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Elsa ChanduvÃ JaÃ±a

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Lima Mayor Faces Recall

by Elsa Chanduví Jaña
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Lima Mayor Susana Villarán insists that she does not fear the recall referendum that the Jurado Nacional de Elecciones (JNE) has scheduled for March 17, 2013, which will decide whether she and 39 municipal councilors keep their jobs. "I am a mayor who is not afraid of democracy because I have fought for democracy and a popular referendum is fundamental. If the people want us to stay, we'll stay; and if the people want us to go, we'll go, but under conditions of equity and with all guarantees," Villarán told the press.

The law does not specify the conditions for carrying out a Consulta Popular de Revocatoria, although such a process must be based on serious legal grounds, although not necessarily on evidence.

Marco Tulio Gutiérrez, promoter of the recall effort, says that the main reason is the Villarán administration's "extreme incompetence," but at no time has he given solid arguments for the measure.

"I'm sure that Lima's men and women, young people and elderly are not going to want the city to be paralyzed. We cannot have three municipal authorities in two years in Lima and have the city paralyzed when we have 3 billion soles [US$1.2 billion] of private investment in road infrastructure," said the mayor, who belongs to the leftist Fuerza Social.

If the vote goes in favor of her leaving, Villarán will be replaced by the person with the next-highest number of votes on the same slate, who will complete her term, subject to JNE ratification. Thus, the person to take Villarán's place would be communicator Fidel Ríos, Fuerza Social councilor number 22. In that case, new mayoral elections would be held in 2014. That person would have to leave the same year because new municipal elections would be taking place. Thus, Lima would have three mayors during one term, and Villarán's successor would have governed the city for less than a year.

Biased Jurado Nacional Electoral

On Oct. 31, the JNE announced the date of the recall referendum in Lima but separated it from that of other districts and provinces in the country, meaning that two recall votes will be held in 2013. The date of the second has been set for July 7. The JNE justified its decision saying that Lima's special circumstances warrant different treatment, including that it is the province with the largest number of districts (43) and the largest population (6 million voters).

Fuerza Social says the recall date set by the JNE is rushed, discriminatory, and unconstitutional. "It's surprising that [the JNE] separated it from the general recall; it's a clear attempt to discriminate against the Municipalidad de Lima and goes against the country's general constitutional framework," Gustavo Guerra García, Fuerza Social leader and transportation advisor for the Lima municipality, told the press.

Villarán also said that the JNE ruled that verification of the fourth batch of the 400,000 signatures presented by recall supporters last July 6 is to continue, even though this was rejected by the Registro Nacional de Identificación y Estado Civil (RENIEC), which had ruled that the deadline
was the day before. Nevertheless, the same institution had—"because of a material error"—not published the correct deadline date. The JNE said that, because July 6 had been disclosed as the deadline, that date would be deemed the last day to turn in the fourth batch of signatures.

"The JNE has ignored basic law and given the weight of law to a mistake by a RENIEC official. I've never seen anything like it," Villarán told the press.

Magistrate Greta Minaya, a former JNE member, said the electoral body's support for the recall effort is clear. "First, it accepts the continuation of signature verification from the fourth batch, which was turned in late. Then it backs RENIEC's mistake, when the law set a deadline, and now it pushes up the recall referendum, thus acting in a biased way," Minaya said in statements to the daily La Primera.

For and against

An Ipsos Apoyo poll commissioned by El Comercio and released Nov. 18 indicated that 65% of Lima residents would vote to recall Villarán if the referendum were held the following day against another 31% who would vote against the recall. The poll also found that 42% of those who want to recall the mayor listed as their principal reason that she "has not solved the crime problem."

On Nov. 19, La Primera editor César Lévano wrote in his column "Polling Tricks" that the answer by the 42% of respondents "indicates that the polling firm raised that issue as if it did not know that the problem is longstanding and that, in any case, tackling it is more the job of the Ministerio del Interior and the Policía than the Municipalidad. It's well-known that a way to distort public-opinion results is to formulate skewed questions that predetermine the answer."

The poll says that 73% of economic sector E and 65% of D, the poorest sectors, want the mayor "to leave her post." However, when respondents were asked what they thought was the principal motive of those backing the recall, responses were: particular economic interests (33%), electoral ambitions (32%), and the interest of the city (30%).

"How does one explain that lower-income sectors approve the recall if the vast majority see it as a maneuver by those with particular economic interests and electoral ambitions?" asked Lévano.

Numerous politicians and some political parties oppose the recall, like the founder of the Partido Popular Cristiano (PPC) Luis Bedoya Reyes, former President Alejandro Toledo (2001-2006) of Perú Posible, and Acción Popular. In addition, the vice president of the Confederación Nacional de Instituciones Empresariales Privadas (CONFIEP) Alfonso García Miró spoke out against the recall, saying that economic actors would view the Lima municipal administration's continuity with uncertainty, creating obstacles for developing projects and initiatives with public and private investment.

Nobel literature laureate Mario Vargas Llosa said in a press conference in Lima that he opposes the recall process. "I don't think it's good that authorities who have assumed power through clean elections be recalled through the kind of movements that destabilizes legality," he said. "In Peru, freedom of speech and legal mechanisms exist to censure, criticize, and, eventually try authorities who commit crimes, but I don't think that this is the case with the Lima mayor."

"This is a backing not for me personally but for the capital city," said Villarán, who thanked Vargas Llosa for his support.
Lourdes Flores Nano, leader of the PPC, who ran against Villarán in the 2010 elections, also expressed her opposition to the recall effort against the mayor. "I'm against the recall; I have no problem saying that I will vote against it. I think that it is a mechanism of direct democracy that weakens legitimate elected authority; it cuts short the cycle of action. But I also recognize that a constitutional norm exists, which is the citizens' right," she said to the daily La República.

Acción Popular secretary-general Mesías Guevara expressed his concern that political sectors were using the recall to cause destabilization and mismanagement and not as a mechanism for overseeing elected authorities, which he views as irresponsible. "The recall is going to halt large projects such as the transportation reform, which all Limeños need to support because we cannot continue with chaos and we therefore need to support this process," he told the Andina news agency.

In a conversation with Andina, Somos Perú leader and congressional Deputy Fernando Andrade said, "There are no reasons to recall Susana Villarán. Not one case of corruption in her administration has been raised; everything is an argument with a high political subtext aimed at getting her out of office."

Andrade called on recall backers to present a report on the financing of the signature-gathering drive. "Citizens have the right to know who financed it and who is behind it all," he said.

Lima deputy mayor Eduardo Zegarra said that parties and leaders of various civic, social, and labor organizations are against the recall, among them the Coordinadora Ciudadana por Lima, the Movimiento Sin Techo, the Vaso de Leche committees, youth groups, the Confederación General de Trabajadores del Perú (CGTP), and the Coordinadora Nacional de Trabajadores Públicos del Perú (CNTP). "There is a large democratic coalition that is going to defend democracy and not let the recall pass. Little by little we'll confirm that no one is believing the story that this recall has any constructive purpose for our city," he told La Primera.

Social and youth organizations and unions that belong to the Coordinadora Ciudadana por Lima have set Dec. 6 as the date to carry out a demonstration against the recall, which will cost 100 million soles (US$38.6 million), 20% of the Lima municipality's annual budget.

Who is behind the recall?
A video distributed in mid-November by a local media outlet shows Boris Alegría, legal representative of the recall backers, in a meeting of militants and sympathizers of the Partido de Solidaridad Nacional (PSN), whose president is former mayor Luis Castañeda Lossio (2003-2010). In the video, Alegría can be heard saying that Deputy José Luna Gálvez, the PSN secretary-general, had been put in charge of supervising the recall process against Villarán (NotiSur, June 29, 2012).

The president of the congressional ethics committee (Comisión de Ética del Congreso) Humberto Lay said that a petition has already come to a committee working group to investigate Luna, although Lay said that it is not a crime to finance a recall process. "At first glance, there doesn't seem to be any crime because the recall is a legal process and any citizen can fund a recall," said Lay in response to a question from the press.

Deputy Luna told the press that he supports the popular consultation and the people's ability to decide whether the Lima mayor stays or goes, but "Solidaridad is not behind it; if it had been, she would have been recalled in a week."
Zegarra said that the video shows that it is all a political vendetta. "This confirms that there was a direct connection between Solidaridad Nacional and this recall process against the mayor and all the councilors....What they want are new elections to try to run Luis Castañeda again and bury the Comunicore investigation, which he is involved in and which he wants over as quickly as possible," Zagarra told.

In 2010, the Primera Fiscalía Anticorrupción found the former Lima mayor responsible for a payment of 36 million soles (US$13.9 million) that the metropolitan council made to the shell company Comunicore during his term as Lima mayor. Castañeda Lossio is currently facing legal charges in this case.

Zagarra estimated that the recall would "fail miserably" because the real intention behind the process is not to improve the city or to make reforms but to sweep the former mayor's legal problems under the rug.

Congressional harassment

Villarán has not stopped working for the poor through programs like Barrio Mío, which will invest 350,000 soles (US$135,292) to construct retaining walls and stairways in poor neighborhoods. She has also programmed the soon-to-be-finished Vías Nuevas de Lima, with a US$500 million infrastructure investment that will include 36 roadway interchanges and 114 km of improvements to the Panamericana Norte, Panamericana Sur, and Ramiro Prialé highways, the principal roads into the city.

But Villarán's two most important measures are restructuring the city's wholesale food market and its chaotic transportation system. In both cases, the effort has been to replace the informal system that has operated for decades.

Various congressional committees are constantly calling the mayor to appear. On Nov. 21, she was supposed to appear before three committees—Fiscalización, Vivienda, and Justicia. She was unable to appear because of health problems, and Zegarra went in her place.

In the Comisión de Justicia, Zegarra discussed the violence—which left two people dead—on Oct. 25 in the former wholesale market La Parada in an altercation between police and supposed merchants who opposed the move to the new Santa Anita market. It later became clear that the instigators of the violence were members of the criminal gang that for years had charged fees and extorted merchants in the market. The move was successfully carried out two days later.

Zegarra informed the committee that a group of criminals intimidated the merchants to get them to resist the attempts to move them and that the municipality had initiated conversations, during a three-month period, to relocate the merchants.

In the Ipsos Apoyo poll, 61% of respondents supported the move of the wholesale market and 76% said that they believed that merchants paid criminals to attack the police. Nevertheless, 61% said that the mayor was mainly responsible for the violence, and 47% said that it was the criminals hired by La Parada merchants.

The Comisión de Fiscalización had called Villarán to explain press complaints of irregularities involving elected councilors who had allegedly created transportation businesses to benefit their relatives in awarding city routes. In addition, the Comisión de Vivienda and Saneamiento wanted
her to provide details on the road-interchange project for the districts of Rímac and San Juan de Lurigancho. Both committees preferred to set a new date for Villarán to appear.

The right’s offensive

Deputy Yehude Simon of the Alainza por el Gran Cambio told La Primera that the recall is part of an ultraright offensive against the Peruvian left, which he says threatens democracy. He also rejected a local newspaper’s allegations that he and magistrate Duberlí Rodríguez, a candidate for Corte Suprema president, had supported the release of "terrorists" during the first administration of former President Alan García (1985-1990, 2006-2011).

"There's a campaign against the left," said Simon. He said the attacks against the mayor were part of that campaign as was Congress' 90-day suspension without pay of socialist Deputy Javier Diez Canseco on Nov. 15. He was accused of proposing a bill benefitting pensioners in the private pension system that supposedly would also benefit his daughter and his first wife.

Of the 55 votes in favor of the suspension, 26 were cast by Diez Canseco's staunchest Fujimorista enemies and the rest were from his former allies in the governing Gana Perú.

"The unusual agreement exposes the level of the governing-party crisis, in which a group of legislators has bowed to the will of those campaigning against Diez Canseco, one of the groups against whom he fought hardest for political and moral reasons. Along with the Fujimorista vendetta—in the end, a vendetta of corruption—is the attitude of some Gana Perú deputies who have not forgiven Diez Canseco for his fierce fight to keep intact the platform that brought President Ollanta Humala to power," editorialized La República on Nov. 17.

Political analyst Alberto Adrianzén wrote in La Primera that the recall of Villarán and the suspension of Diez Canseco are part of "an all-out political offensive against progressivism by some media, state agencies like the JNE, Fujimoristas, Apristas, Solidaridad Nacional, and PPC militants, and even representatives of other blocs, as happened with Perú Posible Deputy Juan Castagnino."

In the same line of offense, Peru's Ambassador to Argentina Nicolás Lynch Gamero was forced to resign in early November after receiving a letter in Buenos Aires from members of the Movimiento por Amnistía y Derchos Fundamentales (MOVADEF), the political wing of Sendero Luminoso.

"There is an offensive to finish the purge of the left from the Ollanta Humala government. That is the context and, in my case in particular, the pretext is having received a letter from MOVADEF," said Lynch, who in 1982 was threatened by Sendero Luminoso when he worked as a reporter with Diario de Marka. "It's important to point out that this rightist (multiparty) offensive is trying not only to isolate Ollanta Humala's former associates who helped him win but also to destroy them politically," said Adrianzén.

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