, but the referendum was postponed several times, most recently because of the crisis caused by Hurricane Mitch in October- November 1998. Legal problems also delayed the referendum. The main opposition to the reforms was organized around the Centro para la Defensa de la Constitucion (CEDECON), which filed a suit in the Court of Constitutionality charging that by combining all 47 reforms into a single yes/no proposal, the Congress unconstitutionally narrowed the right to vote.

In February, the court ruled in favor of CEDECON and ordered the four categories into which the reforms were divided put to separate votes. None of the four groups came close to passing. Most soundly defeated 68% to 26% were proposals to revamp the government, despite the widespread view that Guatemalan voters have no confidence in politicians and the parties that sit in the legislature. The closest vote 63% to 31% was against the proposal for indigenous rights and identity.

Only in heavily Mayan departments such as El Quiche and Alta Verapaz did a majority vote for those reforms. Defeat blamed on 81% abstention rate Many observers blamed the defeat of the proposals on low voter turnout. Only 18.4% of registered voters went to the polls, with participation slightly heavier at 21% in the capital, where the reforms were defeated by a 76% "no" vote. The

Finance Ministry allocated US\$43 million to pay for a publicity campaign by the Tribunal Supremo Electoral (TSE) to get out the vote. But despite more than 18 months of preparation, large numbers of voters were either skeptical of the referendum or did not know what the reforms were all about. Indigenous leader Alvaro Pop said, "The people don't want to vote for something they don't know about." Arzu said if voters did not know about the reforms, it was because they did not read the newspapers, which published the full text of the referendum proposals.

Congress president Lopez Rodas said the turnout was normal for a referendum. The last such vote, in 1994, brought out only 15% of registered voters. "People are not used to giving their opinion because things were always imposed on them in the past," Rodas said. Jorge Soto, secretary general of the URNG now a political party blamed the defeat on efforts by CEDECON, heavily backed by the business community. "They mounted a strategy of lies, deceit, and twisting of facts," he said.

Opponents of the reforms said they should have been made through a constitutional assembly, and they concentrated their attack on the indigenous-rights reforms. While supporters of indigenous rights said it was time to remove the second-class status of the majority of Guatemalans, opponents argued that the reforms would Balkanize the country by creating special rights for specific groups. Francisco Bianchi, leader of the conservative Alianza Reconciliadora Democratica (ARDE), told Reuters, "This confirms our belief that the reforms can only be carried out by calling a constitutional assembly."

The daily newspaper Siglo Veintiuno said in an editorial that the "no" vote and abstentions showed Guatemalans did not want the reforms because some of them were "anti-ethnic," "casuistic," and "unnecessary." Another objection was that Congress had rushed the reforms through hoping that a successful vote would allow the government to present them as an accomplishment to the international donor community. Some analysts are now wondering how Guatemala's proposals for international aid will fare, particularly at the meeting of donor countries in Stockholm later this month.

Some supporters fear defeat will endanger peace accords Another concern is that behind the "no" campaign was the hope of discrediting international agencies, such as the UN human rights verification team (MINUGUA), that helped broker and consolidate the peace. Opinion on whether the defeat would set back the peace process was mixed. After casting his vote, Arzu told reporters that defeat for the reforms would create obstacles in consolidating the peace. "A 'no' would cause me deep sorrow personally and cause considerable damage to the country."

Former president Ramiro de Leon Carpio (1993-1996) and Hector Cifuentes, secretary general of the governing Partido de Avanzada Nacional (PAN), agreed that some reforms could be implemented legislatively. Cifuentes promised to convoke the PAN's executive committee to discuss ways to put some of the reforms into effect without constitutional changes.

The URNG's Jorge Soto said "no" meant a defeat for the peace process, and Victor Gudiel, head of the left-of-center Frente Democratico Nueva Guatemala (FDNG), said it threatened the viability of the peace accords, since there is now no juridical basis for them. TSE president Felix Castillo Milla left resolution of the issues the reforms addressed to later generations, in whom the political

parties should "cultivate civic fervor." [Sources: Notimex, 10/27/98, 03/07/99, 04/27/99; Spanish News Service EFE, 03/01/99, 05/17/99; Reuters, The New York Times, Prensa Libre (Guatemala), 05/17/99; Siglo Veintiuno (Guatemala), 05/18/99]

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