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The Peruvian Truth and Reconciliation Commission and its impact on the strengthening
of democratic institutions

Background

In May 1980, on the eve of the presidential elections of that year, the Maoist group PCP-SL declared an insurrectionary war against the Peruvian state. Their declaration would start the most brutal conflict in Peruvian republican history, with an estimated death toll of 70,000¹. The conflict lasted until 1992, when PCP-SL's leader was captured by state forces and the party's highly-centralized apparatus broke into pieces. In the process, however, both terrorist and government forces committed human rights violations against the Peruvian population. In the wake of the terrorists' defeat, the authoritarian regime of Alberto Fujimori toppled due to a corruption scandal. In this context, Peruvian civil society had to face the difficult twin tasks of rebuilding the democratic order and confronting the human rights abuses of the civil war. The establishment of a truth commission was one of the mechanisms that political leaders chose to achieve these goals. This decision did not occur in a vacuum; the regional trend to reckon with past abuses was the use of truth-telling tools that fostered reconciliation and protected the feeble constitutional order.

The Peruvian truth commission released its final report in 2003 and has been acclaimed by some transitional justice scholars for its deep analysis of the structural causes of the conflict and for leaving the door open for prosecution of perpetrators². Nevertheless, the commission's impact on national reconciliation has been limited due to the sluggishness of the reparations

¹ See the Final Report of the CVR. Periodizacion (1.2.)

² Borer (136-137).

programs and its inability to strengthen communal relationships between the victims and society as a whole, let alone the perpetrators. The effect of the commission on bolstering democratic institutions has been more positive. In spite of the pervasive social, economic and political imbalances, Peru has enjoyed a decade of liberal democratic rule along with three successful transitions of government power. Moreover, the current Humala administration has stressed, in words and deeds, the importance of promoting social inclusion and equitable development—preconditions for the strengthening of the rule of law and of civil society. Nonetheless, recent political events such as a pro-PCPSL political party's attempt at formalization and military officers and politicians' squabbles with human rights organization have shown that some of Peru's democratic institutions remain weak. I argue that the ambiguous "truth" put forward by the Peruvian TRC's final report contributed to the polarization of the party system and to the delegitimization of the commission itself.

The current analysis is grounded in the theoretical framework of transitional justice. This field of study explores the process of transition from authoritarianism to democracy that several countries around the globe have experienced since the third wave of democratization. This process is further complicated with the presence of human rights abuses committed by the outgoing—usually militaristic—regime and the new democratic leaders' decision of how to reckon with this shameful past. To summarize, transitional justice scholars recognize two conflicting actors in the transition—the victims and the outgoing regime. In this context, the new political leaders must decide between punishing the perpetrators and put the recently gained democratic order at risk, or granting them an amnesty in exchange for their peaceful retreat to the barracks. However, the new political leadership must also deal with the victim's relatives and an indignant civil society. If the government grants impunity to the perpetrators, a restless civil society can strip the new authorities from their weak democratic legitimacy. Thus, according to transitional justice, the beleaguered democratic rulers can choose a third option, truth-seeking

mechanisms. These tools represent a compromise between impunity and induced national amnesia on one part, and punishment and the pursuit of retributive justice on the other.

The three possible paths outlined above are embedded with tension between democratic development and political stability. In the case of transitional societies, these two processes can be at odds when the new democratic regime's stability is contingent on an amnesty for the outgoing generals, which erodes the implementation of an impartial rule of law and breaks the system of accountability. Hence, amnesty laws may ensure political stability by allowing military officers to avoid their responsibility in human rights violations. In this scenario, the generals have an incentive to bolster the transitional regime in order to secure their impunity. The second possible path, conducting trials, allows the transitional regime to strengthen the rule of law by prosecuting those who committed crimes against the state and its people. It also promotes reconciliation and upholds the rights of historically marginalized communities. Trials' positive effect in democratic development, however, must be balanced with the instability that they could bring to the new democratic leaders. Generals who are prosecuted feel betrayed by the state they were trying to protect. Hence, officers who still hold political and military sway at the moment of transition could seek to undermine the regime in order to achieve impunity for the "saviors of the country". This backlash could take the form of a coup or a military rebellion that could cause political instability—a risk that few fragile transitional regimes can take lest they lose their grip on power. The third option, the establishment of a truth commission, presents politicians with the possibility to ensure political development and stability at the same time. A truth commission investigates the violent events that the country experienced and it presents it to the public sphere. In this way, the victims can participate in the transition process by telling their stories and raising awareness of the violent past in order to promote healing and reconciliation. On the other hand, since most truth commissions do not focus on punishing perpetrators for their past atrocities, the bulk of the officers feel safe and seek to promote political stability.

Truth commissions, as opposed to retributive justice mechanisms, focus on the victims by giving them the opportunity to “heal” by telling their stories⁴. In societies where channels of expression are limited, this aspect of truth commissions allows the victims of the violence, often marginalized sectors of the population, to participate in the public sphere. The inclusion of this fringe group in the political landscape promotes reconciliation and pluralist participation, thus bolstering democratic development. Further, official acknowledgement of the truth precludes denial and national amnesia and gives much needed recognition to victims and their relatives for their past suffering⁵. These commissions benefit society as a whole by establishing a historical account of the violence and raising awareness of the origins of the conflict so that a more knowledgeable citizenry can prevent the same thing from happening again. In addition, truth commissions can promote national reconciliation in stratified societies where violence was targeted at underrepresented groups, by individualizing the blame. In this way, society can avoid collective blame and guilt thus allowing societal actors to unite in the nation-building process³. These benefits make truth-seeking a compelling choice for states that face gross human rights violations during their transition.

The benefits of truth-seeking mechanisms for nation-building in post-conflict societies have been thoroughly discussed in transition justice literature. A problematic issue for the assessment of these mechanisms in transitional societies is the little availability of empirical evidence. In the Peruvian case, specifically, the impact of the truth commission on the strengthening of national identity cannot be objectively measured because the commission’s final report was released only in 2006. I believe that the time span is too short in order to trace any meaningful development of national identity in the Peruvian population. On the other hand, I contend that the role of the TRC on the deepening of democracy (or the strengthening of democratic institutions) is easier to analyze. In order to measure the bolstering of democratic institutions, I will focus on transitions of power, issues on the political agenda, and the party system.

³ Hayler (21-22)

The Peruvian CVR was organized during the transitional administration of President Valentín Paniagua. Before Paniagua's administration, Peru endured 8 years of authoritarian rule under President Alberto Fujimori. Yet authoritarianism is not an uncommon phenomenon in Peruvian politics. One hundred and ninety-one years have passed since Peru achieved independence, but 30 of those years have been under a dictatorship. More strikingly, there have been 19 successful coups d'état in that same time span. Without a doubt, Peru has a chronic difficulty to maintain the democratic order, which is essential for the deepening of democracy. In this regard, the fact that the release of the CVR's final report has been followed by three successful transfers of power is a positive development. Even though it is difficult to prove directional causality between the CVR and the democratic order's stability, I argue that the choice of a truth commission over trials bolstered regime stability and precluded a military coup. Nonetheless, twelve years of continuous democratic rule pale in comparison to the long history of Peruvian politics laden with coups. So far, the truth commission has allowed the officers to return to the barracks without fear of retaliation. Recent political uproar regarding human rights violations committed by the military⁴ and the IACHR's decision to file a lawsuit against the Peruvian government for human rights abuses committed during the military operation "Chavin de Huantar" may put an end to the officer's political silence⁵.

Another indicator of the deepening of democracy is the representation of civil society in political deliberations⁶. According to the CVR's final report, the main source of the armed conflict that arose in the 1980s was the great socio-economic inequality present in Peruvian society⁷. This socio-economic stratification generated social and racial discrimination against the poorest sectors of society, Andean rural and indigenous populations. Discrimination against these groups has been a rule since the arrival of the Spaniards in 1532. For this reason, the CVR recommended that a great effort be made to include this sector in the social sphere and the modern economic

⁴ <http://elcomercio.pe/politica/763594/noticia-marcha-esperanza-dignidad-fujimori-nunca-mas-llego-jesus-maria>

⁵ <http://ipsnews.net/news.asp?idnews=49430>

⁶ Smith (318)

⁷ CVR final report (tomo 7, capítulo 1)

cycle⁸. One of the ways in which dominant political and economic interests have historically prevented Peruvian indigenous communities to assert their political rights is the building of mining complexes against the communities' will. Many indigenous communities' ecosystems have been harmed by water and soil contamination caused by the mining industry. In this context, President Humala's signing of a historic "Prior Consultation Law" that gives native communities greater leverage in the negotiations of mining complexes in their territory is a significant breakthrough⁹. Humala's signing of the law is consistent with his promises as a candidate. During the 2011 presidential elections, Humala introduced the issue of social and economic inequality and successfully shifted the race's political discussion from economic to social issues¹⁰. Thus, Humala's election can be partially explained by the public's increased social awareness of Peru's rampant inequality. Indeed, raising awareness of Peruvian society's stratification and reducing the socio-economic divide among the population was one of the recommendations of the CVR's final report. Hence, the increased representation of downtrodden populations on political decisions—such as mining contracts—represents a major leap toward achieving the CVR's recommendations and strengthening democratic institutions.

The third unit of analysis that I use to measure the impact of the CVR on the deepening of democracy is the party system. One of the purposes of truth-telling mechanisms is to come up with an informed version of the origins, development and consequences of the conflict. There is debate in the field as to whether the truth commission should uphold a single truth or different versions of the truth (as in the case of the South African truth commission, which had factual, personal and social truths). In the Peruvian case, the truth commission decided to create a single version of the truth, yet an ambiguous one. The need for compromise amid political instability and certain biases among the commissioners compelled the commission to issue a

⁸ CVR final report (tomo 9, capítulo 2)

⁹ <http://www.peruviantimes.com/07/humala-signs-prior-consultation-law-during-jungle-ceremony/13617/>

¹⁰ <http://www.americaeconomia.com/politica-sociedad/politica/peru-humala-inicia-su-campana-para-el-balotaje-centrada-en-tema-social>

report that attributed the blame to both the military and the terrorists. This ambiguous position promoted polarization in the party system. Peru's political parties, instead of upholding the CVR's version of the events and working together toward national reconciliation, have radicalized their discourse related to the era of terrorism and have blamed those on the opposite side of the political spectrum for the civil war. In this way, the commission's ambiguity has allowed political actors to create their own versions of the truth based on twisted interpretations of the CVR's final report—a work made easier by the lack of clarity in the report¹¹. This development has polarized the political field and framed the 2011 presidential elections as a decision between human rights and economic growth. The party system polarization has precluded open debate in the political arena and has generated deadlock in the government apparatus¹². Consequently, the CVR's ambiguous report had a negative effect on the party system by promoting polarization and upsetting the system of checks and balances.

In general, the Peruvian truth commission has had a positive effect on the strengthening of democratic institutions. Specifically, it preceded a decade of continuous democratic rule, with three transitions of power included. Moreover, it increased the public's representation in the political sphere. Both the 2011 presidential election and the Humala administration have raised awareness of socio-economic inequality and have taken tangible steps to include the downtrodden indigenous population in Peru's political decisions. Nevertheless, the commission's lack of clarity on the causes and consequences of the civil war has weakened the party system and has promoted political deadlock. More worrying, the ambiguity of its findings has allowed political actors from both sides of the political continuum to use the CVR as a

¹¹ <http://elcomercio.pe/politica/1368986/noticia-kenji-fujimori-critico-que-se-incluyan-textos-escolares-conclusiones-cvr>

¹² <http://elcomercio.pe/politica/1367337/noticia-sinesio-lopez-congreso-no-ningun-cuartel-ni-congresistas-son-soldados>

scapegoat for Peru's difficulty in achieving national reconciliation¹³¹⁴. Finally, the CVR's loss of legitimacy poses a threat to its long-term ability to pursue state-building and nation-building.

¹³ <http://elcomercio.pe/politica/1365441/noticia-valdes-cree-gue-hubomucha-teatralizacion-informe-cvr>

¹⁴ <http://elcomercio.pe/politica/1370368/noticia-ex-canciller-garcia-belaunde-cvr-no-logro-objetivo-reconciliar>

Notes

1. Peruvian Truth and Reconciliation Commission, *Final Report* (Lima: Peruvian Government, 2006), Periodizacion (1.2).
2. Tristan Anne Borer, *Telling the truths: truth telling and peace building in post-conflict societies* (Notre Dame: University of Notre Dame Press), 137-138.
3. Priscilla B. Hayler, "Commissioning the Truth: Further Research Questions," *Third World Quarterly*, Vol. 17, No. 1 (March., 1996): 21-22.
4. "Marcha 'Con Esperanza y Dignidad, Fujimori Nunca Más' se realizó pacíficamente", accessed February 9, 2012.
<http://elcomercio.pe/politica/763594/noticia-marcha-esperanza-dignidad-fujimori-nunca-mas-llego-jesus-maria>
5. "IACHR takes case involving Peru to Inter-American Court", accessed February 10, 2012.
http://www.oas.org/en/iachr/media_center/PReleases/2011/137.asp
6. Peter H. Smirh, *Democracy in Latin America: Political Change in Comparative Perspective* (New York: Oxford University Press, 2011), 318.
7. Peruvian Truth and Reconciliation Commission, *Final Report* (Lima: Peruvian Government, 2006), Tomo 7, Capitulo 1.
8. Peruvian Truth and Reconciliation Commission, *Final Report* (Lima: Peruvian Government, 2006), Tomo 9, Capitulo 2.
9. "Humala signs prior consultation law during jungle ceremony", accessed February 9, 2012.
<http://www.peruviantimes.com/07/humala-signs-prior-consultation-law-during-jungle-ceremony/13617/>
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13. "Valdéz cree que hubo 'mucho teatralización' en el informe de la CVR", accessed February 9, 2012.

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14. "Ex-canciller García Belaúnde: 'CVR no logró el objetivo de reconciliar'", accessed February 9, 2012.

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