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Garavoglia, Matteo

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EU election observation and the April 2013 Paraguayan elections: context and prospects

Dr. (des.) Matteo Garavoglia

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About the Author

Dr. (des.) Matteo Garavoglia is Research Associate at the Berlin-based Institut für Europäische Politik (IEP) and has been guest lecturer and guest researcher at the Universidad Americana de Asunción. His research work focuses on EU humanitarian aid, EU development assistance and EU election observation. This policy brief is the result of in-country research carried out through semi-structured interviews with dozens of key political and institutional actors as well as through privileged access to semi-classified documents.

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Paraguay's political context and its institutional framework

Paraguay's political system and institutional framework are characterized by a constant evolution that, following the Stroessener years, has struggled to adapt itself to the challenges arising from the instances arising both from domestic constituencies and by Paraguay's regional partners calling for a strengthening of the country's democratic process. It is within this institutional framework that an eventual Election Observation Mission (EOM) of the European Union to Paraguay to observe the upcoming legislative and presidential elections in April 2013 would take place.

Paraguay is a bi-cameral presidential state. Executive powers rest with the President, who is elected with a plurality vote for five-year terms, is both Chief of State and Head of the Government. Legislative power rests with a Congress (*Congreso*). This is made up by an eighty-seats Chamber of Deputies (*Camara de Diputados*) elected for five-year terms through closed-list proportional representation in eighteen constituencies across the country. Congress is also constituted by a forty-five seats Chamber of Senators (*Camara de Senadores*) elected through closed-list proportional representation in a single countrywide constituency for a five-year term. Paraguay's political landscape is characterized both by continuity and by novelty. This is inevitably the case in a context whereby political forces that have dominated the country's political life for many decades are now challenged by a variety of new political actors.

The *Asociación Nacional Republicana – ANR* (National Republican Association but better known as *Partido Colorado*) has without doubt been the dominant party of Paraguay for most of the country's history. Founded in September 1887 following the disastrous War of the Triple Alliance as *Partido Nacional Republicano* by Bernardino

Caballero, the *Partido Colorado* has continuously been the governing party of Paraguay except between 1904 and 1946. As the only political party allowed to field electoral candidates between 1947 and 1963 and as one of the key political tools through which Alfredo Stroessner ruled Paraguay throughout his dictatorship (1954 to 1989), the *Partido Colorado* had little trouble establishing and strengthening its hegemony on the country. It was only in the years between the appointment of Juan Carlos Wasmosy as the first civilian President of the country in 1993 and the election of Nicanor Duarte Frutos in 2003, that the *Partido Colorado* began to lose the tight grip on power it had enjoyed for decades. In the first fully democratic elections held in the country on the 20th of April 2008, the candidate of the *Partido Colorado*, Blanca Ovelar (who became party leader among never-proven accusations of internal fraud and vote-rigging) conceded defeat to the candidate of the left-leaning *Alianza Patriótica por el Cambio (APC)* led by Fernando Lugo. With these elections, sixty-one years of uninterrupted Colorado rule were brought to an end a centre-left alliance came to power.

Established following a split within the *Partido Colorado*, the *Unión Nacional de Ciudadanos Éticos – UNICE* (National Union of Ethical Citizens) is a right-wing, nationalist and conservative party founded in March 2002 by former General Lino Oviedo (imprisoned in 2004 until 2007 when Paraguay's Supreme Court overturned a sentence which had condemned him for an alleged attempted coup d'état against the government in 1996). While it began political life as an internal current within the *Partido Colorado* when Oviedo's supposed victory to the party leadership was not accepted by the *Partido Colorado*'s electoral party in 1997, UNICE became a political force of its own in 2002 and, since then, it has fielded candidates in all of Paraguay's elections. UNICE came third in the elections of the 20th of April 2008.

The *Partido Liberal Radical Auténtico - PLRA* (Authentic Radical Liberal Party, better known as *Partido Liberal*) is a clandestine party founded in 1978 by Domingo Laíno in the midst of the dictatorship of Alfredo Stroessner. Aiming to carry forward the liberal tradition of the Liberal Party established in July 1887 by Antonio Taboada with the name of *Centro Democrático*, the PLRA is the second most significant political force within Paraguay and it has traditionally strived to give a voice to all those more liberal socio-political forces that could not identify themselves with the ideology and the policies of the *Partido Colorado*. Characterized by a strong following among libertarian socialists, students and the working class and because of its opposition to the *Partido Colorado* and the Stroessner dictatorship, thousands of party members suffered political persecutions of all kinds. Following a revolution in 1904 and in power up to a coup in 1936, the PLRA came back to power in 2008 through the coalition constituted by the *Alianza Patriótica por el Cambio (APC)*. Following the impeachment of President Fernando Lugo on the 22nd of June 2012, Federico Franco, Lugo's vice-President and leader of the PLRA became President of Paraguay.

The *Frente Guasú* (Guaraní for "Broad Coalition") is a coalition of left and centre-left parties that came about as result of the merger between the *Espacio Unitario – Congreso Popular - EU – CP* (United Front – Popular Congress) and the *Alianza Patriótica para el Cambio – APC* (National Alliance for Change). The former is a coalition of left-leaning parties with Marxist tendencies established in 2009. The latter was a broad coalition of various left and centre-left parties that, together with the PLRA, was set up in view of the elections of the 20th of April 2008. Constituted in September 2007, the Alliance won the 2008 elections and managed to get Fernando Lugo (leader of the left-leaning forces) elected as President of Paraguay and Federico Franco (leader of the PLRA) as its vice-President. Following the impeachment of President Lugo in June 2012, Federico Franco became President of Paraguay and the PLRA abandoned the Alliance. The roots for the alliance between the Alliance and the *Espacio Unitario* are to be found in a "National

Meeting of the Leadership of Progressive Forces" in November 2009, in a "memorandum of understanding" signed by the leadership of the PC and of the EU-CP in January 2010 and in the official registration of the *Frente Guasú* with the electoral tribunal in February 2010 (the coalition was then to officially come into being in March 2010).

Within the political landscape presented above, the last popular consultations and the years in between these have seen some fascinating developments. To begin with, the Presidential elections of the 20th of April 2008 saw the victory of Fernando Lugo as the candidate of the *Alianza Patriótica para el Cambio (APC)* and the end to sixty-one years of uninterrupted *Colorado* rule. Lugo obtained over 42% of the votes against 31% and 21% of the votes obtained by the *Colorado* and UNICE candidates respectively: Blanca Ovelar and Lino Oviedo. Still on the 20th of April 2008, the citizens of Paraguay went to the polls to elect a new Congress. The Senate saw the victory of the *Partido Colorado*, which obtained fifteen seats, followed by the PLRA with fourteen, seats and UNACE with nine seats. The Chamber of Deputies also saw the victory of the *Partido Colorado* with thirty seats, followed by the PLRA with twenty-seven and UNACE with fifteen. Following the national elections of April 2008, the local elections of November 2010 saw a general victory of the *Partido Colorado*, a good performance of the *Frente Guasú* (which came second in the capital Asunción) and a more modest performance of both the *Partido Liberal* and UNACE. On the 9th of October 2011, the citizens of Paraguay were once more called to the polls but, this time, for a referendum. With a turnout of only 13%, over 80% of the voters agreed to amend Article 120 of the Constitution of Paraguay in order to allow hundreds of thousands of Paraguayan citizens living outside the country's borders to vote in all of Paraguay's future political consultations.

Last in chronological order but certainly not less important, the events of the 22nd of June 2012 whereby Congress, on the basis of Article 225 of the Constitution of Paraguay, impeached President Fernando Lugo for, among other things,

supposedly mismanaging the events that led to and followed the death of seventeen people within the context of the illegal invasion of the estate of Mr. Blas Riquelme (ex-President of the *Partido Colorado*), deserve a paragraph of their own. Internal documents produced by the Ministry of Foreign Affairs of Paraguay stress that the accusations moved towards President Lugo by Congress “mirror the disapproval of the Paraguayan society for the inaction of the government when faced with problems of all kinds, for the failure of President Lugo to achieve the objectives for which the people of Paraguay had elected him, for lack of transparency in its political conduct and for his operative inefficiency”. As paragraph six of Decision 26/2012 of the Union of South American Nations (UNASUR) and as the government of Paraguay itself has acknowledged, most international criticism of the impeachment process revolved around the limited amount of time that President Lugo had been accorded by Congress to prepare his defense (i.e. two hours) and around the fact that the whole impeachment process was concluded in less than 48 hours. According to internal documents published by the Foreign Ministry of Paraguay, the speed at which the Senate of Paraguay carried out the impeachment process was due to (1.) “...The imminent risk that he [President Lugo] would use his [Presidential] powers to work or to distort the regular course of the impeachment process” and (2.) due to “the existing risk of social violence and the loss of human lives, due to possible clashes between those sectors of society against the impeachment process and those in favor of it.” Within this context, it is worth observing that, when notified that an impeachment process towards him had been launched and although qualifying it as a “Congressional coup d’état”, President Lugo voluntarily submitted himself to the impeachment process and unequivocally stated that he would have accepted the result of the impeachment process itself.

Following the events mentioned above and after having temporarily recalled their ambassadors from Paraguay, a number of UNASUR member states expressed their strongest condemnation for “the breakdown of the democratic order in

the Republic of Paraguay”, suspended Paraguay from UNASUR itself, stripped Paraguay of the Temporary Presidency of UNASUR and passed this on to Peru, decided to promote through diplomatic channels the suspension of Paraguay from all relevant regional fora and established a high-level working group to monitor the situation in the country (UNASUR Decision 26/2012). The Republic of Paraguay, from its side, has so far taken no significant diplomatic measures other than issuing a number of press releases and official declarations protesting its innocence, claiming that international institutions such as MERCOSUR (from which Paraguay’s membership has been suspended), UNASUR, the Community of Latin American and Caribbean States (CELAC), the Organization of American States (OAS) and the Association for Latin American Integration (ALADI) acted outside the framework of international law and contemplating the recourse to international arbitration bodies to protect and reaffirm its international rights. To this day, President Lugo freely moves in and out of Paraguay, no state of emergency has been declared (despite this being allowed by Article 288 of the Constitution) and media and political parties are allowed to operate reasonably freely across the country.

Within the context presented above, the European Union’s response to the unfolding events has been circumspect. Since the signing of a bilateral Framework Cooperation Agreement with Paraguay in 1992 and the signing of an EU-MERCOSUR Framework Cooperation Agreement in 1995, the European Union has consistently framed its ‘Paraguay policy’ within the broader context of Brussels’ relationship with UNASUR and MERCOSUR (with which the EU is negotiating a deeper association agreement). Indeed, the 2007-2013 Country Strategy Paper (revised in 2010) and the 2007-2013 Regional Strategy Paper form the current bedrock of the Union’s relationship with Asuncion and the broader region. Within this framework and following the events which led to President’s Lugo impeachment, a fact-finding mission made up by eight MEPs (led by Luis Yañez-Barnuevo, MEP) tasked with assessing the situation in

the country traveled to Paraguay. Following the MEPs' visit, the EU's posture towards Paraguay has been characterized by a mix of both accommodating and confrontational measures. On the one hand, the European Union has maintained his stated support to Paraguay's economy by keep granting it preferential treatment. Indeed, as of January 1st, 2014, all MERCOSUR member states except Paraguay will be de-listed from the EU's Generalised Scheme of Preferences (GSP). On the other hand, Brussels has openly stated its concern for the country's deteriorating democratic credentials and suspended all talks for an EU-MERCOSUR Association Agreement until after the Paraguayan legislative and Presidential elections scheduled for April 2013. It is within this evolving political landscape that the Carter Center, the Organization of American States (which, unlike MERCOSUR, did not suspend Paraguay's membership) and, notably, the European Union are contemplating the possibility of deploying election observation missions to the Republic of Paraguay for the upcoming elections on the 21st of April 2013.

Election observation missions (EOMs): a key tool of EU foreign policy

The legal basis for EU election observation missions is enshrined in Article 21 of the Treaty on the European Union. This states, among other things, that "The Union's action on the international scene shall be guided by the principles which have inspired its own creation [...] democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms." Furthermore, the same article claims that "The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to: "[...] consolidate and support democracy, the rule of law, human rights and the principles of international law."

The legal basis for EU election observation is enshrined within a broader policy framework that sees the promotion of democracy, good governance and human rights as one of the cornerstones of the EU's Common Foreign and Security Policy (CFSP). Indeed, such commitment

is highlighted by a number of elements. To begin with, already in the year 2000, the European Commission published an official communication on EU election observation missions stressing the fundamental role that these have to play in assisting partner countries in consolidating their democratic credentials. Secondly, since the 1990s, the European Union has a long-standing and successful division of labor with the Organization for Security and Cooperation in Europe (OSCE) whereby this, through its Warsaw-based ODIHR office carries out election observation missions in Europe, the Community of Independent States (CIS) and Central Asia, while the EU focuses its EOMs on the other regions of the globe. Thirdly, the European Union has established a dedicated funding line for the promotion of democratic processes in general and its election observation activities in particular. The European Instrument for Democracy and Human Rights (EIDHR) is in this respect pivotal in providing the Union with a sound financial basis for its work dedicated to the promotion of democracy and human rights. Last but not least, it shall be noted that EOMs are a separate yet absolutely complementary activity that the Union carries out together with its electoral assistance work whereby, as opposed to only observing the quality of the electoral process as done through its EOMs, the EU actively contributes to the set up, the organization and the implementation of electoral consultations.

The legal basis and the policy framework within which the European Union carries out its election observation missions are embedded within a constantly evolving political context. Examples of such evolving conditions that contribute to influence the political environment within which the EU might launch its EOMs abound. The De Keyser report, for instance, has called for a paradigm shift in the EU's focus of its activities away from "stability and security" towards "democracy and human rights". Following the report, in 2011, the Union's High Representative (HR) and the Commission felt compelled to release a joint communication on "Human Rights and Democracy at the Heart of EU External Action". Finally and most recently, a new joint communication on the European Neighborhood

Policy (ENP) titled “A new response to a changing neighborhood” further highlighted the European Union’s institutions awareness of the need to be in step with the rapidly evolving human rights situation in the Middle East and Near Africa (MENA) region. An awareness that turned out to be something more concrete than a mere policy declaration with the establishment, in 2012, of a dedicated budget line in the form of a “European Endowment for Democracy”.

As it can be evinced from what mentioned above, through its election observation missions, the European Union aims to achieve a number of objectives. To begin with, EU EOMs can contribute to decrease the likelihood of fraud or harassment throughout an election: the presence of independent and neutral international observers is in itself an incentive for all parties involved in a country’s election to comply with internationally and regionally agreed standards and best practices. Secondly, EOMs assess electoral campaigns and voting procedures against international benchmarks and therefore can provide an evaluation of a country’s electoral process. Thirdly, EOMs provide the international community with a “snapshot” of the human rights situation, the state of the rule of law and the democratic processes taking place in the country in question. Last but not least, following an EOM, the European Union can assist and support selected countries to improve the *modus operandi* through which its elections are carried out, thus benefitting the country’s overall democratic process. While the Union aims to achieve the above-mentioned objectives, it is fundamental to observe that, at no time, EU EOMs validate a country’s electoral process or endorse an electoral result. A policy, this one, that is specifically designed with the objective of highlighting the Union’s neutrality and independence vis-à-vis all political actors involved in the election, thus enhancing the EOMs legitimacy and status in the eyes of these.

In order to carry out its mandate, a EU EOM relies on the work of its Brussels HQ and the mission itself deployed on the field in the country in question. The “Brussels dimension” of an EU EOM is primarily constituted by the work carried out by the European External Action

Service (EEAS). This embryo of a pan-European diplomatic service coordinates the EU mission with other international observation missions, UN agencies and foreign diplomatic missions. Furthermore, it supervises the flow of information within the EU itself by involving the Commission, the European Parliament (EP) and the member states while at the same time keeping constantly in contact with the chief observer and the head of mission in the field. It is in Brussels and through the EEAS itself, that the HR / VP will, following the closing of the voting procedures, issue a first official statement on behalf of the Union as a whole.

Supported by the EEAS in Brussels, the EOM proper on the field consists of a series of actors that, together, contribute to the successful discharge of the mission’s mandate. To begin with, the HR in close consultation with the EP appoints a head of mission and, sometimes, a deputy head of mission. Together with a delegation of MEPs that might or not visit the country in question, the head of mission (usually a prominent MEP) provides the “political dimension” of the EOM. A more “technical dimension” is brought to the mission by the body of experts that make up the mission’s core team. These are selected directly by the Commission, are often deployed for months preceding election day itself and, as a rule, include an observer coordinator, a deputy observer coordinator, an election or legal analyst, a political analyst, a press officer, a media analyst, a statistician, a logistician, a security expert and a CFO. The core team supervises a group of Long-Term Observers (LTOs). Nominated by member states but selected by the Commission, these are deployed for a number of weeks, always already have extensive election observation experience and are responsible for the observation of the electoral process in selected regions or districts of the country in question. Last but not least and falling in turn under the supervision of the LTOs, Short-Term Observers (STOs) are again proposed by member states but ultimately selected by the Commission, usually work in teams of two and are deployed for only a few days in order to observe the election day itself and the immediate days before and after it. The deployment of

election observers is only one step within the broader implementation of an election observation mission of the European Union. Indeed, each mission should be understood as an operation implemented in four fundamental steps.

A first exploratory phase of a possible EOM takes place nine to four months before election day: this phase is characterized by the inclusion of a selected country in a list of “priority countries” that the Union is particularly interested to focus on from a geopolitical perspective. This phase might also see the deployment of an exploratory (i.e. fact-finding) mission tasked with investigating whether or not the conditions for an eventual EU EOM are in place. It is then about four months before a scheduled election that, following the official invitation of a country in question to observe the elections and the eventual decision on behalf of the HR / VP to launch a mission, that a memorandum of understanding between the European Union and the country in question is signed and the EU EOM mission is officially launched.

The pre-election phase takes place four months to six weeks before the scheduled elections. At this stage, the HR / VP appoints a Head of Mission (usually a prominent MEP selected in close consultation with the EP). Furthermore, a Core Team of six to ten election observation specialists is brought together by the European Commission. Also at this stage, the EEAS and the Commission identify the logistical, administrative, budgetary, security and operational needs to be taken into account while launching the EOM. Within this framework, potential service providers (i.e. UNOPS, GIZ, IOM) are sought in order to give operational support to the mission. These are invited to send in competitive offers that are to be evaluated by an independent panel of experts within two weeks of the launch of the call for applications. Last but not least, it is at this stage that both LTOs and STOs are suggested by the MSs and ultimately selected and recruited by the Commission.

The election phase itself runs from six weeks before to two weeks after Election Day. Throughout this phase, the EOM carries out the bulk of its activities by releasing flash bulletins

and interim reports, and by releasing a first official preliminary statement through a well-advertised press conference within forty-eight hours of the closure of polling stations. The European Union is likely to launch a EOM only within the broader framework of long-term cooperation with the country in question and with a holistic policy approach careful to engage in a comprehensive manner the country’s institutions and civil society well before and after the election itself. Within this understanding, an EOM will of course observe the electoral process itself including, among others, voters registration, media coverage, voting, counting and tabulation of results, complaints and appeals. The European Union will, however, go beyond observing the electoral process itself onto exploring the electoral context, and, more specifically, issues such as the legislative framework and its implementation, the political parties’ campaigning activities, the role of civil society, the role of state institutions and the state’s administrative capacity.

A fourth and fundamental post-election phase characterizes every EU EOM. Between two weeks to six months after the election, the European Union takes a number of key steps in relation with the EOM that has been carried out. To begin with, a final comprehensive report is published usually within two months from the day of the elections. This report is of course presented to both the national authorities of the country under investigation as well as to the broader international community. As a second step, a follow up mission to the country in question might take place. Ideally, such a mission has, as its main objective, the sharing of information, of best practices and advice with the country that has held its elections. The aim is, therefore, to contribute to enhance the quality of the electoral process and of democratic practices so that the country in question could benefit from the EU’s input and review its practices. As a third step, a variety of workshops, roundtables and seminars takes place in order for the EU to take stock of its “lessons learnt” so as to improve its activities in future EOMs. As a fourth step, the EEAS and the Commission aim to disseminate the EOM’s findings to all EU institutions and members states

so that these are kept abreast of the developments taking place in the country in question in the field of electoral practice, human rights and democratization. Finally, issues of democratic governance, human rights and the rule of law are incorporated within the broader context of EU development aid programs and the Union's common foreign and security policy towards the country in question.

Prospects and recommendations for an eventual EU EOM to Paraguay

In light of the political context and the institutional framework that currently characterize Paraguay as well as having highlighted the key dimensions characterizing the European Union's election observation missions, an eventual EU EOM to Paraguay on the occasion of the April 2013 legislative and presidential elections, might wish to consider paying particular attention to a number of issues.

To begin with, the role of the Partido Colorado within the electoral campaign and the electoral process is worth being investigated. Because of historical reasons and its close association with the dictatorship of Alfredo Stroessner, over the last six decades the party has, almost inevitably, managed to penetrate nearly every aspect of Paraguay's political, economic and cultural life. To this day and despite the democratization process that has slowly taken place in Paraguay over the last two decades, plenty of evidence suggests that the Partido Colorado is part and parcel of a system of personal connections, vested interests and informal relationships that might allow it, to a certain degree, to act as a "state within the state". Having said so, the Partido Colorado undoubtedly is a tremendously well-organized political machine (at least by local standards), with solid support among a very significant part of Paraguay's electorate, undergoing a significant process of internal political renewal (i.e. through internal party primary elections to be held on the 9th of December 2012) and officially committed to the democratic process. Because of the reasons mentioned above, the Partido Colorado will most likely play a pivotal role in ensuring whether or not the electoral process leading to the 21st of

April 2013 elections is seen as transparent, free and fair.

Secondly, the role that could potentially be played by Paraguayan citizens resident abroad should be analyzed. Reliable estimates of the total number of Paraguayan citizens resident abroad are extremely hard to come by but range from anything between half a million to two and a half million. Within the context of a country of less than six and a half million citizens with less than three and a half million registered voters such as Paraguay, Paraguayan citizens resident abroad could play a fundamental role in determining the result of any electoral consultation. Unfortunately, so far it seems like that the registration process of Paraguayan citizens living abroad into the country's electoral registries has been very slow and extremely limited at best, thus de facto disenfranchising hundreds of thousands of citizens and voters. Reasons for such a state of affairs can range from the Paraguayan's state limited administrative capacity to the unwillingness of a number of Paraguayans illegally living abroad to register themselves with local and Paraguayan authorities for fear of being fined or deported. Solid evidence of whether or not there might also exist a vested interest on behalf of any Paraguayan political parties to hamper the process of electoral registration of constituencies of citizens living abroad in order to increase the likelihood of them winning the elections could not be collected at this stage.

Last but not least, a European Union's EOM to the Republic of Paraguay on the occasion of the 21st of April 2013 presidential and legislative elections might wish to explore the role that the country's armed forces are playing in the run up to election day. Although officially signing up to democratic values and under the control of the civilian leadership, the Paraguayan armed forces have traditionally played a pivotal role in the country's domestic politics and currently find themselves in a situation of particular distress. Three elements contribute to upset internal dynamics within the armed forces. Firstly, while in office, President Lugo had repeatedly reshuffled the top brass of all the three branches of the armed forces. Secondly, former General

Lino Oviedo and his followers (also known as Oviedistas) traditionally held and possibly still hold extremely close links with extreme right-wing elements within Paraguay's armed forces. Thirdly, the appearance of previously unknown guerrilla groups in the Chaco region under the Lugo's presidency and the opposition's perceived inability of the president to deal with such a threat, have re-ignited calls from UNICE and, to a more limited extent, the Partido Colorado for the army to be given a more prominent role to play in domestic politics, at least at the Chaco region.