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FEATURED Q&A

Why Are Candidates Being Struck From Guatemala's Ballot?



Former presidential hopeful Carlos Pineda was among the candidates removed from the ballot ahead of Guatemala's June 25 presidential election. // File Photo: Facebook Page of Carlos Pineda.

Q Barely a month before Guatemala's June 25 presidential election, a judge on May 19 suspended the candidacy of front-runner Carlos Pineda. The judge ruled that Pineda, of the conservative Prosperidad Ciudadana party, failed to adhere to nomination process rules, but Pineda accused the court of suspending his candidacy because of his refusal to be an "ally of corruption." Guatemala's Constitutional Court later upheld Pineda's removal from the ballot. What will result from the removal of the race's front-runner? Who is best positioned to succeed incumbent President Alejandro Giammattei, who is constitutionally prohibited from re-election? What issues are shaping up to be the most important in the race?

A Francisco Villagrán de León, member of the board of Washington-based nonprofit Be Just and former ambassador of Guatemala to the United States, United Nations and Organization of American States: "Pineda was only a front-runner for a brief time; prior to April, he was virtually unknown. His rise in the polls was surprising and fast, the result of his campaign's effective use of social media. His ultimate downfall was due to his own party's change of heart when he faced legal challenges. Another party filed a judicial motion to block Pineda's candidacy based on his party's violation of Guatemala's electoral law during its nominating convention. A lower court suspended his candidacy temporarily while it reviewed the allegations, and he appealed. Then his own party's secretary general filed a motion to withdraw that appeal. Pineda was not the only candidate to face legal challenges; others were left out of the electoral process on shakier legal

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TODAY'S NEWS

POLITICAL

Cuba Reportedly to Host Chinese Surveillance Base

China has agreed to pay Cuba billions of dollars to establish an electronic eavesdropping facility on the island, The Wall Street Journal reported.

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ECONOMIC

U.S. to Invest More Than \$100 Million in Caribbean

The United States will invest more than \$100 million to fight weapons trafficking, support anti-global warming initiatives and provide support amid Haiti's humanitarian crisis, U.S. Vice President Kamala Harris announced today.

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POLITICAL

El Salvador Cuts Size of Assembly by Nearly a Third

El Salvador's president, Nayib Bukele, on Wednesday approved legislation that cuts the size of the Legislative Assembly by nearly a third, from 84 lawmakers to 60.

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Bukele // File Photo: Salvadoran Government.

POLITICAL NEWS

China Reaches Deal With Cuba for Spy Facility: Report

China has reached a deal with Cuba to place an electronic eavesdropping facility in the Caribbean country, The Wall Street Journal reported today, citing unnamed U.S. officials familiar with classified intelligence. Such a facility in Cuba, which is located only about 100 miles from Florida, would allow Chinese intelligence to monitor shipping traffic and intercept communications in the southeastern part United States, where several military bases are located, the newspaper reported. The facility would reportedly have the ability to conduct so-called signals intelligence, which may include monitoring of communications including phone calls, emails and satellite transmissions. China has agreed to pay Cuba several billion dollars in order to construct the facility, and the two countries have agreed in principle to it, according to the report. "While I cannot speak to this specific report, we are well aware of—and have spoken many times to—the People's Republic of China's efforts to invest in infrastructure around the world that may have military purposes, including in this hemisphere," said National Security Council spokesman John Kirby, the newspaper reported. "We monitor it closely, take steps to counter it and remain confident that we are able to meet all our security commitments at home, in the region and around the world," he added. The Chinese Embassy in Washington declined to comment on the report to The Wall Street Journal, and the Cuban Embassy did not respond to the newspaper's request for comment. The unnamed U.S. officials who spoke to the newspaper about the matter declined to say where exactly in Cuba the facility would be located or whether construction had started. It was unclear what the administration of U.S. President Joe Biden could do to halt its development. [Editor's note: See [Q&A](#) on China's military ties with Latin America in the March 28, 2022 issue of the Advisor.]

El Salvador Slashes Size of Assembly by Nearly a Third

Salvadoran President Nayib Bukele on Wednesday signed a measure that slashes the size of the country's unicameral Legislative Assembly by nearly a third, from 84 lawmakers to 60, Reuters reported. The legislature approved the measure in Wednesday's early hours. Opposition members said the move will reduce the participation of smaller parties to a minimum. "This decision has an electoral interest, which is precisely to continue concentrating power, concentrating resources," said Anabel Belloso of the leftist FMLN party, Reuters reported. Bukele announced the legislation last week at the same time that he proposed consolidating El Salvador's 262 municipalities into 44 districts. Even though El Salvador's constitution prohibits consecutive presidential terms, Bukele is favored to win re-election in February. The president's crackdown on gangs, which began last year, has won him popularity, Christine J. Wade, professor of political science and international studies at Washington College in Chestertown, Md., told the Advisor in a [Q&A](#) published March 28. "In El Salvador, as in other Central American countries, many citizens seem comfortable trading rule of law and democratic norms for short-term improvements in quality of life. It's hard to blame them for that," she said. "Relief from gang violence is a very tangible thing, while democracy may be more abstract for many," Wade added.

ECONOMIC NEWS

U.S. to Invest More Than \$100 Million in Caribbean: Harris

The United States will invest more than \$100 million to fight weapons trafficking, support initiatives to fight global warming and provide support to alleviate the humanitarian crisis in

NEWS BRIEFS

Panel Begins Second Attempt at Drafting New Constitution for Chile

Chile's new Constitutional Council, dominated by conservative parties, began drafting the country's new constitution on Wednesday, Reuters reported. It is the second attempt at a new draft to replace the Augusto Pinochet dictatorship-era constitution. The council was elected on May 7 and represents a shift from the previous predominantly independent and left-wing council. [Editor's note: see related [Q&A](#) on Chile's second attempt at a constitution in the May 23 issue of the Advisor.]

Nubank Reaches One Million Accounts in Mexico in a Month

Brazilian digital lender Nubank said Wednesday that it has opened one million savings accounts for customers just a month after launching the product in the country. Deposits in those accounts total approximately one billion pesos (\$58 million), Nubank said.

Ecuador Expects Crude Output to Reach 480,000 Barrels Daily This Year

Ecuador's government expects crude output to reach 480,000 barrels per day (bpd) as President Guillermo Lasso approaches his last months in office this year, Energy Minister Fernando Santos said on Wednesday, Reuters reported. It is also looking to sign contracts with energy companies. "[Crude] production will remain around 480,000 bpd," Santos said in an interview. Lasso had promised to double output levels but failed to deliver amid issues with production and attracting private investment. The government reached an agreement with Chinese oil company Andes Petroleum to extend a contract by 15 years that was set to expire in 2025.

Haiti, U.S. Vice President Kamala Harris announced today, the Associated Press reported. Harris made the announcement ahead of her visit to the Bahamas, where she will co-host a meeting of U.S. and Caribbean leaders alongside the Bahamas' prime minister, Philip Davis. As part of the agreement, the U.S. Justice Department plans to name a coordinator to oversee illegal weapons smuggling cases in the Caribbean, and the State Department said it would help improve forensic work in the area.

BUSINESS NEWS

Indigenous Protesters Attack PetroTal Tankers in Peru

A group of Indigenous protesters attacked two oil tankers with gasoline bombs in Peru's Amazon region, operators of the vessels said on Wednesday, Reuters reported. The protesters were apparently angered by recent government changes to social oil funds. A dozen of crew members onboard the tankers, which contained 40,000 barrels of crude, were also kidnapped, according to a statement by Canada-based oil and gas company PetroTal. PetroTal accused the Indigenous association Aidecobap of blocking access to an Amazon tributary, preventing the movement of both tankers, and then attacking them. Aidecobap did not provide a comment to Reuters. The attack took place on Tuesday in the Loreto region in northwest Peru, after departing from PetroTal's fields, the company said. The oil and gas company said it had suffered previous attacks by Indigenous groups that complain about the detrimental effects of oil spills and demand greater benefits from oil exploitation, Reuters reported. Peru is one of Latin America's smallest oil producers, pumping some 43,000 barrels of crude daily. At the end of last year, amid the political chaos following then-President Pedro Castillo's ouster, lawmakers sought to pass a bill that would strip "uncontacted" Indigenous people of protection and dismantle existing reserves, The Guardian reported.

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grounds. One of them was the only Indigenous candidate, Thelma Cabrera; another was Roberto Arzú, a right-wing populist and son of late President Álvaro Arzú. Polls show three leading candidates: center-left populist Sandra Torres, centrist Edmond Mulet and far right populist Zury Ríos, daughter of late dictator Efraín Ríos Montt, who managed to get on the ballot despite a constitutional provision that prohibits immediate relatives of anyone who came to power via a coup from running for president. Whoever wins will face formidable challenges. Organized crime has become embedded in many institutions, a process that accelerated under the Giammattei administration. The new president's top priority must be to restore the rule of law and restart the fight against corruption, which came to a halt when CICIG—the U.N.-supported commission against corruption and impunity—was forced out of the country in 2019. This will mean rebuilding and restoring the independence of critical institutions that have been severely weakened in the past decade: Congress, the Supreme Court (and the judicial system as a whole), the offices of the attorney general and the comptroller general, as well as the electoral tribunal, which has essentially lost all credibility. People have little confidence that this election will be free, fair and transparent."

A James Meyer, partner at Harper Meyer in Miami: "Timing is everything. Very late in the game, Carlos Pineda seemingly appeared out of nowhere and shot straight to the top of the polls. Social media can do that for a TikTok-savvy candidate. The question was whether that approach could be sustained in the long run. However, the run might not have been long enough to ever test that theory, resulting in a victory for the newcomer. In other words, he would have had a good chance of winning without being raked over the political coals for so many years as were his two closest opponents,

Sandra Torres and Zury Ríos. Then came the successful legal petition blocking his candidacy based on violation of nomination rules, upheld on appeal by the Constitutional Court. Some say, 'rules matter.' Pineda says, 'Corruption wins. Guatemala loses.' Others say the Constitutional Court is nothing more than a political football. Activists claim that the court is being manipulated by the political elite to select their preferred candidates. It is hard to see, however, how disqualifying Pineda somehow aligns with the disqualification of the other candidates removed from the ballot, Roberto Arzú and Thelma Cabrera, and even less so how those disqualifications would somehow obviously benefit Torres over Ríos or vice versa. Then, there is the third-place candidate from the center-right, Edmond Mulet, who seems to be the only voice in the race free from the taint of populism. For that reason, it would truly be a shame if he were disqualified. However, a case is pending which ironically challenges Mulet's candidacy for engaging in political speech too early. Apparently, timing really is everything."

A Salvador Paiz, president of Funsepa and board member of Fundesa in Guatemala City: "The careless 2016 electoral reforms and the highly judicialized 2019 elections set the stage for the current round of eliminations ahead of the 2023 popular vote. Article 113 of Guatemala's Constitution states that candidates can be excluded based on capabilities, suitability and honesty. Legal impediments and court injunctions have limited the participation of certain candidates and political parties. The Constitutional Court recently ratified the cancellation of the candidacies of Carlos Pineda and roughly 1,000 members of his political party, due to egregious violations during the Prosperidad Ciudadana party assemblies last November. Several questions come to mind: If the violations were so egregious, why did the registrar and the Supreme Electoral Tribunal

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(TSE) approve the assemblies to begin with? Are these cancellation criteria being applied in the same force and manner to all political parties? The most recent polls show three leading candidates: Sandra Torres (UNE) in her fourth attempt, Zury Ríos (Valor/Unionista) whose second attempt was canceled in 2019, and Edmond Mulet (Cabal) who achieved third place in the last elections. The expectation is that whoever is elected will embrace and provide continuity to the multi-sectoral 'Guatemala Moving Forward' development agenda. This will hopefully include doubling down on existing rule-of-law and anti-corruption efforts. The biggest concerns at this point are growing voter apathy among Guatemalan citizens and the execution capability of the TSE, given their lack of experience and a now tarnished reputation due to suspect procurement processes."

A **Donald J. Planty, president of Planty & Associates and former U.S. ambassador to Guatemala:** "Carlos Pineda's removal from the presidential race will benefit the two remaining candidates with the widest name recognition—Sandra Torres and Zury Ríos. Edmond Mulet, a perennial presidential candidate, has repeatedly failed to generate broad political support in the past. The new lineup means that Guatemalans will be forced once again to choose their president from a field of candidates tainted by past charges of corruption and administrative

malfeasance. No candidate is running on a platform that would bring real change to Guatemala. This pattern of presenting the Guatemalan people with the same old choices among flawed candidates guarantees that the structural political, economic and social inequities that characterize Guatemala will remain in place. The institutional reforms that the country so desperately needs to cleanse its political and judicial systems of inbred corruption and therefore to strengthen democracy will not be forthcoming from this group. Guatemala will continue to stumble along, facing an increasingly dim future. It is ironic that the Guatemalan judicial system is at the heart of limiting the number of presidential candidates. The judiciary itself is opaque, corrupt and populated by judges who are easily influenced politically. The judiciary is one of Guatemala's weakest democratic institutions and needs top to bottom reform. The Guatemalan electorate is clearly fed up with the entrenched corruption in public institutions and the limitations imposed on candidates for public office. Guatemala has one of the highest impunity rates in the world."

[Editor's note: Guatemala's current ambassador to the United States declined an invitation from the Advisor to submit a commentary for this issue.]

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta.

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Gene Kuleta
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Lara Kovandova
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Nili Blanck
Reporter



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