



Guatemala's New Government Withstands the Backlash

Guatemala's new president, Bernardo Arévalo, faces significant challenges in meeting promises to root out corruption. In this excerpt from the Watch List 2024, Crisis Group explains how the EU can support his efforts and help ensure the country's stability.

The upset winners of Guatemala's 2023 presidential race were sworn into office on 15 January, after being harassed for months by prosecutorial authorities seeking to keep them from taking their posts. It is likely to be a turbulent term for newly installed President Bernardo Arévalo and Vice President Karin Herrera. Arévalo is a moderate left-leaning sociologist and former diplomat. He is also the son of Juan José Arévalo, the country's first democratically elected president. Arévalo and Herrera enjoy robust and vocal support from the Guatemalan electorate, which powered them to a landslide victory over the establishment ticket headlined by former first lady Sandra Torres. The European Union and its member states, the U.S., and numerous Latin American nations have also cheered their rise. Nevertheless, members of the Guatemalan political and business elite have waged a post-election campaign from the shadows to thwart Arévalo's victory.

This campaign has thus far fallen short, having generated substantial domestic and international backlash, but it suggests that opposition to the new government will be fierce and unscrupulous. At the very least, this resistance will attempt to stymie the new government's

reforms; at worst, it could threaten Arévalo's hold on power. Future challenges to Arévalo's rule in a highly unequal country, with its flawed democracy and well-established criminal groups, could threaten Guatemala's stability and security.

In these circumstances, the European Union and member states should:

- In tandem with the U.S. and other international actors, continue applying targeted sanctions against individuals and groups who seek to overturn the democratically elected government on specious grounds;
- Support the Arévalo administration in its bid to reduce corruption by enhancing transparency and digitising state management systems;
- Continue bilateral and regional cooperation, including by providing technical assistance to strengthen humane, effective law enforcement; and
- Back the creation of the Ministry for Indigenous People with the aim of offsetting long-standing discrimination and inequality.

The Campaign to Block Arévalo

Guatemala's prosecution office (Ministerio Público, in Spanish), formerly the heart of a UN-backed campaign to fight corruption and impunity, was at the forefront of attempts to block Arévalo from office. Under Attorney General Consuelo Porrás, this office had already – on largely spurious charges, but with backing from the Supreme Electoral Tribunal and the Constitutional Court – prohibited three other candidates in the 2023 presidential race from running. They did not go after Arévalo and his Semilla (Seed) party early on, likely only because opinion polls suggested he would garner few votes.

But after Arévalo's unexpectedly strong showing in the election's first round in June 2023 and his outright win in a runoff two months later, he was firmly in the crosshairs of important members of the Guatemalan political and economic elite, colloquially referred to as the "Pacto de Corruptos" or the "pact of the politically corrupt". The Pacto had a clear preference for Torres, who was arrested in 2019 on charges of breaking campaign finance laws in the 2015 presidential race, but was acquitted in 2022 after a judge ruled there was not enough evidence to proceed to trial. After the June vote, prosecutors concocted a raft of flimsy pretexts to try to overturn the election results, dismantle Semilla and strip the president-elect of immunity. In response, a protest wave powered first

by urban youth and then supercharged by the country's large Indigenous community – who were drawn to Arévalo's reform message – took to the streets. A national strike ensued, and Semilla's attorneys filed appeals in the country's highest courts to prevent the prosecutor's office from instituting what Arévalo described as a "coup in slow motion".

As discussed in greater detail below, domestic and international pressure appears to have made a difference, and efforts to halt the handover of power proved unsuccessful. Still, all signs point to an uphill battle for the Arévalo administration, particularly as it seeks to take robust action to curb corruption, an agenda that many Pacto members find personally threatening. Semilla is also not especially well positioned to play power politics. It is the third largest party in Congress, with 23 of 160 seats. Its political opponents make up the two biggest blocs. While the judiciary will be refreshed, with new judges scheduled to rotate onto the Supreme Court in October, Porrás is set to stay in office until 2026. Meanwhile, former President Alejandro Giammattei has been notably reluctant to condemn the legal ploys aimed at stopping Arévalo from reaching power, suggesting that this campaign had – and may continue to enjoy – at least the tacit consent of major political and business leaders.

A Legacy of Thwarting Accountability

Arévalo's main antagonist throughout the election cycle has been Attorney General Porrás. Appointed in 2018, Porrás has strong ties to anti-reform elements inside and outside government. She also has a record of working to shield the powerful from corruption charges. Her political allies include former President Jimmy Morales, who ordered the UN-supported Commission Against Impunity

in Guatemala (CICIG) to pack its bags in 2019, as well as former President Giammattei. Since 2019, criminal investigations, death threats from illicit networks and poor police protection have forced around 100 Guatemalan anti-corruption reformers and journalists to leave the country. Others who opted to stay, such as José Rubén Zamora, a prominent journalist, have been jailed on baseless charges. Civil society

organisations, meanwhile, have warned that the prosecutor's office has been "systematically dismissing" corruption complaints.

This office's interference in the 2023 elections is of a piece with prior efforts by the Pacto to keep a firm hand on Guatemala's governance. The Pacto benefits from Guatemala's endemic corruption and has been keen to keep reformist political parties out of office. As election season got under way, Porras worked with Rafael Curruchiche, director of the Special Prosecutor's Office Against Impunity, to bar three presidential candidates and dissolve one party – and, later, to deny Arévalo the presidency.

Porras and Curruchiche have defended their actions, including the legal cases against Semilla, in seemingly high-minded terms. During one raid on electoral authorities, in search of evidence of alleged fraudulent votes, Curruchiche declared that his office was carrying out "a rescue operation for democracy and the sovereignty of this country that has been sullied by the Organization of American States, the European Union and foreign governments". These arguments, however, attracted little support at home or abroad. In a survey carried out before the 2023 elections, 85.5 per cent of Guatemalans stated they did not trust Porras, while only 31.5 per cent had confidence in the prosecutor's office as a whole.

Foreign partners, in particular the U.S. and EU, were at first hesitant to act decisively when evidence emerged that the election was being manipulated, but they moved into action after the first-round vote. The EU extended the stay of its electoral mission, which later produced a scathing report on judicial meddling in the vote. The EU, the U.S. and the Organization of American States (OAS) condemned the prosecutors for attempting to revoke Semilla's legal status in July – after Arévalo won the first-round vote – and for conducting raids on the Supreme Electoral Tribunal, seizing ballot boxes, in September. The OAS held various Permanent Council sessions to voice concern. Frank Mora, U.S. ambassador to the body, warned that Guatemala could face consequences under the

Inter-American Democratic Charter for its continued threats to a peaceful transition.

Yet the greatest international outcry to date came after a vote on 30 November in Guatemala's Congress to strip four of the five magistrates on the Supreme Electoral Tribunal of their immunity from prosecution. Fearing that the vote was part of a last-ditch gambit to replace them with individuals who would overturn the poll results, on 1 December the U.S. Treasury Department placed Miguel Martínez, former President Giammattei's closest ally, on the so-called Magnitsky list, which means that his property and assets in the U.S. are frozen. On 11 December, Washington announced it would also revoke U.S. visas for 300 Guatemalans, 100 of them congressional deputies. The next day, the OAS Permanent Council directed the bloc's secretary general, Luis Almagro, to travel to Guatemala, where he was to speak with the outgoing and incoming administrations about ensuring a peaceful transition.

The EU took measures of its own. On December 13, the EU approved a joint resolution that would allow the use of targeted sanctions, which in turn would prohibit Porras, Curruchiche and other prosecution service heads from travelling to Europe and freeze their assets. On 12 January, the Council of the EU approved a series of additional measures that could be used against people or bodies undermining democracy in Guatemala. As a result, these individuals could find their travel restricted, their assets frozen and their economic ties with the bloc severed. Additionally, EU High Representative Josep Borrell went to Guatemala for the first time to attend Arévalo's inauguration, a move that signalled international backing for the new president and a commitment to push back against those seeking to undermine the electoral outcome.

This domestic and international backlash appeared to make an impact. In mid-December, the Constitutional Court ruled that all elected officials must be sworn in as planned on 14 January. Even so, just days before Arévalo was due to take office, Curruchiche appealed the ruling.

Amid rumours that his opponents would try one last time to stop Arévalo from taking office, six U.S. Democratic senators called for removing aid and imposing diplomatic and economic sanctions should the handover not take place on schedule. On inauguration day, the outgoing Commission of Credential Reviews in Congress

began requesting additional documentation in its last attempt to prevent the swearing-in of Semilla congressional deputies and delayed Arévalo's inauguration ceremony for several hours. He was finally sworn in after midnight on 15 January.

Challenges and an Agenda for the New Government

With few allies in the legislative and judicial branches, the new government may struggle to make headway in achieving the ambitious reforms it has pledged. Its proposals include purging the state of corrupt officials and laying the foundations for equitable development. Semilla's position in Congress, however, is precarious. For now, Semilla representatives in Congress have been deemed "independent" after prosecutors requested the party be dissolved due to alleged fraudulent signatures at the time of its creation. This measure limits Semilla from leading parliamentary committees. That said, the fact that Arévalo and his party won so decisively has provided an opening to amass political and legislative clout. Notably, 23 congressional deputies from rival parties joined Semilla's legislative coalition shortly after Arévalo was sworn in.

Another battlefield will inevitably be the judicial system. Porras has said she will not step down; one factor in her stance could be that out of office she would lose her own legal immunity. She also has judicial backing: although the Constitutional Court declared that officials elected in 2023 must take office, it also allowed prosecutors to continue investigating Semilla for a series of alleged offences. Prosecutors have already asked that Arévalo's judicial immunity be lifted so that they can push ahead with a criminal investigation against him, but this action requires a green light from the Supreme Court, whose magistrates were elected by Congress in November 2023. Still, Arévalo is not

necessarily stuck with Porras. If she is convicted of a crime committed while serving as attorney general, that would be grounds for dismissal. Alternatively, Congress could reform the law currently shielding her from being fired. In any case, if Arévalo manages to stay in office, his government would eventually have an opportunity to help bring new faces into the judicial system, with magistrates for the Constitutional Court and Supreme Electoral Tribunal as well as a new attorney general all due to be selected in 2026.

Despite these obstacles, the government is determined to make progress on matters of core public interest. Having been born out of an anti-corruption movement, Semilla will seek to rekindle the dormant campaign against graft, which Arévalo has said swallows up approximately 40 per cent of the national budget devoted to development, health and education. Corruption has not only diverted many of the already scant resources for social spending – Guatemala's tax intake, at 12 per cent of GDP, is one of the lowest in Latin America – but it has also undermined the integrity of the security forces and judicial system by fostering collusion between state officials and criminal groups. These illicit links, which stood at the centre of the CICIG's campaign against impunity, remain a live concern, although Arévalo has decided that the emphasis for now should be on ensuring state budgets are properly spent. The new president's plans include creating an autonomous

anti-corruption commission, which will start by reviewing possible reforms to combat graft.

Crime is set to absorb the public's attention, and thus the government's, as it does in much of Central America, even though Guatemala's murder rate continues to fall: homicides declined 4 per cent in 2023 from the year before. Violence is nevertheless sky-high in certain areas – notably the departments of Escuintla, Zacapa, Izabal and Petén, where drug trafficking is concentrated – while its effects are largely felt in particular segments of society, especially by young men. Following the country's success in bringing violent crime down from its 2009 peak, the Arévalo government does not have to reinvent the wheel. Tactics that have worked in Guatemala include special task forces, which employ vetted police officers and prosecutors to identify criminal groups operating in violent areas, investigate their illicit activities and issue arrest warrants. The government has additionally proposed to increase the number of police officers, build a new prison, and dismantle criminal groups through improved intelligence and investigations. Part of this effort should focus on extortion, a racket that affects many Guatemalans and is largely coordinated by crime bosses behind bars.

Lastly, the U.S. will expect Arévalo to maintain Guatemala's close cooperation in efforts to control migration flows northward.

Deportations of Guatemalans from the U.S. continued to rise in 2023, indicating that migrants are still pursuing dangerous illegal routes rather than waiting for formal approval through legal channels. While this issue is of more immediate concern to Washington than to Brussels, European help in addressing the drivers of migration would no doubt be welcomed by partners in both Guatemala and the U.S.

Official Guatemalan statistics indicate that between January and April 2023 most deportees originated from the departments of Huehuetenango, Quiché, San Marcos and Quetzaltenango, as well as metropolitan Guatemala City – the first three of them being areas where Indigenous people predominate. The concentration of migrants among the Indigenous is no coincidence. Some 80 per cent of Guatemala's Indigenous people are estimated to live below the poverty line, compared to 59 per cent of the general population, while Indigenous women suffer high rates of illiteracy and teenage pregnancy. Discrimination against and mistreatment of Guatemala's Indigenous communities has long shaped the nation's history, but representatives of these groups have given outspoken support to Arévalo in protests on his behalf, while the new president has promised to create a Ministry of Indigenous Peoples to help address entrenched inequalities.

A Way Forward

The EU and its member states have given unstinting backing to Arévalo following his election, warning that they would not tolerate a coup to block him from taking power. Now that the new government has taken office, Europe should remain mindful of the risk of continuing judicial ploys to unseat him through groundless investigations and impeachment cases. It should be ready to work closely with the U.S. to offer diplomatic support and threaten, as well as potentially adopt, targeted sanctions against the individuals involved. The EU should also be

prepared to offer its support for reforms that seek to bring greater transparency to government and security for Guatemala, as well as to respond to any backlash that these may provoke.

Concrete support would help in a number of areas. The recent renewal of the EL PAC-CTO regional program, which unites the EU with Latin American and Caribbean nations in fighting transnational crime, is a positive development. As regards the government's anti-corruption plan, the EU could assist the

government with plans to digitise state management systems and ensure their transparency. In the security realm, the EU should offer technical assistance where appropriate, including for plans to modernise the prison system and run rehabilitation programs for inmates. As they have previously done, notably through Spain's support for a dedicated police murder investigation unit a decade ago, the EU and its member states should also back vetting new special task forces to investigate corruption, homicide, extortion and money laundering.

While migration through Central America

and Mexico is sure to remain a primary U.S. concern, the EU and member states could work to help address the deep-seated drivers of human insecurity that propel poor and often Indigenous Guatemalans on dangerous journeys north. In particular, they should offer support for the creation of a Ministry for Indigenous People, which would be charged with finding services and resources to help correct longstanding discrimination and inequality in that community. In the same spirit, the EU and member states should support programs that strengthen education for Indigenous girls. ■

