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JOHN: I have interest in the effect of the public vote (*voto público*); in other words, that the individual votings of the Congress members are registered and published for the legislative process. To begin, please explain to me how during the Fujimori government -which was not known exactly for its transparency- the public vote was carried out in the Peruvian Congress.

HENRY PEASE: I believe that this pressure for transparency is a natural process that even dictatorships try to use when they're isolated from society. In this case, transparency has been possible despite the fact that the regime's essence wasn't transparent, in the same way in that we can say that this Constitution, made during the dictatorship of 1993, is the one that recognized for the first time in general, the right to referendum, the rendering of accounts (*rendición de cuentas*), and a series of mechanisms that compliment the representative democracy which mostly had been denied before, even in constitutional debates. That's why I tell you, the ingredient of modernity weighs a lot in all the clamor for transparency; what occurs is that during the dictatorship, although there are these institutions, it doesn't mean that they haven't been manipulated and that they haven't been disarticulated. I can tell you, for example, that now the votings in the Congress are much more at the citizenship's (*ciudadanía*) disposition, so that the parliamentarian can take it into account; however, that didn't vary in the least the closed votings by the oficial Fujimori block until it fell.

JOHN: By reading the newspapers I've seen that the votings by the Congress members are discussed and they're analyzed. When the parliamentarians decide to vote or how to vote, do they think about the implications of their votings on their political stature?

HENRY PEASE: Yes, I believe that a good part do. I think that there's a sector of parliamentarians which operates like a "flock" (*manada*), we call a "flock"a group of sheep that follow the shepherd. I, on more than one occasion, during the eight years of "Fujimorism"(*fujimorismo*), called them a "flock", because we're talking about people who don't have that big a presence in national politics nor do they have an important local or regional presence, but they've mainly arrived thanks to the Presidential candidate's strength (*fuerza*). One of the Congress' problems - and of "Fujimorism" - has been the election by singular district (*districto único*); but another problem that persists in the Peruvian Parliament, that's vital to break and which I've sustained in a series of initiatives, is the perfect simultaneity between the executive's and legislative's election in Peru. Unfortunately, that means that for many voters the main, and most important election, is for the President and that stagnates (*arrastra*); so, this sometimes gives them a relative majority, and a lot of times it gives them an absolute majority. Due to the crisis that we are experiencing, this has begun to change in the society; the new Parliament won't have an absolute majority, but it's possible that after the first voting they'll have forty five out of a hundred and twenty, they won't have sixty four out of a hundred and twenty like it turned out during Fujimori, although he had to buy several of them because of that. What's certain is that the electoral system has a lot to do with the effects there are among the

voters. To put it this way, there's a large sector of Parliamentarians who haven't personally struggled for the campaign, and who quickly, with no pain or glory, allow themselves to be elected, to express it somehow. However, mainly in the minorities, yes, to go out for minorities infers leadership; yes, it presumes an effort without having in many cases its own presidential candidate or having one and being a loser, then yes that's present. I will give you an example so that you'll have information, it's on the Internet and you can analyze it; it's a very difficult voting where for the rupture of the singular district, or in other words, to establish the election by departmental districts (*distritos departamentales*), for example, like it's been done, it was evident that this didn't suit either the small parties nor those which realized they were going to be small parties after having been government. When this topic was put to debate there was a lot of tension, and at the same time there was a lot of pressure by the public opinion, so several Parliamentarians demanded, based on an article of the regulations, that the voting be secret. I wasn't in the Congress at that time because I was sick in the clinic due to an ailment that I had; I remember the impact by television, above all the impact on the people. I was at a clinic and this lasted at least until midnight and let's say from six or seven p.m. until midnight, I was in a room in the clinic watching television and both the male and female nurses entered, but they didn't come in to assist me but rather to watch the television and to express their indignation about what was happening, because really, when everyone saw that they had opted for the secret vote they were saying "it will lose" and indeed, it didn't achieve the votes needed to break the singular district. This brought on a mobilization and all types of demands and criticisms and it allowed us to force, twenty, ten or thirty days later - I can't remember exactly because they'd already chosen me as president and it was already in the works again- and it allowed us to take out another bill (*proyecto*) and to vote on it, and at that we voted it under bad conditions. Because, for example, I had proposed a constitutional modification that supposed two votings of eighty in order for the number of the Congress to be enlarged to one hundred and eighty, because for Peru one hundred and twenty breaks any representation scheme, and if one divides it by various electoral districts where the first has a population of - in other words Metropolitan Lima (*Lima Metropolitana*) or Lima Departament (*Lima Departamento*) has a population of - more than seven million and the other has a much smaller population, of 23 thousand in a department. The result was that since the reform wasn't accepted, Lima would have to be punished; Lima was to have forty seven representatives and only thirty four or thirty five were given, in order to allow for at least one representative in the smallest departments. Then, in order for it not to have to be done in a manipulated manner, I proposed a solution that wasn't possible, because it was a very complex procedure and in the end, even though it was a much harder bill, it was accepted due to pressure by the public opinion. Because the debate was precisely that the secret vote wasn't going to be permitted.

JOHN: How interesting.

HENRY PEASE: And I remember being on television saying "It's true that there's been a secret vote, but you already know who're the ones who voted this way. Since there's been a motion requesting the secret vote signed by forty Congress members, you already know who they are, because nobody is going to request the secret vote if they want to do something that's going to benefit you".

JOHN: And in the cases of the current Parliamentarians who postulated themselves to be re-elected in the last elections, were the votings that they made in the Congress debated in the campaigns?

HENRY PEASE: No, no, precisely because of what I've just told you. The..... means that in the campaign the parliamentarian's election is subsumed *(subsumida)* to the presidential campaign. That causes many problems. It can occur that somewhere they've allied and they've taken their votings from some parliamentarian. In reality, this might not only have to be introduced and managed, but it must have its own campaign. I have a bill that I presented but wasn't approved, where I propose that at least half of the Parliament be elected in the middle of the presidential period. However, this is a topic that goes against a very long tradition of the Constitution in Peru which has always tied the Parliament's and the presidential election together because here there's panic as far as the possibility that the President won't have the parliamentary majority. When this has occured it's always ended up in a coup d'etat.

JOHN: Were you nominated? And did you win?

HENRY PEASE: Yes, I won.

JOHN: How do you think the Peruvian Congress will change in next period? The Parliament's role in the Peruvian system?

HENRY PEASE: Well, I'll tell you what I would want, what my faction (*bancada*), "Possible Peru" (*Perú Posible*), wants and is promoting, but I'm conscious that whatever the next Parliament is will depend on a basic agreement of no less than four and probably some more political things. This polarization that you see in Peru's political arena, two presidential candidates, sometimes it seems that there's no taking into account that no one who wins will be able to govern without reaching agreements (*sin concertar*), because there's no defined majority in the Parliament.

On the other hand, the struggle being waged against the corruption that "Fujimorism" has left behind, is much deeper than what we are experiencing; in other words, we have just recently scratched at the surface of the problem. Don't forget that this is a Parliament where the majority of the 120 Congress members entered with Fujimori. Another thing is that afterwards they fought or have been sorry or whatever. There was some reason that their thing was broken, but at the moment that serious decisions should be made, obviously many don't want to be at the back of the line. Here it's necessary to carry out two tasks: one task is to accuse and to take before the Judicial Authority (*Poder Judicial*) those who've stolen or those who've been corrupted. That's the least important thing, the most important is how to redefine the political institutions that have been completely manipulated and destroyed, so that history doesn't repeat itself. So that this brutal concentration of power that made that the institutions - the Parliament, Judicial Authority (*Poder Judicial*), Public Ministry (*Ministerio Público*) -, the entities that should be controlled among themselves, were simply a front (*pantalla*) because they didn't function. This also means many changes for the Parliament. Consequently, I've been clamoring since 1993, in the constituency (*constituyente*), to put in a clause that exists in the German Constitution, according

to which 25% of the Congress members is sufficient to request an investigation and for the President to be obligated to name an Investigating Commission. This means, that the constitution of an investigating commission won't depend on the majority on duty (*de turno*). I just demonstrated to the press, right in the middle of the electoral campaign, when I was already a little fed up that all the "Fujimorists" said that they didn't know about the corruption and that it was completely new to them. I sent my assistant to investigate all the investigation requests that were made by the opposition since 1993 until 2000 and I found 169 requests where all the topics that have come out in the "Vladivideos" are; in other words, there's been nothing new. There's nothing new either in drug traffic nor in connection with drug traffic with the State, nor in the corruption of institutions, nor in robberies; in some way or another, all of these have been requested for investigation where the majority raised their hand and it was sent to file. So, in order for a Congress to work in the function of overseer (*fiscalización*), there has to be a norm that protects the minorities. This is one of the changes that there has to be. The regulation has to deal with many other things; for example, a unicameral Congress has problems to have a law easily established between..... and midnight. And the worst laws been established this way.

We've just had a sample in this case, in the last session; it wasn't a law but the Congress lifted immunity and authorized the arrest of a Parliamentarian because they discovered him with "his hands in the dough" (*manos en la masa*), trying to support the person who made Montesinos "play" *(jugar)*. Trying to make him "play" and it forced him to run out of the country. So, his colleagues regret having done it because six months have passed and the man's still in prison, so they present a motion with 66 signatures at twelve midnight, after a session that had begun at nine thirty in the morning, in other words, a motion that was already approved before having been voted on, to revoke the arrest authorization. This is something that can't be done, in other words, if the judicial authority's already been authorized, then it's the problem of the judicial authority; this gentleman's a citizen like everyone else and he can be judged. However, they approved the motion, and the only thing that's left to the rest of us... he had to say, well, don't pay any attention to it, in other words, don't pay any attention to the Congress because in the Congress there's nobody to tell the judge how he should act. But this was precisely Fujimori's backbone, Fujimori had made laws made here that established which people were in charge in the Supreme Court, in other words, they established how the executive commission was conformed, but it wasn't said in terms of "*it's elected this way*" like a law framework (*ley marco*) can be, no?, a general law, no, it said such a board member, such and such a board member, my friends, these are the ones who govern the Judicial Authority. So, this still exists, how can it be changed?, it's necessary to introduce the pre-publication of the pronouncements (*dictamenes*), it's necessary to introduce terms (*plazos*) between the approval in the commission and the approval in the plenary and in some cases of the most important laws, it's necessary to introduce a double voting system. What for? So that the press is informed between the first and the second or between the pre-publication and the debate, and it moves the public opinion; you wait and the laws are like they should be, public facts and not midnight maneuvers, where you go to bed with some legislation and wake up with another, these are part of the changes that need to be made. Others sustain that it's necessary to make a change to the Constitution and that the Letter of 1979 (*Carta de '79*) needs to be substituted, this is a debate that the next Congress will also address; it will have to confront the constitutional subject. My opinion is that it's not necessary to re-do the whole Constitution because this Constitution has 70% of the articles found

in the 1969 Constitution, and the 1969 Constitution has a similar percentage of articles from the 1933 Constitution; I believe that it's necessary to use the route that we have of ammendments more, which I find have much more of an in-depth analysis than entering into all the topics at the same time.

JOHN: How do you think a stable majority coalition going to be formed in the Congress during the next period without a partisan majority?

HENRY PEASE: I believe that in the first place, that here we should repeat some of the methodology that we had at the OAS' table of dialogue, and adapt it to a Congress -this is practiced in some way in many congresses, in many congresses; in many congresses the neurological center ends up being the spokesmen's board (*junta de portavoces*). The spokesmen's board allows each bill and each matter to be separated into points that more or less have consensus in order for these to go through the quick procedure, and the points of conflict are isolated in order for them to have all the guarantees and debate. Here we're going to have to reach an agreement: "Possible Peru" (*Perú Posible*) with 45 representatives, the APRISTA Party with 26 or 27 representatives, "National Union" (*Unión Nacional*), Julio Flowers' party, with 17 representatives, the (.....) with 12 representatives, and then come smaller parties like "We Are Peru" (*Somos Perú*) with 4, "United for Peru" (*Unidos por el Perú*) with 6, the three, the four of the ex-official party. Here there must be an agreement, or I would say in the first place on some common points that can unite the four large forces; I think they can have some basic agreements on macroeconomic policies, the fight against corruption and in the institutional framework of the State, which implies in some cases constitutional reform. Each constitutional reform requires eighty votes out of a hundred and twenty, therefore it must be agreed upon (*concertado*), but there's also the via for approval with 61 votes which is the legal number majority and have it ratified in referendum. Therefore, with either of these two ways, the broadest consensus should be looked for in these three points, in my opinion, but it's still an enormous package of specific, sectoral topics, etc.... and different types of alliances can be made in those; there can be an alliance among the first and the second majority, that's enough to govern; there can be an alliance among the first majority, "National Unity" (*Unidad Nacional*) and the (....), which is another way to govern; there are different forms, it depends on how the events occur. But what I believe is better for the country is a Congress that has a the broadest possible base of agreement (*concertación*) on the basic topics and which manages the rest according to the circumstances. In other words, in the beginning I wouldn't want to polarize it in two, to ally myself with some here in order to isolate that other one because the experience that we've had in other years has been the experience of a Parliament where there was an absolute majority that did and didn't do whatever it wanted and on this hand, it doesn't go anywhere; what's more, it's the worst counsellor of a government, it's the one that ends up hiding the corruption. I'm hoping that Toledo wins; I'm going to be a majority Congress member, but I define myself as an overseer of this government. Let's say, you can't resign from that function like giving up "Fujimorism".

JOHN: I'm going to give you some of the analysis that I 've already done for the next question... like.... these votings of the Peruvian Congress from the period of 1999 through the first months of 2000 of last year, in other words, before the government's fall; what surprised me at first was the level of unity or partisan discipline, not only in the government's party but in all

of them, it was so high, it was as high as in any other Parliament, including the disciplined Parliaments of Europe or the PRI of Mexico. Well, now, knowing what's now known doesn't surprise me, but up to now I haven't done an analysis of votings after this period.

HENRY PEASE: What's happened is that the groups have been broken up, that when "Fujimorism" entered here it should have won about 57 seats (*escaños*) and then it bought, or rather, it wooed up to 64. However, in the first voting to elect the President, Marta had seventy votes...., which means that six more were what we called "moles" (*topos*), in other words, infiltrated in other *bancadas*. That however is broken after the appearance of the first video and *Peru 2000* divides; on one hand some debaucheries (*crápulas*) and some "moles" who originally weren't from *Peru 2000* come out and they declare themselves independent, but then *Peru 2000* is divided between *Vamos Vecinos*, *Con Fuerza Perú*, *Nueva Mayoría* and *Cambio 90*, in other words, practically into three because *Nueva Mayoría* and *Cambio 90* are a unit. So, it's divided into three at least and in addition, a series of independents also appear, so then yes, the voting won't obtain it, it will subdivide, but there have also been moments where they've united, such as the *"Palomo"* case.

JOHN: A last question. From the Citizen's perspective or from that of the Peruvian voter, what's demanded of the Parliamentarian? In other words, the orientation of the opposition's support to a government's program, if personal attention is demanded to the requests of the voters' group which supported the Congress member with the preferential vote, attention to departmental needs, what...?

HENRY PEASE: The biggest demand is a relatively equivocal demand, it's a demand for works and measures (*gestiones*). Here, the Parliamentarian doesn't have an expense initiative; nevertheless, the towns' demands are for this highway, this school, this work here, this work there. What the Parliamentarian can do is negotiate, request, demand.

JOHN: To the Executive?

HENRY PEASE: To the Executive, it can be news, he can use Congressional channels when the Minister comes here to question him, or to process the request that he informed him about, things like this, but he's not the one who'll decide whether or not that work is carried out. However, this is what the people demand most. In many cases people demand things that they are in open interference with municipal problems. For example, in Lima the people demand water and drainage, the people demand services but they also demand, "correct this because the Municipality does it poorly here", "correct this for me, this other Municipality is charging us more taxes than it should", etc.. Nonetheless, this is a manifestation of the citizenship, obviously at the same time there's a demand which I'd say is usually for support to a new regime (*régimen*) and it's in opposition to a weakened regime and it's expressed there and obviously the Congress member's popularity goes up and down depending on where he is, at what moment in time. But this is what has to be reconstructed, because we've been in a period where Congress members didn't feel the need to have popular backing. One of the underlying changes that have to be made inside the Congress is to place the Congress member in communication with their electorate. It's very difficult being, I've been a Congress member for the district for eight years; in those eight

years I've had three elections by singular district (*distrito único*), with voting dispersed throughout the whole country. Now, when I nominate myself in Lima, they've re-elected me for Lima, I've designed a personal campaign which is to repeat all the networks and contacts I had when I was Lima's intendant mayor or Lima's vice-mayor in the year 1983; this put me in direct contact and there, for the first time I could directly identify my voters. Why? Because at the national level I don't have a way to do it. I had, more or less, 45% of my votes distributed throughout the whole country; it's very difficult to have direct communication, the media are the ones that establish the relationship. On the other hand, now it's possible. For example, there are a series of initiatives that are being taken related to establishing a structure of the Congress itself at the national level, which will allow the Congress members to provide attention in decentralized manner. For example that I, in the case of Lima, it can be that..... These types of actions are won.....

JOHN: Has the tie been strengthened?

HENRY PEASE: Yes, it should be strengthened. It's a process that's going to begin.

JOHN: Well, but it's already begun with the re-election, with the reform to the electoral system.