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Protests, Opposition Attacks Paint Peruvian Leader Ollanta Humala Into A Corner

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The already weakened government of President Ollanta Humala has suffered a string of new setbacks, starting with the defeat last month of a youth-employment law it had stubbornly tried to impose. The administration also ceded ground recently to indigenous protestors, by halting natural gas operations in the region of Junín, and to the political opposition, by removing a number of key Cabinet officials.

Opponents of Ley 30288, which created a special labor regimen that scaled back rights for young workers (NotiSur, Jan. 16, 2015), scored a major victory on Jan. 26 when Congress, in an extraordinary session convoked by President Humala, voted to repeal the government-backed law.

The vote capped off more than a month of agitation, mostly by young people, who held a series of massive demonstrations against Ley 30288. The first took place Dec. 18. The movement planned to hold a fifth protest on Jan. 28, the same day the legislature’s Comisión Permanente was scheduled to revisit the controversial law. But on Jan. 23, in a surprising message to the nation, President Humala announced a change of plans, saying he would make use of special constitutional powers to convene an extraordinary session of Congress and thus force an early vote on the matter.

The move proved to be disastrous for the government as lawmakers voted 91 to 18 (with five abstentions) to repeal the unpopular law, which according to a survey released Feb. 1 by the polling firm GfK was opposed by 76% of the population. Among those who voted to defeat Ley 30288 were six members of Humala’s own party, including Vice President Marisol Espinoza.

Demanding a general labor law
"The voice of the people, of the youth, has triumphed," Deputy Rosa Mavila of the Acción Popular-Frente Amplio (AP-FA) coalition told members of the press. "This norm deserved to be overturned because all it did was promote precarious employment and a policy of [labor] flexibility that really hurts our young people."

The young activists opposing the law decided, upon learning about the extraordinary legislative session, to hold their fifth demonstration ahead of schedule. Starting that morning (Jan. 26) they took to the streets of Lima. Hours later, when word spread that the law had been defeated, some of the protestors—those whom police allowed to pass through—gathered outside the Congress building to celebrate. The celebration continued in the Plaza San Martín in Lima’s Historic Center, where a spontaneous music festival took place.

"This has been the result of a popular outcry," Jorge Rodríguez, a leader with the Foro Juvenil de Izquierda, told the daily La República. "Today the youth has awoken. And the youth and labor movements have gone back to being united."

Young people returned to the streets on Jan. 28 to support textile workers opposing a bill that makes it easier for companies claiming economic difficulties to carry out widescale layoffs. The bill (4008)
was approved in December by a pair of legislative committees and is now ready to be passed either by the full Congress or the Comisión Permanente. The initiative gives companies the right to cut up to 5% of their respective work forces. It also allows them to exempt 20% of worker’s salary when calculating Compensación por Tiempo de Servicio (CTS), biannual pay bonuses, and other standard employee benefits.

Youth organizations and union groups participated in another demonstration on Feb. 18, calling on authorities to shelve the controversial 4008 bill and repeal a supreme decree (013-2014) that went into effect last November and gives any company that has had losses for three consecutive quarters the right to ax up to 10% of its work force. Labor organizations insist that in all of these cases, the first people to be fired are union workers.

The youth and organized labor protestors are now urging Congress to pass a General Labor Law that would regulate all labor relations. "We’re calling on the students and workers of Peru to defend labor rights. Now more than ever we need to be united. Students and workers together!" Cinthia Valle of the Centro Federado de Letras at the Universidad Mayor de San Marcos (UNMSM) told La República on Feb. 18.

Congress has been sitting on just such a bill for 10 years but has yet to debate it. In January, the AP-FA legislative bloc presented an updated version of the decade-old legislation. "This norm looks to establish a labor regimen that is consistent with International Labour Organization mandates and considers labor relations to be a social good," AP-FA lawmaker Manuel Dammert told Diario Uno.

Dammert said the updated version of the bill includes recommendations for how to help young workers without subjecting them to a discriminatory regimen. Peruvian law currently allows for some 40 such special labor regimens. The AP-FA lawmaker thinks the various types of employees targeted by those regimens (textile workers, domestic workers, etc.) should be provided special benefits rather than been discriminated against. Even some of President Humala’s political allies say that labor rights need to be improved and that a general labor law that would do away with the various special regimens ought be passed.

**Internal spying allegations**

Amidst all the political and media hubbub regarding the juvenile labor law, the Humala administration received another blow in the form a damaging magazine report. The allegations contained in the report emboldened the opposition and prompted calls for a Cabinet change.

The report, published by Correo Semanal, claims that the Dirección Nacional de Inteligencia (DINI)—which answers to the president by way of the Presidencia del Consejo de Ministros (PCM)—has been keeping tabs on various Humala adversaries, including former President Alan García (1985-1990, 2006-2011). DINI may even have targeted Vice President Espinoza and other members of Humala’s own administration. The magazine said the goal of the espionage activities was to "learn about the weak points of the political enemies to discredit and silence them."

Prime Minister Ana Jara denied the spying accusations, as did President Humala, who characterized the Correo Semanal report as an attempt "to destabilize the democracy." This, combined with the juvenile labor law controversy, led the opposition in Congress to consider censuring the Cabinet, which is headed by Jara.
To calm the waters, Jara brought various political leaders together on Feb. 9 to discuss issues of national interest. Humala presided over the meeting, which involved representatives from 15 different political factions, many with only a limited presence in parliament. The opposition Partido Aprista Peruano (APRA), headed by ex-President García, and the Fujimorismo camp, founded by the jailed former Peruvian leader Alberto Fujimori (1990-2000), did not attend.

At the end of the meeting, the government announced two measures: the temporary closure and eventual reorganization of the DINI and a possible increase in the minimum monthly salary. Despite denying that it spied on opponents, the government again ended up backtracking to appease the opposition.

**A pattern of capitulation**

The same day that Humala met with political leaders in Lima, an indigenous organization in the central region of Junín launched an indefinite strike to protest natural gas exploration being carried out by the Argentine company Pluspetrol. The Frente de Defensa Ambiental de Pichanaki accuses the company of polluting local fresh-water springs. The Frente organized an earlier strike last September, demanding that Pluspetrol withdraw from the area. The government promised roundtable talks that never materialized.

On Feb. 12, the third day of the strike, one person was killed and 35 injured, many of them by bullets, during clashes between police and local residents. The sole fatality, Ever Pérez Huamán, a 25-year-old student, was also shot.

The minister of energy and mines responded by saying he would ask Pluspetrol to withdraw from the zone. In exchange, he called on the population to lift the strike. The Frente honored the minister’s request and agreed to participate in roundtable talks starting Feb. 19. Among the points to be discussed are a review of Pluspetrol’s contract and the design of a plan to verify claims that the company caused environmental damage.

Interior Minister Daniel Urresti responded to the violence initially by saying that the 1,700 law-enforcement agents operating in the zone were not armed. Five days later, on Feb. 17, he assumed political responsibility for the events in question, apologized to the Pichanaki people, and said that, despite being under express orders not to carry weapons, eight police officers disobeyed and fired on local residents.

Observers predicted at that point that a Cabinet censure was imminent. An Ipsos poll published Feb. 16 by the daily El Comercio suggested, furthermore, that 73% of the population thought a Cabinet change was in order.

Humana reacted quickly. On Feb. 18 he carried out a major Cabinet shuffle, ousting the ministers of the interior; energy and mines; women and vulnerable populations; and justice. The latter, Daniel Figallo, was replaced by the nationalist Freddy Otárola, who had been serving as labor minister.

The move—as far as avoiding a censure of Jara—worked. The opposition, which had already collected the signatures it needed for the measure, dropped its effort. "The government listened to the popular outcry for Cabinet changes," as one fujimorista lawmaker told La República.

Various analysts expect, nevertheless, that things will remain complicated for an administration that seems to be cornered by its critics and does little more than react to opposition pressure.
Complicating matters even more are President Humala’s dismal approval rating, which Ipsos estimates at 22%, and his party’s diminished presence in the legislature. The governing coalition has 10 fewer legislative representatives than it did at the start of the current Congress in 2011.

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