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Court Ruling Allows Peruvian President Fujimori to Run for Third Term

by LADB Staff

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A February ruling by Peru's Supreme Court clears the way for President Alberto Fujimori to run for a third consecutive term. The ruling set off protests from opposition leaders, who said it is unconstitutional. Meanwhile, Fujimori has put all his energy into responding to the El Nino weather phenomenon, prompting some critics to accuse him of opportunism, capitalizing on using government relief efforts to reap political benefits from the disaster. Fujimori was first elected in July 1990.

At that time the Constitution prohibited a sitting president from running for re-election. After Fujimori dissolved Congress in April 1992, he called a constituent assembly, largely of his supporters, who drafted a new Constitution that allowed one consecutive re-election (see NotiSur, 04/08/92 and 12/17/93). Fujimori was re-elected in 1995. Fujimori's supporters in Congress say he can run again, since the 1995 election was under the new Constitution.

In 1996, backers in Congress approved the "Ley de Interpretacion Autentica" of Article 112 of the 1993 Constitution, which interpreted the article as allowing the president to run again (see NotiSur, 08/23/96). That legislation was challenged last year when the bar association filed a motion with the Constitutional Tribunal. Three magistrates of the tribunal ruled that another election bid by Fujimori would violate the new Constitution. Those magistrates were later fired by Congress, and the court's president who had abstained in the vote on the election legislation resigned in protest at what he called political manipulation of his court.

On Feb. 10, the Supreme Court rejected the Constitutional Tribunal ruling. The Sala Constitucional y Social of the Supreme Court ruled 4 to 1 in favor of a measure presented by pro-Fujimori legislators to ratify the previous measure allowing him to stand for an unprecedented third term. Decision called unconstitutional The decision was strongly criticized in Peru. One of the fired tribunal judges, Guillermo Rey, said the Supreme Court ruling was "a very serious error" that trampled on legal and constitutional order. Another, Manuel Aguirre Roca, called the ruling a legal "monstrosity."

Opposition legislator Javier Diez Canseco said the decision was a "judicial absurdity" because the Supreme Court cannot overrule the Constitutional Tribunal. "This comes from a judicial power totally subservient to Fujimori and his circle of power," said Diez Canseco. "It proves there is no judicial autonomy or independence." Fujimori has still not said if he intends to run again in 2000, but allies believe he would like to if political conditions are favorable. "I would like him to stand," said Martha Chavez, a former Congress president and key member of Fujimori's Cambio 90/Nueva Mayoria party. "I think that the country needs him. It is necessary at least for the people to have the chance to decide."

In another controversial action, in January the pro- Fujimori majority in Congress rejected an opposition bill to modify a law that gives provisional judges the same rights and obligations as permanent judges. The modification would have left most of the law intact, but would have barred provisional judges from electing or being elected to the electoral council (Jurado Nacional de Elecciones, JNE). The opposition said that clause enables the administration to stack the JNE with magistrates who will support Fujimori. If Fujimori registers as a candidate, the JNE, whose decisions are not subject to appeal, will have to decide whether to support the Constitutional Tribunal or the Supreme Court. Given the makeup of the JNE, plus the recent legislation, the body is expected to allow the president to run again.

Referendum on re-election doubtful

The president could face a referendum on his candidacy if opposition parties manage to collect the 1.25 million signatures needed to force a vote on the issue. Despite a year-long effort, to date they only have 700,000 signatures, 30% of which might be invalid. Opposition leaders are not optimistic about their chance to pull off a referendum. If a change in the political climate does not jolt the electorate from its present indifference, the opposition will have to limit its battles to the courts, which is not promising given the latest rulings.

Former UN secretary general Javier Perez de Cuellar, an unsuccessful presidential candidate in 1995 and leader of the political movement Union por el Peru (UPP), has been one of the strongest voices denouncing the making of a fraud that he says is already a "done deal." He said the government has done nothing to guarantee clean elections in 2000, and he called on the UN to examine the situation. When asked if he would again run against Fujimori, Perez de Cuellar said, "Would you run a second time in elections that offer no guarantee?" Voters more concerned with El Nino than elections With El Nino wreaking havoc on the country, most people's attention is not on the 2000 elections, but on surviving the effects of natural disasters, especially flooding that has cost lives and incalculable damage in more than seven cities, ruining fields, highways, and houses.

Fujimori's daily trips to disaster sites, sloshing through the mud and water with TV cameras at his side, has improved his ratings. The president's approval rating of 67% in mid-1996 plunged to 35% by January of this year. Following the disaster-relief trips, however, the rating rose to 45% in early February. Fujimori's main rival, Lima mayor Alberto Andrade, saw his approval rating slip from 72% to 69% during the same period. Nevertheless, he remains far ahead of Fujimori. In a recent poll asking voters their choice for president if elections were today, 34% of respondents said Andrade, 28% said Fujimori, and 12% said Perez de Cuellar.

Perez de Cuellar criticized Fujimori's "excessive protagonism" in responding to El Nino, which he said tried to give the appearance that the president is carrying out disaster relief singlehandedly throughout the country. "I criticize the president running to every disaster site like a construction supervisor," said Perez de Cuellar. "His objective is to raise his public image with the victims of the disaster." (Sources: El Nuevo Herald, Inter Press Service, The Miami Herald, 02/11/98; Spanish news service EFE, 01/12/98, 01/22/98, 02/10/98; Reuter, 01/13/98, 02/10/98; Notimex, 02/10/98)

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