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## Clipping Fujimori's Wings

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*The Canadian Foundation for the Americas (FOCAL) is pleased to facilitate the distribution of this article written by professor Maxwell A. Cameron, which brings together analysis on a variety of key issues which have captured our attention in the past few months: the elections in Peru, Mexico, Venezuela and Haiti; the deepening concern about the quality of democracy in some countries of the hemisphere, and the implications of these trends for the next Summit of the Americas to be held in Canada in April 2001. For further information on these issues, please contact Martin Roy, Policy Analyst, FOCAL, at [martinr@focal.ca](mailto:martinr@focal.ca) or at (613) 562-0005 ext 228.*

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As leaders of a high-level mission to Peru, Canadian Foreign Minister Lloyd Axworthy and Cesar Gaviria, the Secretary General of the Organization of American States (OAS), have taken that normally staid and conservative diplomatic forum into uncharted waters. During their stay in Lima between June 27-29, 2000, Axworthy, who is currently Chair of the General Assembly of the OAS, and Gaviria made sweeping recommendations for strengthening the beleaguered Andean nation's decaying democratic institutions.

The recommendations, were they to be implemented, would amount to a total overhaul of the authoritarian political system in Peru. The mission called for an independent judiciary and a better balance between human rights and security. It called for freedom of the press, including opposition access to the media, and for a restructured electoral system to recover public confidence. Finally, it demanded democratic control over the executive, the armed forces and the intelligence service.

These recommendations build on a previous report by an OAS electoral observation team headed by former Guatemalan Chancellor Eduardo Stein which clearly and unequivocally classified Peru's general elections of April 9 (and subsequent presidential run-off on May 28) as neither free nor fair. They also build on similarly damning reports by the Peruvian Human Rights Ombudsman, the Inter-American Court of Human Rights, and a number of independent election observers, both foreign and local. Axworthy and Gaviria confined themselves to the mandate given to them by the OAS in its meeting in Windsor, which bluntly questioned the credibility of the presidential elections

and called for recommendations to improve electoral institutions, the judiciary, and freedom of the press.

The OAS mission reinforces the credibility of years of documentation of the non-democratic character of the Peruvian government by numerous independent inter-governmental and non-governmental organizations. Its recommendations will foster a current of international opinion that will deny the Peruvian government the legitimacy it so desperately seeks from the international community. In essence, Peru cannot be considered a member in good standing in the community of democratic nations as long as Alberto Fujimori remains the president.

To be sure, the mission runs big risks. Many Peruvians feared that the OAS would arrive in Lima, meet a narrow circle of officials, accept lame promises of good conduct in the future, salute the flag, and dash all hopes for international pressure for reforms. The relationship between Gaviria and Fujimori seemed too cozy for some, while others remembered how the OAS failed to prevent Fujimori's April 1992 *autogolpe* (when the president closed Congress, suspended the Constitution and ruled by decree) from undermining Peru's democracy.

The OAS cajoled Fujimori into holding Constituent Assembly elections, and when these were followed by a 1993 constitutional referendum and the re-election of the president in 1995, most hemispheric leaders assumed that Peru had returned to democratic rule. In fact, the doors had been opened to broader executive powers, an expansion of the political role of the armed forces and the intelligence service, a weakening of the legislature, and politicization of the judiciary. When Fujimori dismissed the Constitutional Tribunal for ruling against his candidacy for a third term—clearly a violation of the constitutional order—there was not a peep from the OAS.

Peru's recent elections are but a symptom of the deeper malaise caused by eight years of arbitrary and abusive government: the creation of a "democracy" in which there are elections but no checks and balances. In such a system people are free to vote, yes. But the government is also free to kidnap and kill critics, harass and intimidate opposition candidates and their supporters, exile journalists and strip citizenship from the owner of a critical television station, forge with impunity over a million signatures to register an electoral coalition, and, of course, count the votes without effective electoral observation. In fact, the entire political system since 1992 has been constructed around the need for impunity for the Peruvian armed forces, and is designed to shield executive power from criticism and accountability. Non-transparency is not merely a by-product of the paranoid style of the current incumbent and his chief security advisor, Vladimiro Montesinos; it is part of the regime's genetic code.

To their immense credit, Eduardo Stein and the OAS electoral observation mission spent three months in Peru, witnessed the entire campaign, worked tirelessly to prevent fraudulent vote counting, and in the end gave up in disgust after the Peruvians and the opposition could not reach an agreement to postpone the elections until minimally acceptable conditions could be guaranteed. Stein's mission was a watershed in international election monitoring. Rather than confining his mandate to election day

scrutinizing, he observed the unconstitutionality of Alberto Fujimori's candidacy, documented the control of the executive over other branches of government, noted the lack of access to the media by opposition politicians and the use of public resources in pro-government campaigning, and provided a detailed picture of irregularities and sheer incompetency on the part of electoral officials.

The high-level mission by Axworthy and Gaviria could have betrayed the Stein report by implicitly undermining its findings and allowing Fujimori's spin-doctors to cast the OAS visit as a step toward recognition of the result of the election. Indeed, the government has already indicated that it will propose a set of "top down" measures to democratize Peru, which will be designed to appease the OAS while ensuring the perpetuation of the existing non-democratic system. Fujimori will be happy to perfect the facade of democracy, as long as military prerogatives are not touched. For that reason, it is especially noteworthy that the OAS mission emphasized the problem of the armed forces.

The intransigence of the Peruvian leadership is the result of the position of the armed forces and the intelligence service within the government. The high level mission went beyond the Stein report in that it stressed the need for congressional control over the armed forces, reform in the system of military justice, and a restriction of the activities of the intelligence service to matters of national security—in other words, to prevent the intelligence service from acting as political police and campaign manager for the president. The mission has made it absolutely clear that the fundamental problem in Peru today is the lack of transparency and accountability, and the weak protection for basic rights and freedoms in a system that is heavily dominated by the executive and the armed forces. Such issues are not easily resolved by window-dressing, especially if the recommended monitoring mechanisms are put in place.

That said, some critics have expressed dissatisfaction with the refusal of the OAS to support the call for new elections. This is the principal demand of the opposition, and, for some of them, the high-level mission betrayed the Stein report. There is merit to this position, but the criticism is misdirected. If, as the Stein report says, Peru's elections were neither free nor fair then there has been an interruption of the constitutional order. In that case, Resolution 1080 should have been applied to Peru. This is a mechanism for the collective defence of democracy approved by the OAS in 1991 and it is designed to authorize the OAS to take collective measures (including international isolation) to encourage the re-establishment of representative democracy. It has been used or threatened with more or less efficacy in Peru (back in 1992), Haiti, Guatemala, and Paraguay.

The problem with applying Resolution 1080 is that the pro-democracy tide that swept the region in the 1980s and early 1990s has been caught in an undercurrent of pro-sovereignty sentiment, and this has been coupled with a deterioration in the quality of democratic governance, especially the Andean region. A bloody state of siege was declared in Bolivia by former dictator turned democratic President Hugo Banzer; in Ecuador rebellious Indians and dissident military officers deposed constitutional President Jamil Mahuad in February; Colombia is caught in a vicious civil war; and a former coup-monger, Hugo Chavez, has been elected President of Venezuela and has

also used his position to strengthen his own executive power. And of course, Mexico under President Ernesto Zedillo was never enthusiastic about electoral observation by foreigners.

As a consequence of this troubled regional context, it was impossible at the OAS meeting in Windsor in early June to impose Resolution 1080 on Peru. The battle in the OAS to demand a new election in Peru was fought and lost at Windsor: there was no appetite for a more aggressive or interventionist line on the part of a number of Peru's neighbors, many of whom are facing similar problems. Opponents of Fujimori who demand that Axworthy and Gaviria endorse the call for new elections misunderstand what occurred at Windsor. They mistakenly construe the OAS decision to create a high-level mission as a victory rather than a tepid compromise. And they are asking the OAS to go beyond the mission's clearly stated mandate. Were Axworthy and Gaviria to do so they would undermine the credibility of the OAS.

But there is another, deeper problem, captured in an astute argument made by the mission: to call new elections without changing underlying conditions would probably result in a repetition of the outcome of the last election. The opposition should continue to press for new elections, and the OAS should not discourage this, but it is not clear that new elections would be any better unless they are held under conditions that are free and fair.

Fujimori might even have won even in free and fair elections. Indeed, the crux of the Peruvian problem is that the political regime is not a moribund dictatorship led by a corrupt and unpopular leader. Fujimori remains the towering figure of Peruvian political life, even after a decade in office. He is savvy and effective, he has an instinct for power and a political sixth sense that has allowed him to command the support of a substantial swath of public opinion. This makes him a no less implacable enemy of democracy.

Fujimori's support is rooted in the traumatic effects of violence and economic collapse in the late 1980s. His record is one of ruthless efficiency in stamping out the Shining Path, a bloody and destructive revolutionary group, and in restoring economic stability after a period of hyperinflation and deep recession. His mentality is that of a problem-solving engineer. He may bend the rules, but he gets things done. There is a saying in Spanish that captures a widespread sense that official rules are but a means through which the powerful oppress the weak: "when a law is made, a trap is laid."

One can understand, then, why only a tiny fraction of the electorate feels that checks and balances are an important part of democracy. Only through hard experience have Peruvian voters begun to appreciate the costs of centralizing near-absolute power in the hands of the executive, and it may require a complete collapse of support for Fujimori (and thus the formation of a hard-line dictatorship or regime breakdown) before this lesson is widely understood. At that point it will become clear that by undermining democracy Fujimori has created a new problem, which is characteristic of all plebicitary systems—he has created a regime without a mechanism of succession.

By emphasizing the issues of separation of powers, transparency, and accountability, the OAS mission has pointed in the direction of the political reforms that will be necessary in a future process of democratic transition in Peru. Perhaps the recommendations will contribute to redefining the focus of opposition demands. Of course, some of Peru's opposition politicians are still in a shortsighted electioneering mode. Although they complain about the fact that the OAS mission did not call for new elections, they ran against Fujimori rather than withdrawing in protest as soon as the president declared his intention to run illegally. Why did they not all boycott the election if they knew that it was going to be a fraud?

Eduardo Stein tells a very interesting anecdote from the first round of the election. Apparently some opposition politicians told him he should leave the country because his mission was likely to serve to legitimate a fraudulent process. Stein replied that he was prepared to remain and observe the elections as long as opposition candidates remained in the race. He thereby exposed a central contradiction in the behaviour of the opposition: on the one hand they wanted to denounce the elections as fraudulent, on the other hand, they could not resist running. With democrats like that, one hardly needs dictators.

Peru's opposition is a loose cluster of individual personalities who have in common only the fact that each wants to be president. None of them have built organized political parties, and none of them have strategies that look beyond the next set of elections. Their current unity will disintegrate as soon as they begin to think forward to the 2002 municipal elections. They rally vigorously to the defence of their own narrow interests, but only meekly in defence of democracy. Alberto Andrade, for a while the front-running opponent, actually supported the 1992 *autogolpe*, and adamantly refused to withdraw his candidacy from the race in concert with the other opposition politicians when Fujimori decided to run. Now he wants the OAS to call new elections! Axworthy and Gaviria wisely eschewed playing into local power struggles, and focused on longer-term reforms that will have to be part of any process of democratic transition.

Alejandro Toledo emerged as the leading opponent to Fujimori, and he was the one opposition politician who made clear his willingness to withdraw from the race if the other candidates would do so as well. He was rewarded for his more self-sacrificing attitude at the polls. Yet Toledo now must transform himself from presidential candidate to leader of the democratic opposition. The initial signs are that he is not up to the task. He did not work well with the OAS in pushing for a delay in the second round of voting, and this opened him to charges of bad faith. His insistence on laying out conditions before he negotiates with the government over the OAS recommendations is intransigent. Toledo is calling for massive protests to disrupt Fujimori's inauguration on July 28, 2000. His role over the coming months may be as an effective mobilizer of opposition, but someone else will probably have to manage the complex negotiations with the government in the event that a transition process begins.

We know from previous transitions to democracy in the region that massive protests alone are unlikely to lead to re-democratization unless softliners within the regime gain the upper hand and keep hardliners at bay, allowing moderates in the opposition to work with the softliners in the regime while controlling radicals in their ranks. These

conditions do not currently exist in Peru, but they could emerge in the near future. In fact, reactions to the OAS Mission give us a sense of how the battle lines may be drawn.

Radicals dismiss the OAS mission because it did not call for new elections, while moderates have embraced the mission's recommendations and have noted that they are very similar to what the principled opposition to Fujimori has been demanding for some time. In the government camp, the recommendations have been accepted but there has been considerable grumbling among hardliners about all the issues that touch on the prerogatives of the armed forces. Ultimately, principled democratic opponents have to work with civilians within the government prepared to restrain the military and the intelligence services. This cannot happen as long as hardliners—Montesinos and the joint commanders of the armed forces—remain ensconced in power, and this is where international pressure comes in.

The OAS mission has indicated that it will continue to exist as long as the recommendations it has made have not been fulfilled. This is encouraging indeed, for the recommendations involve changes to genetic traits of the Peruvian regime that will require a fundamental shift in power relations and in institutional arrangements, and this will not happen overnight. The Peruvian Human Rights Ombudsman has suggested that a two-year period of reform will be necessary to implement the OAS recommendations. In the interim the Summit of the Americas will take place in Quebec City in April 2001 and another OAS General Assembly will be held in Costa Rica in June 2001, at which points a measure of the progress in Peru will have to be taken.

Sustained pressure must be brought to bear until it is clear to the hardliners in the regime that Peru will be increasingly isolated as long as the recommendations are not implemented. There are plenty of encouraging examples of military-dominated political systems in Latin America making strides toward democracy in recent years, and there is no cause for undue pessimism about Peru.

Over a decade ago the generals in Guatemala – some of the most ruthless and bloody-minded state-sponsored terrorists in the region – decided that Guatemala would be isolated as long as they clung conspicuously to power. They embarked on a process of political opening that, to the surprise of nearly everyone, has resulted in an impressive political opening.

Mexico has begun an historic process of democratization with the election of the National Action Party's Vicente Fox, and this will give a dramatic boost to beleaguered democrats elsewhere in the region. There is every reason to believe that Peru is, at last, beginning to overcome the trauma of violence and crisis from the past and to revive its long-latent sense of assurance as a country in which open democratic politics is possible.

Neither international nor domestic pressure will be enough, but together they could act as a vice. By creating mechanisms for reporting at the international level, the OAS can enhance and protect the space in which local civil society operates. The OAS, for its part, has neither the resources nor the political will for the sort of sustained engagement with Peru's authorities that domestic civil society can provide.

Fujimori is deeply wounded. He has lost legitimacy in the eyes of half his domestic public, and key hemispheric leaders will be conspicuously absent during his inauguration on July 28. In press conferences after the election he appeared shaken, and uncertain; his allies were stupefied and defensive, lashing out desperately at adversaries with threats and innuendo. The government, lacking an absolute majority in Congress, has resorted to bribing newly-elected members to join the government side, even as it promises democratic reforms. Nobody is taken in by Fujimori's assurances of democratizing Peru by creating a commission to study the matter.

Broadly speaking, there appear to be four possibilities ahead: a reactionary restoration in which hardliners retain the upper hand and repression increases; a political collapse leading to a violent transition; the status quo; or a negotiated transition in which softliners ally with moderates in civil society. Which of these possibilities will occur depends, fundamentally, on the choices and actions of the political forces in Peru, and while the opposition should not turn to the OAS for tutelage in this process, it would be mistaken to dismiss the OAS as ineffectual and irrelevant, as Mario Vargas Llosa with his invariably poor judgement suggests. Extremists will continue their misdirected attacks on the OAS, while ignoring that the OAS can only act within the margin allowed by its member states. The moderate opposition will more effectively sustain pressure for change by embracing the recommendations of the mission and using the OAS as a source of international publicity and pressure to complement their own domestic efforts. The alternatives are surely worse.

Working through the OAS, Canada can do little more than suggest compromises and offer its good offices. Although there are risks, Canada should accompany Peru in this new and uncertain era. Since joining the OAS in 1990 Canadian policy makers have often referred to Latin America's embrace of democracy as a justification for playing a larger role in the region. The real test of Canadian commitment to the region is whether we can play a positive role in hard times as well. The crisis in Peru provides a chance to measure-up to that commitment.

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