

Chapter Nine

Bridging the Gap: The Defensoría, Informal Institutions and the ‘Accountability Gap’ in Peruvian Politics

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Introduction

The Peruvian Defensoría del Pueblo, or human rights ombudsman, offers a compelling subject for analysis. Emerging in 1996 under the leadership of Jorge Santistevan (1996-2000) amid a process of institutional deconstruction, it nevertheless became, practically, the sole democratic state agent of accountability. Following a democratic re-transition in 2001, the Defensoría, led by (interim) Defensor Walter Albán until 2005 and subsequently by Beatriz Merino, has continued to assert its presence on the public stage in a restored, if fragile, democratic context. Adapting to a radically altered institutional context over its lifespan, the Defensoría remains a key institutional actor in Peru, described recently as holding ‘a solid political position not only in public life in general, but also with regard to the respect that it commands from other state institutions’ (Uggla 2004).

The activity of the Peruvian Defensoría stands out as deserving of individual consideration. At its most fundamental level this chapter seeks to understand the institutional development of the Defensoría in a country where democratic institutions have been tough to establish and even more difficult to sustain. To this end, the chapter builds upon the elaboration of a ‘primarily political’ causal mechanism by specifying the interplay and impact of formal and political dimensions of institutionalisation upon the Defensoría in Peru (Uggla 2004, p.448). Operating within one of the world’s most unstable electoral democracies (Shifter 2004), the experience of the Defensoría is also shown to reflect deeper ‘accountability gaps’ in Peru between democratic promise and the failure of the regime to meet pressing social needs and demands.¹

Despite the challenges presented by such a context, the Peruvian Defensoría provides a rare point of intersection between state and society. The distinctive position of the Defensoría is analysed in relation to three significant clusters of actors: vertical (executive branch), horizontal (state checks and balances) and social (organised civil society). This chapter focuses chiefly on the experience of the office since 2001 amidst an opening up of new political opportunities under democratic conditions.² In particular, the chapter shines a light on the role of the Defensoría as an interventionist force within an increasingly conflictive social setting. The arguments advanced in this chapter rely on extensive primary material, including over fifty interviews with key participants.

The chapter begins by with a contemporary review of the Peruvian Defensoría’s formal design features. This is followed by an evaluation of the office’s interaction with organised state and social actors. The third section analyses the Defensoría’s access to formal and informal accountability arenas within and outside state structures. The chapter concludes by reflecting on the implications of this study for understanding how accountability gaps shape institutional politics in Peru.

¹ The presence of ‘brown areas’ in Latin America where formal rules of the game bear little resemblance to widely accepted informal practices has been identified as a defining feature of regional democracies. See O’Donnell (1993, p. 9).

² For a detailed account of the Defensoría under the Fujimori regime, see Pegram (2008, pp. 51-82).