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"OAS Observers Can Help the Cause of Democracy in Peru"

Statement of Ambassador Luigi R. Einaudi
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OAS Permanent Council
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I wish to thank the Secretary General for his excellent report and wish, once again, to extend the support of the United States to his efforts.

As we meet today to take stock of our response to the invitation by the government of Peru, special OAS teams are engaged in three member states -- Nicaragua, Paraguay and Suriname -- working concretely, and in ways unique to each case, to contribute to the consolidation of democracy, respect for human rights, and the peaceful resolution of conflict.

It was in Nicaragua that the OAS first began to shape its modern role as an energetic defender of democracy, initially through its ground-breaking election observation, then through its peaceful resettlement of over 20,000 former combatants and their families, today through verification activities throughout rural Nicaragua.

In Paraguay, responding to the request of the government of Paraguay, the OAS Unit for the Promotion of Democracy is monitoring now voter registration for the general elections scheduled for May of next year.

And in Suriname, as we noted in this Council earlier this month, OAS observers are helping to implement the accord signed August 8 between the Government of Suriname and armed groups in the interior. Indeed, the Secretary General's mission has physically destroyed weapons each of the past several days.

I mention these cases to underscore the enormous utility of an OAS presence on the ground in contributing to the closely linked goals of democracy, human rights and peace. The constructive role of an OAS presence on the ground -- whether to monitor elections or to contribute to reconciliation and the

rule of law in general -- is underscored by the fact that it is so often requested by member states. Indeed, one of the most troubling aspects of the current crisis in Haiti has been the resistance of the de facto authorities there to the establishment of the peaceful mission of cooperation, OEA-DEMOC, authorized by our foreign ministers.

Mindful of these precedents, the United States has from the first supported OAS cooperation to help resolve the constitutional crisis in Peru. Today, and very specifically, we support an OAS presence in Peru to monitor the elections scheduled for November 22. Indeed, with the election date less than three months away, we believe the Secretary General should already be putting a mission in place.

Without in any way detracting from the specific diplomatic understandings that are the exclusive prerogative of the sovereign Peruvian state and our Secretary General acting in accordance with the OAS Charter, let me describe our views about the utility of an OAS observation mission in Peru -- about what it can do and what it is not.

The central consideration is that an electoral observation mission is neither a diplomatic instrument of recognition of a particular government nor a passive witness to what happens in an election. It does not enter with a preferred outcome. Its participation as monitor does not ratify a priori any aspect of an electoral process.

Past experience indicates that OAS monitoring missions have established an unusual record of working quietly and pragmatically throughout an entire electoral process, from registration to verification of the vote count and beyond, resolving differences, improving procedures, and urging steps to ensure that the outcome not only meets well-recognized technical standards but is accepted by those who have entered the contest as a fair outcome. That was the record in Nicaragua and Haiti in 1990; and in El Salvador, Suriname and Paraguay last year. Indeed, some members of this Council may remember that we witnessed an interesting debate started by the Ambassador of El Salvador over the extent of the independence shown by the missions with regard to the executive branch authorities.

Some have criticized the rules for the constituent congress as promulgated in Peru this past Tuesday, August 25. Some criticisms relate to provisions regarding the congress itself. Others concern the electoral process. It is on the latter that I will focus.

It is true that not all of Peru's political parties have participated at all times in the dialogue organized by Peru's executive with the encouragement of the OAS and, I would note, my government; not all of their views have been heard or incorporated into current plans. Indeed, the constituent congress elections are set for November 22, not by mid-October as President Fujimori originally pledged in Nassau. The municipal elections were postponed in a unilateral decision that led some to question the good faith of the government. The rules of the upcoming constituent congress elections were first issued by the government on August 22 in a manner that caused some parties to complain that the dialogue had been a farce.

But there is an important dimension we should not forget: key points listed as "indispensable" by the major political parties in their public statement of June 18, are incorporated in the electoral law issued on August 22. On August 25, the government amended the electoral decree, making significant changes that respond to demands of the political parties. I have no doubt that the political parties will continue to press for modifications. Further dialogue and compromise might result in further improvements. In our judgment, however, the law -- now very similar to the 1979 law with respect to elections -- is clearly within the range of regional democratic practice.

OAS electoral observation has demonstrated its ability to help provide the transparency that must characterize an open political contest. The scrutiny of neutral observers often compensates in practice for defects or deficiencies in the design of the electoral system. Once an election is underway, international observation is one of the few methods known that can facilitate mutually agreed upon improvements in the rules of the game.

Some have argued that extending OAS electoral observation to Peru at this time could be perceived as ratifying a flawed process. This, we believe, is inevitably a risk whenever there is controversy. We believe the far greater risk in this case, however, is that we would miss a critical opportunity to help Peru.

The time for this Organization to lend its good offices to help meet the standards our foreign ministers accepted in Nassau is now. I have already mentioned the practical needs flowing from the calendar and the need to assist and verify a process that is already underway in vital technical areas such as registration. Politically, our failure to seize the opportunity of this historic moment would risk more than misperception.

It could risk the entire path towards the restoration of democratic constitutionality and the fulfillment of the Bahamas commitment of President Fujimori, which certainly does not end with the promulgation of the August 25 law or even with the November 22 elections.

The full fulfillment of the Bahamas Commitment will require the effective work of an independent constituent congress and the elaboration of a constitutional order under which the rule of law is observed, the separation of powers is respected, the full exercise of political rights is ensured, and human rights are protected.

The considerations which moved President Fujimori to make the Bahamas Commitment were sound. Our Foreign Ministers look for their fulfillment. We should support an OAS electoral mission as a practical and impartial measure to help Peru towards democratic constitutionality and as a concrete symbol of our collective solidarity with the people of Peru.
