

Corruption, organized crime and regional governments in Peru

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Abstract

Decentralization in a context of state's structural weakness and growth of illegal economies is a fertile ground for corruption and impunity. Although corruption is not a new element of Peruvian politics, its characteristics at the regional level depict a bleak scenario. This chapter focuses on corruption cases linked to political leaders that participated in the last two regional elections in Peru (2010 and 2014). Multiple elements involved in most cases are analyzed in a systematic way defining a political process that includes a charismatic leader, a dense family network, a populist political movement, a frail campaign finance regulation and apparent links with criminal organizations. Although some legal changes have been implemented, there is a clear need for a profound political reform that would include revisiting the decentralization process as well as developing an structural justice reform initiative.

Introduction

Corruption is an important issue in Peru. The corruption perception index published by Transparency International shows that globally Peru has gone from place 72 to 101 (out of 175) between 2010 and 2016. As mentioned by Transparency International, countries that are located in the lower end of the scale are "plagued by untrustworthy and badly functioning public institutions like the police and judiciary. Even where anti-corruption laws are on the books, in practice they're often skirted or ignored"³.

Within Latin America, the perception of corruption in Peru has also increased. According to the Global Corruption Barometer (2017), 62 percent of Latin Americans believe that corruption levels increased compared to the previous year. In Perú, that figure reached 79 percent of those interviewed⁴. The same source shows that 53 percent of Latin Americans perceived poor governmental performance in the fight against corruption. Regarding governmental capacity to effectively combat corruption, Venezuelans (76 percent) and Peruvians (73 percent) are the nations in South America with the worst reputations.

Political corruption is arguably one of the biggest problems faced by Peruvians every day. The misuse of public funds limits the effectiveness of social policies, strongly impacts the most vulnerable populations, and allows the involvement of illegal activities in the sphere of decision making. In fact, by mid-2014, a state

attorney declared that 92 percent of mayors were being investigated for corrupt practices in Perú, most of whom were running for reelection⁵.

Although corruption is not new, in the last decade alone it has become a central problem according to public opinion. Greater levels of transparency, transnational corruption, and the weakness of political parties are some of the elements that could explain this centrality. Undoubtedly, the participation of the highest political authorities in wrongful acts has consolidated the general perception that politics is an activity that involves illegality.

This chapter emphasizes the weakness of political parties as well as the links of regional political leaders to illicit activities, including drug trafficking. Based on the analysis of the last two regional electoral processes, the chapter is nourished by information that depicts how corruption has become a regular attribute of governmental activity. Much of the information comes from press reports, given that the opacity of governmental and judicial information is widespread. However, only examples with multiple sources of information have been included.

This chapter is organized into five sections. The first section proposes a theoretical framework to analyze corruption practices in Peru. Thus, using Johnston's typology of corruption syndromes, we propose that the framework of oligarchs and clans is what best explains what the country faces at all levels of government, but mainly at the regional level. The second section develops a description of corrupt practices in Peru, mainly from public opinion perceptions and the limited official information available. The third section depicts the process of decentralization that Peru has experienced in the last decade as well as the challenges it implies for the consolidation of a system of political parties that can effectively fight corruption practices. The fourth section presents what we call "biographies of impunity;" that includes a description of the most relevant information about the regional presidents who have been elected in recent years. This information is presented in four sections: regional movements, the regional leaders, family organizations, campaign financing, and slow justice. Finally, some conclusions are included to consolidate an analytical framework of research on corruption in countries with limited political parties and diminished institutional strength. It also proposes some gray areas that must be reformed in order to mount a frontal fight against corruption.

Oligarchs and clans as a corruption syndrome in Peru

Corruption, a concept with multiple meanings, has appeared on the public agenda as a problem of governance for the last two or three decades in Latin America. Corruption affects the economy and social development, erodes the pillars of democracy and increases inequality, affecting mainly the poorest⁶. In recent years, the definition of corruption and the methodology used to determine its use has varied, which thereby limits comparisons. However, it can be said that corruption problems have gained notoriety and centrality in the last three decades, and that

corruption may be linked to a greater magnitude of illicit events⁷. In this context, Nye's definition is recognized as a starting point: "Corruption is behavior which deviates from the formal duties of a public role (elective or appointive) because of private gains; or violates rules against the exercise of certain types of private-regarding influence, this includes bribery, nepotism and misappropriation" ⁸. Although it can be challenged, this definition establishes an initial point of understanding of the problem.

The situation in Peru is not different. There are multiple studies that emphasize that the historical roots of corruption are linked to the lack of bureaucratic centrality, as well as to local and regional clientelism and the evident weakness of the state as a governing entity since the beginning of the Republic⁹. Despite the strong historical imprint linked to clientelistic political actors, corruption as a problem recognized by public opinion emerges strongly at the beginning of the twenty-first century¹⁰.

Johnston proposes four corruption syndromes defined by the way power and money are exchanged, the strength or weakness of the state, and the quality of political and social institutions¹¹. This interpretive framework is suggestive for the Peruvian reality when it makes explicit a scenario marked by high risk, violence, rapid economic development, and weak institutions. The syndrome that Johnson calls "Oligarch and Clan Corruption" is fed by conditions of poverty and generalized insecurity that turn thousands of citizens into possible supporters of corruption with a clear need for protection. That is, Peru provides a setting wherein the rule of law becomes fiction and the line that separates organized crime, public officials, and corrupt politicians becomes increasingly blurred.

The eroded boundaries between the legal, the informal, and the illegal become a fertile ground for the development of all kinds of activities with a goal of acquiring power, money, or both. Although multiple actors carry out such activities, acquiring power depends on personal characteristics¹². In this way, we are not mentioning an isolated or specific problem, but rather a systemic problem centered on the acquisition of wealth and power. This situation, paradoxically, limits the terming of some situations as corrupt, given that the context of institutional weakness is linked to the development of perverse incentives or areas of minimal regulation. Organized crime is established as a consequence of corruption, but also sustains it.

The presence of corruption is not always considered negative. Some elements are considered positive: For example, the Peruvian case shows that there is no analytical tension between corruption and private investment, in the sense that corruption does not necessarily generate economic uncertainty. When it is stable, it can even be calculable and become an important part of the way businesses are organized¹³.

Within this framework, Heidenheimer proposes a typology of corruption in three categories¹⁴: black corruption, in which the elite and public opinion recognizes that corruption should be condemned and punished as a basic principle of society; gray corruption, where a part of the elite wants to generate punishment and public opinion is ambivalent; and, finally, white corruption, where punishment is not seen as necessary since historical, cultural, and symbolic elements play a key role in defining what is perceived as a condemnable action. This theoretical framework allows us, in the Peruvian case, to recognize the difficulty of explaining public opinion at the national level since variations at regional and even local levels are profound.

Undoubtedly, public opinion's concern for corruption in Peru goes hand in hand with the visibility of political corruption that was refined and affirmed during the years of President Alberto Fujimori's government (1990-2000). With the fall of Fujimori, the individual and institutional practices of political corruption remained and even deepened. Political corruption blossomed due to the consolidation of minimally regulated spaces such as the budgetary accountability of regional governments and the continuous lack of regulation of the financing of political campaigns¹⁵. This "democracy without parties" that developed in Peru is characterized by features of personalism in its political structures as well as high volatility on the part of the electorate¹⁶.

Corruption shows the level of the democratic deficit in Peru¹⁷. For instance, in an analysis of India and China, it was concluded that democracy in a poor country is no more successful in combating corruption than it is in an authoritarian government due to the structural elements of segregation and insecurity mentioned previously¹⁸. Democracy is understood as the ability of citizens to choose their representatives; that should provide a clear barrier so that those who commit acts of corruption are not reelected. However, in practice this does not occur. For example 75 percent of congressmen who are accused of corruption in the United States are re-elected despite the judicial and media disclosures against them¹⁹.

Hypothetically, corrupt politicians are often reelected because of: (i) a lack of information, and (ii) a perception that the gains are greater than the losses. Mixed studies show that in Brazil, an important part of this electoral trend was linked to a lack of information, except for the higher socioeconomic sectors that tend to look at the trade-off benefit of voting for corrupt leaders²⁰. However, citizens are not the only ones who analyze the costs and benefits of corruption. In a study conducted in Brazil, the hypothesis that mayors who can be reelected would avoid being linked to illegal activities is not verified; the elements that appear as more relevant are the size of the incomes that they can achieve, as well as the possibility of being found guilty in court or being exposed by the press²¹.

In many cases such local actors use interest management or lobbying schemes to resolve such tensions. It is important to point out that in Peru there is no legislation

permitting professional lobbying; political pressure is not channeled through formal channels, such as political parties, but above all through personal networks. They operate within a context where corrupt actors not only decide to act on the basis of a rational cost-benefit analysis, but also do so considering because they belong to "a parallel system of political, economic and social power based on solidarity and compensation between its members"²². These networks, nonetheless, are not activated at all times and do not involve every actor, but rather "some officials" negotiate around "certain issues at certain times" (especially electoral campaigns)²³.

Finally, a third hypothesis proposes that decentralization would bring positive effects in reducing corruption due to an increase in the proximity to voters, greater levels of political control, and a closer tie between decision-making process and the delivery of public goods²⁴. However, this vision is clouded by the dangers of corruption due to the likelihood that local governments would be captured by local elites. Likewise, decentralization -- understood as a superposition of levels of government and about public employees with uncoordinated tasks and complex control structures -- tends to increase the presence of requests for bribery²⁵. In the Peruvian case, the decentralization process did not go hand in hand with a restructuring of the national control system, so that preventive control mechanisms remained centralized in Lima and that the only decentralized control bodies of the Anticorruption Procurator Offices can only intervene reactively, that is, after the fact²⁶. The weakness of the control system, added to the absence of institutions that guarantee preventive mechanisms, generates a favorable context for the development of robust corruption networks.

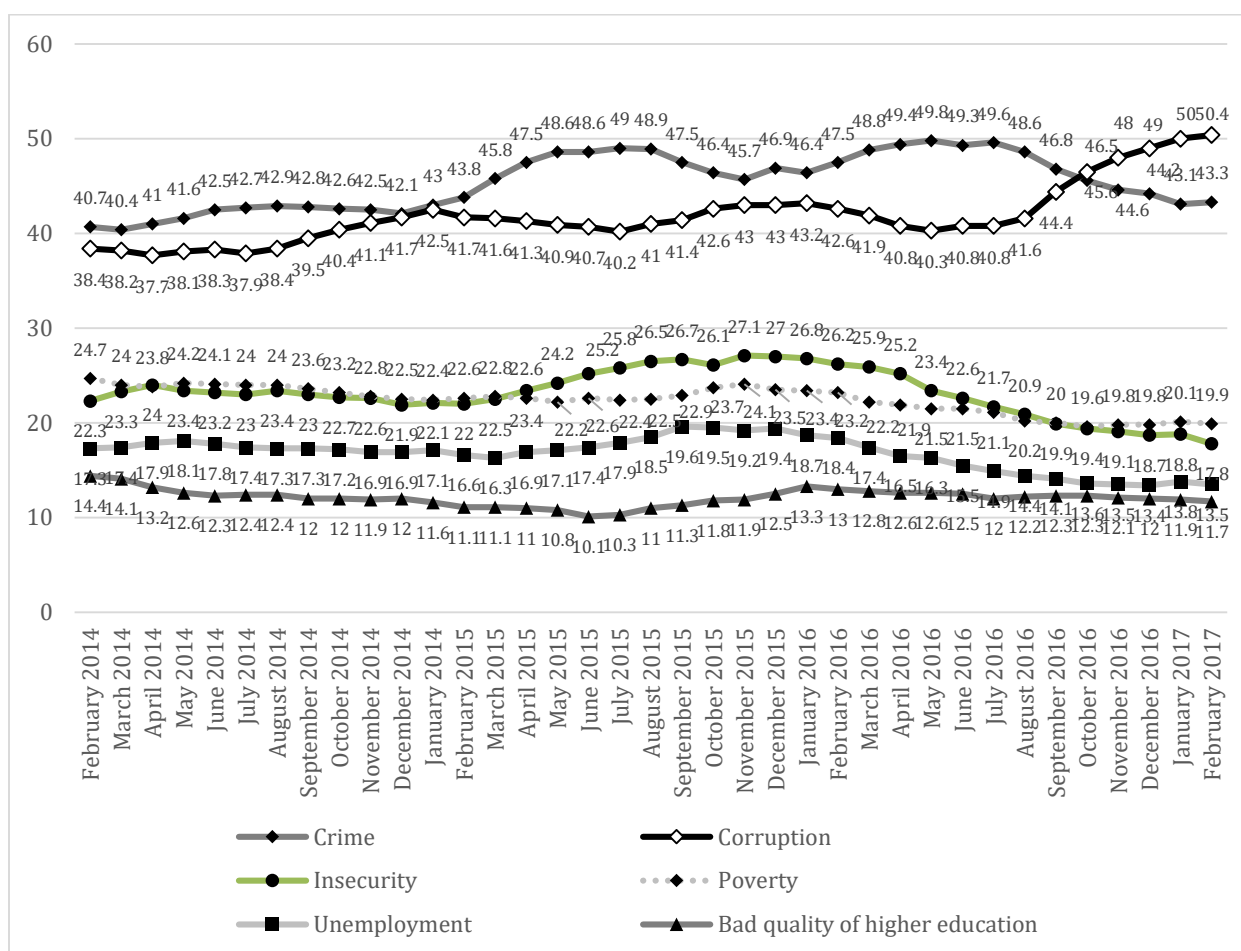
The analytical framework described thus recognizes the need for a multidisciplinary approach to the issue of corruption in Peru, recognizing its institutional, economic, and social elements, but also its dimension as a cultural category with specific meanings and practices²⁷. In Peru, a fragile democratic institutional framework, weak processes of political consolidation marked by the crisis of political parties, the consolidation of caudillism as a form of the exercise of power, and the fragmented decentralization process are key elements for the analysis of corruption. The scenario is not promising and in any case limits the economic and democratic development of the country, especially in the short term.

II. Corruption as a public problem

Corruption in Peru is not a new phenomenon, but it has been gaining strength as a public concern. Far from being an anomaly, corruption constitutes a key component in the historical construction of the interaction between the state and citizens²⁸. Quiroz has documented the multiple manifestations of corruption throughout the republic's history, emphasizing its relevance in the formation of the current nation-state²⁹.

However, Huber points out that corruption emerged as a crucial problem for Peruvians well into the twenty-first century, having as a key milestone the so-called "Vladivideos" that uncovered the corruption of President Alberto Fujimori's government (1990-2001)³⁰. At the beginning of 2017, the National Household Survey (ENAHO) revealed that corruption became the main citizen concern, even above crime, which occupied this top place for several years. Along the same lines, the 2017 Proética survey revealed that 62 percent of respondents recognize corruption of officials and authorities as the main problem facing the nation.³¹

Graph 1. Most important problem in Peru, 2014-2017



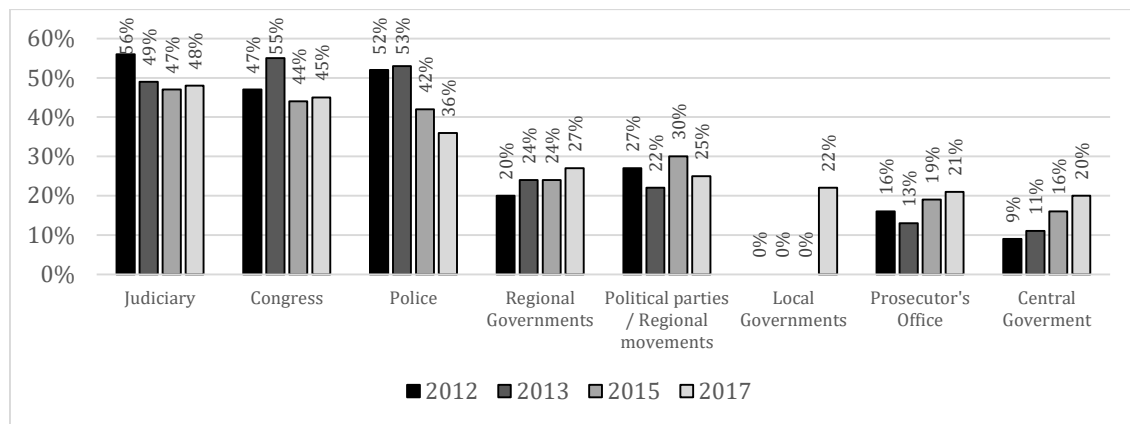
Source: Instituto Nacional de Estadística e Informática (INEI) - Encuesta Nacional de Hogares, 2017.

One possible explanation for this growing concern is media coverage of great cases of corruption that have been uncovered in recent years, especially since mid-2016. The Lava Jato case as it extended into Peru is one. It reflects the bribes delivered by the Brazilian company Odebrecht in exchange for public works awards. Those bribes involved many of the most visible political actors (former presidents, regional and local authorities, and big businessmen, among others). In

late 2017, even President Pedro Pablo Kuczynski was accused of having received money from Odebrecht when he was minister of state under President Alejandro Toledo. The judiciary has issued preventive detention orders and arrest warrants against politicians and businessmen, as well as approved raids on local supporters, lawyers' offices, and private homes -- all related to investigations connected to unraveling the dense networks of Peru's political and business corruption.

But Lava Jato is not an isolated case. In his judicial statement, the former CEO of Odebrecht said, "we did not invent bribes", rather they were "a rule in all the places where [we] worked" ³². With the visibility of these and other previous cases between 2012 and 2017, the perception of corruption in the central government has risen by eleven percentage points; in the regional governments it grew seven percentage points and, in the Office of the Public Prosecutor, five percentage points³³.

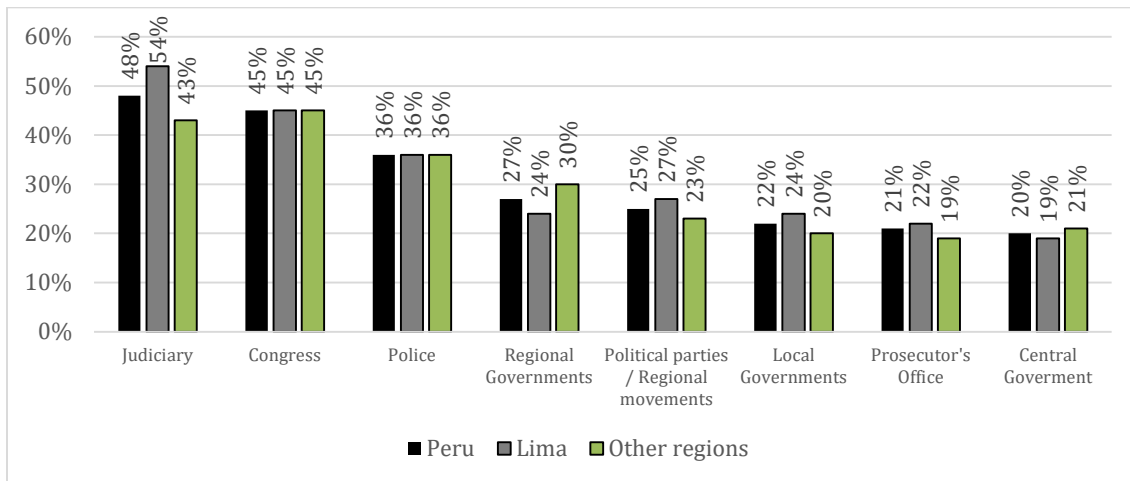
Graph 2. Most corrupt institutions in Peru, 2012-2017



Source: Proética, 2017.

Regional governments, despite their recent creation, are among the institutions most identified with corruption. For instance, the same source showed that 27 percent of Peruvians perceived regional entities as corrupt while that perception increased to 30 percent among those who live in regions beyond Lima.

Graph 3: Most corrupt institutions in Peru, 2017



Source: Proética, 2017.

Until the Lava Jato case, various studies on political corruption have shown the existence of a complicated structure, where public and private actors were linked to each other in accord with the compatibility or incompatibility of their interests concerning the use of public resources³⁴. These networks involved legal / illegal / informal actors that configured nodes with different functions that were activated according to their corrupt practices. The networks reflect informal networks that overlap formal structures. Everything seems to indicate that the reproduction and sustainability of these power networks are facilitated by their stability, but mainly guaranteed by impunity.

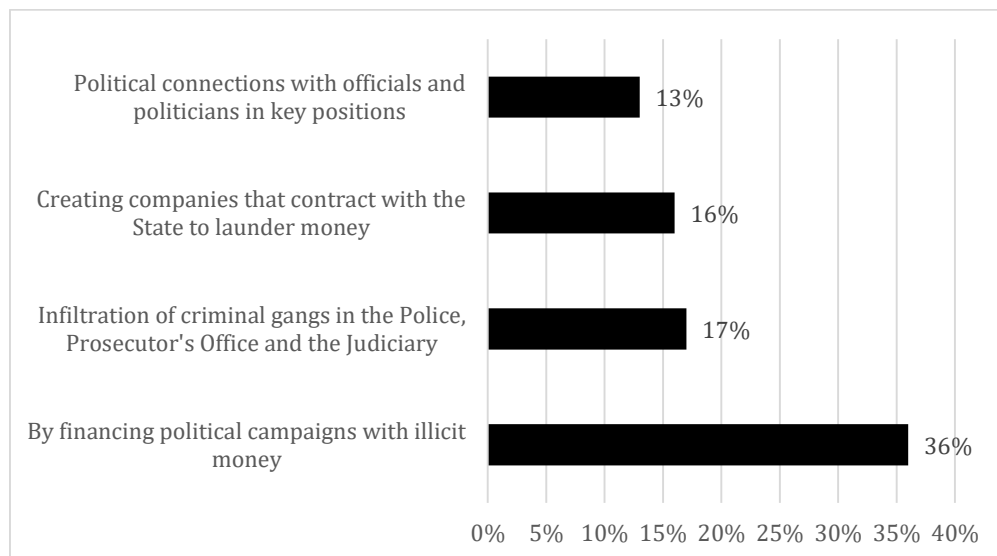
The evidence on corruption cases is quite limited. However, the main modality identified is the embezzlement that, according to Article 387 of the Peruvian Penal Code, is the crime committed by "the official or public servant who appropriates or uses, in any way, for himself or for another, funds or effects whose perception, administration or custody are entrusted to him by reason of his position ". According to data from the Anticorruption Attorneys' Offices, as of July 2017, there were 30,943 cases investigated, of which 35.9 percent were of this legal type.

In the framework of the decentralization, regional governments have been acquiring greater executive capacity, access to public resources, and power to award public works contracts. The allegations of corruption that involve regional governments have increased. According to Figueroa, for the period 2010-2014, these cases share certain characteristics: (i) The political authorities allegedly involved come from regional movements, not from national political parties; (ii) those involved are not ordinary public servants, but senior regional political officials headed by a regional president; (iii) they reflect systematic cases of irregularities in the procurement procedures of the state; (iv) the significant public resources available to those regions come from the mining sector.

The cases of corruption not only exposed the informal networks that are woven around the use of public resources, but also the infiltration of organizational arrangements of illegal markets into the formal structure of the state. Although it is a little documented phenomenon, in 2017, 68 percent of Peruvians perceived high levels of infiltration of organized crime into politics³⁵.

On the infiltration modalities, there are indications to believe that financing of electoral campaigns has special relevance. In Durand's interpretation, the illegal economy requires investing in politics even more than the formal corporate economy, as it needs corruption to paralyze the repressive action of the state or to make it an accomplice. In this strategy electoral campaigns become key and highly adaptable for the exchange of favors. Citizens also perceive this involvement. The following graph shows that 36 percent of Peruvians believe that organized crime infiltrates politics via illegal campaign financing, followed by 17 percent who believe that the criminal justice system is infiltrated by illegal organizations. Sixteen percent believe that money laundering by companies hired by the state is the most common modus operandi.

Graph 4: Organized crime and politics, Peru 2017



Source: Proética, 2017.

Based on the review of nineteen cases of politicians investigated for links to illegal activities, Vizcarra and Zevallos identify three roles in the infiltration of organized crime into politics. First, there are those who assume the role of "representation of interests", that is, they block or promote initiatives that favor the deployment of organizational arrangements linked to illegal markets. Second, there are those who take advantage of their positions in authority to achieve impunity: people directly linked to illegal activities occupy political positions and use their authority not to investigate them. Third, there are those who take advantage of the exercise of a public function to favor the deployment of illegal markets by granting permits or giving concessions to those who would make illegal activities viable³⁶.

Impunity allows these dense networks of corruption to survive. Although the Law on Political Parties establishes a limit on contributions (Article 30), it does not imply exhaustive control mechanisms for campaign financing. Nor does it imply effective capacity to sanction or even remove from political participation those involved in illicit financing. For example, during the last presidential campaign in 2016, the favorite candidate in the first round, Keiko Fujimori, had multiple complaints against her about illicit financing and, in fact, one of her party's main partners and financiers was being investigated for money laundering and links to drug trafficking. However, more than twenty-four months later there is no evidence of any prosecutions.

As previously mentioned, corruption is a social phenomenon of multiple dimensions. Peru is possibly one of the cases where these dimensions are most notorious. It is evident that tolerance against corruption is still high and in fact in the period 2015-2017 the percentage of Peruvians who considered that those who are corrupt but perform well should not be punished rose from 13 percent to 22 percent. Furthermore, one of every two Peruvians does not agree that those who were convicted of corruption should lose their political rights³⁷.

The panorama is not encouraging. Corruption is installed in the institutional and citizen imagination as a way to accelerate processes, achieve social and individual benefits, and develop political programs. Although an initial relationship between politics and organized crime is recognized, there seems to be no real understanding of the consequences of violence and crime that this complex generates in the short term. The cases that will be analyzed in the following sections allow us to identify some of these challenges.

Political decentralization

The efforts to carry out a decentralization process in Peru are not recent. Throughout republican history, the limitations of having a basically centralist administration have been discussed; the main political and economic decisions are made in the capital, generating an imbalance of power between Lima and the regions which accentuates inequality and exclusion gaps. However, it is only toward the beginning of the twenty-first century that a process of decentralization was unleashed through a constitutional reform.³⁸

In this process, one of the key components was the creation of regional governments, units of government whose jurisdiction coincided with the territorial division of departments. Their economic sustainability is supported by fiscal transfers from the central government. Thus, the first milestone of the decentralization process occurred in 2002 with the constitutional reform that resulted in the enactment of the Organic Law of Regional Governments (Law. 27867)³⁹. With this act, regional governments were defined as legal persons in public law, with political, economic, and administrative autonomy in matters of their

competence⁴⁰. Likewise, the law assigns them a budget for their economic and financial administration.

The law establishes that the regional governments have as an essential objective the promotion of sustainable integral regional development, promoting public and private investment and employment, and guaranteeing the full exercise of the rights and equal opportunities of their inhabitants in accord with national, regional, and local development programs.

The mission of regional governments is to organize and conduct regional public management within the framework of national and sectoral policies, so as to contribute to the integral and sustainable development of each region.⁴¹

The decentralization process of 2002 has had scope and limitations. Undoubtedly, progress has been made in terms of political-administrative decentralization to the extent that today there are decentralized institutions that, by assuming competencies and executing public resources, expand, intensify, and hopefully make the state's administrative presence more efficient. But it is also clear that so far in the process there have been multiple limitations associated with the implementation of regionalism, such as difficulties in the transfer of functions and resources and the weak capacity for inter-institutional dialogue⁴².

These limitations betray a structural problem that is intrinsic to the historical institutional weakness of the state in its different levels of government. The construction and implementation of the governmental apparatus necessary for the decentralization process has taken place on the basis of a weak state, with fragile institutions and a rather precarious democratic regime⁴³.

One of the main manifestations of this weakness is the (re)-configuration of corruption networks around the state apparatus. Although corruption has been present at the different levels of government, including the administration of local governments, the recent transfer of public resources, powers, and functions has modified the conditions around which power networks are woven concerning the use of public resources.

Anticorruption has been an agenda item; various strategies have been arranged at different levels and sectors of government. However, a large part of them have been implemented in isolation in such a way that the details of the measures are not even known precisely, much less the relevance that they have for dealing with corruption in their specific contexts⁴⁴.

Another limitation in the fight against corruption is linked to the absence of an effective decentralized system of control. As mentioned above, although anti-corruption offices have been created, with offices in all tax districts, these have a reactive character. That is, they intervene once a case has been detected. They

have no direct competence in the design and implementation of preventive mechanisms.

The combination of these multiple factors makes regional governments a fertile ground for new manifestations of corruption that are even more structured and more far-reaching than before. For instance, one of the most discussed situations has been the intensification of corrupt practices regarding the use of resources that are redistributed from the corporate income taxes that are paid by (mostly extractive) companies in regions (called “canon” in Peru)⁴⁵. Regional governments become “a new booty”, not only because of monetary resources, but also because of the possibilities of influence and exercise of power. A booty guarded by weak institutions is exposed to corruption. Indeed, regionalism attracts the attention of individual or collective actors who thereby identify a source of resources or a useful channel along which to make their particular interests viable.

In recent years, regional governments have been the locus of multiple manifestations of corruption. From public officials who agree to collect small amounts to allow access to social services (petty corruption), middle managers who receive bribes in exchange for favors in the contracting of suppliers or acquisitions (medium corruption), to high officials who use their authority to favor private firms in the awarding of public works contracts, corruption is widespread⁴⁶.

It is important to emphasize that corruption is not only the misuse of public resources in the form of money, but is also a mechanism to gain access to authority and, with it, the possibility of representing corporate interests in public decision-making.

The infiltration of organized crime is clear. There is evidence to suggest that the infiltration of organizational arrangements linked to illegal activities (illicit drug trafficking, illegal logging, illegal mining, and human trafficking) into the formal structure of the state is nowadays a widespread reality, the precise details of which are very little known. These actors do not primarily seek to take advantage of fiscal resources, but make use of the potential that access gives them to represent interests related to their criminal organizations, to gain permits for the development of their activities, or to obtain impunity⁴⁷.

in this context, it seems that the actors linked to the corruption networks not only have the resources, but also have the effective capacity and the favorable conditions to reach the highest positions of regional governments. As has already been widely mentioned in the literature, one of the manifestations of the structural weakness of the Peruvian state is the absence of solid political organizations.

Peru is a precarious democracy, made up of weak political parties with no solid bases at the regional level. The decentralization process has not only failed to reverse this situation, but has allowed the even greater fragmentation of the national parties, giving rise to the emergence of more localized political

organizations more susceptible to caudillista leadership and the establishment of clientelist relations⁴⁸.

A clear example of this phenomenon are the regional movements, a type of group that has been gaining political relevance in recent years and that, in practice, has been characterized by having a strong component of personalist and caudillistas practice. In general, these movements are led by local political figures or businessmen who, using their economic resources, support electoral machines that incorporate them into the world of regional politics. They are not, therefore, completely new actors, but "unknown" in national politics and not influenced by the media concentrated in Lima. In the words of Meléndez, "the strangers for the people of Lima are old protagonists in the regions"⁴⁹.

These regional movements have gained special prominence throughout the last four regional elections. In terms of a capacity to present candidacies, regional movements show significant growth in relation to national political parties. In 2002, 23 percent of the candidates were from regional movements. The percentage grew to 32 percent in the 2006 elections and to 51 percent in the 2010 elections and fell slightly to 49 percent in 2014.

The growing importance of regionalism is even more visible in the percentage of effectively elected authorities. In 2006, regional movements won 18 out of 25 regional governments (72 percent); in 2010, 20 of 25 (80 percent) and, in 2014, 19 of 25 (76 percent). Likewise, they are growing in the concentration of electoral preferences. In 2002, regional movements gained 25 percent of the total votes, in 2006 they were reduced to 20 percent and in 2010 they won 89 percent of the electoral preferences.

We are talking then of political organizations capable of participating and winning elections. They have also displaced national political parties in the electoral preferences of citizens. This very efficient channel permits stakeholders interested in the resources involved by a regional government to control key positions and to establish their own clientele around them.

But not everything is geared to win elections. Corruption requires a stability that allows a politician to sustain strategies regarding the use of public resources. In this vein, it is necessary for political operators to gain legitimacy, credibility, and, above all, impunity, to stay in power. Public opinion is a very important battlefield⁵⁰.

Various studies have documented cases of media purchase and persecution of journalists. However, the weakness of the judicial system to process these cases, added to the limitations that prevent local media from denouncing persecutions publicly, favor strengthening impunity and, with it, the proliferation of corruption networks in regional governments.

A dangerous combination exists. On one hand, the historical institutional weakness of the state creates a series of favorable conditions for the development of corruption. On the other hand, the decentralization process, and with it the transfer of competencies, functions, and resources, increases the strategic nature of regional governments for the reproduction of corrupt networks, and the (mis-)use of public resources.

Biographies of corruption

There are multiple elements that combine to increase political corruption in Peru. As previously described, the structural weakness of the state, the progressive deterioration of political parties, the consolidation of clientelism as a way of operating in politics, and the lack of effective regulation for the financing of politics are some of the most outstanding elements. However, one of the most obvious pillars of corruption is the impunity that is present in practically all the cases prosecuted in recent years.

Paradoxically, a country that has a former President Fujimori convicted of corruption and human rights violations (pardoned in December 2017), a former President Ollanta Humala and his wife in pretrial detention (that could last 18 months) for alleged acts linked to corruption, and a former President Alejandro Toledo internationally sought for allegations of corruption, presents also high levels of impunity. Although in some cases – specially, those with a strong media impact -convictions have been generated, they must not disguise the important levels of opacity of the justice system. Impunity and corruption are also widespread at the regional level⁵¹.

An analysis of the careers of most regional presidents shows elements of impunity, a lack of regulatory frameworks, and the limited impact of these practices on the opinions of the electorate⁵². Due to judicial opacity, as well as to the little transparency of information, we rely on multiple journalistic investigations to outline the connection between politics, money, and power at the regional level⁵³.

As previously described, regional governments have become a privileged space for this type of activity. What is reported below is just one example of these complex circumstances. Throughout, we analyze five elements of the corruption syndrome previously described -- one that it has been developing in Peru in this century.

Building the clientele

National political parties have weakened and, instead of organizing their bases at a regional level, they prefer to ally with newly created regional movements. In Amazonas, the group "Sentimiento Amazonense" was created in 2013 and its acronym is "GH" to identify its main leader, Gilmer Horna, current regional president (2015-2018). In Ancash, the regional movement "Puro Áncash", created

in 2010, bears the logo "W" for its leader and current regional president Waldo Ríos (2015-2018). In Ica, the movement "Works for Modernity", created in 2013, carries the logo "G" for its leader, Javier Gallegos. Thus, the movements have as their central objective the development of a personalized political strategy that revolves around the figure of its main leader.

A sample of the complex reality that the regional movements present in most regions of the country can be seen in Loreto, where three political actors that were investigated for multiple illicit acts (corruption, money laundering, and drug trafficking) are also founders of their respective movements. The first one is Yván Vasquez, former regional president (2006-2014), who created the regional "Fuerza Loretana" movement in 1997 and, since then, has controlled the government of various provincial and district municipalities⁵⁴. The second is Robinson Rivadeneyra, former regional president (2002-2005), founder of the UNIPOL regional movement, which jumps into the public sphere in 2002 for the elections of the same year; it won control of the regional government and, since then, has held various provincial and district mayorships. The movement is no longer registered. Finally, Fernando Meléndez, current regional president of Loreto (2015-2018), is the founder of the Movimiento de Integración Loretana (MIL) created in 2006; it has had permanent electoral participation at the provincial and district levels. At present, the movement administers ten district mayorships.

In most cases analyzed, regional movements are presented in multiple spaces of choice (regional, provincial, and district headships) generating spaces of power that vary over time. In 2014, "Sentimiento Amazonense" put up candidates for regional governships, 7 provincial mayors, and 77 district mayors. They won the regional presidency, 3 provincial mayorships, and 28 district mayoralties. On the other hand, in Huánuco, the "Avanza Unidos" movement, created in 2013, ran for the regional government, 11 provincial mayorships (they won 4), 64 district mayoralties (they won 15), and 11 regional councils (they won 4). Due to the lack of transparency regarding financing, very little is known about the sources used to develop campaigns of this magnitude.

Information gathered from secondary sources begins to suggest the use of illegal financing mechanisms. For example, two candidates for district mayors from "Sentimiento Amazonense" have been involved in investigations for illicit drug trafficking⁵⁵. On the other hand, in Apurímac, in 2010, 28 kilos of cocaine base paste were found in a van owned by the spouse of a candidate for the district mayor of the Kallpa movement, a group that has several militants being investigated for their links to illicit trafficking of drugs.

In Huánuco, the situation is not very different. Several members of the group "Avanza Unidos" are being investigated in 2018 for drug trafficking, including a candidate for provincial mayor, a candidate for provincial councilor, and a candidate for district councilor⁵⁶. In Ica, Javier Gallegos, one of the candidates for the regional presidency in 2014, is being investigated in 2018 for money

laundering, as a result of the involvement of several of his relatives in contracts with the government⁵⁷.

In this way, there are multiple indications that regional movements are becoming important channels to gain power over the resources of regional governments. They have consolidated important levels of local presence, have a clearly personalist character, and strong ties to informal or even illegal funding.

The leader

The regional movements are personal undertakings that leaders who find no place in national political parties employ to exert influence locally. In the framework of the decentralization process, and with the substantial increase in the budget managed by these governments, there has been a growing interest in occupying such political spaces.

Most of the cases studied show an important dexterity in business since the leaders have often passed from poverty to privilege. That is the case of Gilmer Horna, Regional President of Amazonas (2015-2018) who at age 17 washed dishes, then became a street vendor in Lima, and currently has companies related to the transport, agriculture, and restaurant industries.⁵⁸ A similar circumstance faced Wilfredo Ocorima, Regional President of Ayacucho (2011-2018), who, according to his own testimony, began washing cars as an assistant at a hardware store and a transport company until age 16, when he migrated to Lima. There he became an entrepreneur of gambling and currently owns several casinos..

Regrettably, the history of ties to illicit activities is another element that is repeated. One of the most important cases is that of Ricardo Flores Dioses, Regional President of Tumbes (2015-2018), who has more than seventy open criminal proceedings related to money laundering, illicit enrichment, and drug trafficking. Three times the provincial mayor for the Aprista Party initially and then for his own regional movement, he owns at least twenty-nine properties. However, the Attorney General affirms that all his assets have not been registered. The indications of alleged money laundering increased when the Attorney General's Office found an economic imbalance of around \$1 million, most of which was acquired during his term as provincial mayor⁵⁹.

Another emblematic case is that of Jaime Rodríguez, Regional President of Moquegua (2007-2010 and 2015-2018). He has been prosecuted and convicted of corruption. In 2014, Rodríguez agreed to have stolen "in carts," explaining that he stole less than his predecessors and successors, who had stolen "in dumpsters" and "in trucks", adding that he would not have stolen only for himself, but "to distribute"⁶⁰. Despite all the information regarding his links to corrupt activities, he was reelected regional president in 2014.

A link with acts of corruption does not seem to have a major impact on the electorate. For example, Waldo Ríos Salcedo, Regional President of Ancash (2015-2018), is a former congressman who was recorded receiving money to change political parties. He also he has links to a former regional president and congressman imprisoned for homicide⁶¹. In 2014, he was elected with 65% of the votes but had to pay \$250,000 as judicial reparation for a previous sentence, before taking office⁶². The Congress Commission found evidence that the money came from people linked to illicit organizations⁶³.

Likewise, Félix Moreno, Regional President of Callao (2011-2018), is being prosecuted for corruption and investigated for money laundering and influence peddling in 2018. In the year 2009, when he was mayor, he was denounced for having incorporated 920 phantom workers, through which he could appropriate almost \$3 million⁶⁴. In 2010 an illicit association was identified that involved multiple regional government officials who paid close to \$ 2 million for teacher training services that were not carried out. Additionally, he donated \$ 30,000 to a private soccer club, which constitutes the crime since public funding was transfer to private companies as a donation, and with funding from the Regional Government of Callao he built a spa for army generals which implied a process of padding prices of public works⁶⁵.

In 2014, he was re-elected as regional president despite the fact that the Prosecutor's Office filed a criminal complaint about the sale of public land at an overvalued price⁶⁶. He was also investigated for the murder of a witness of an alleged network of phone espionage⁶⁷. Finally, in 2017 the Prosecutor's Office formalized an investigation of Moreno for allegedly having appropriated more than \$5 million from the sale of land intended to benefit 52 neighborhood associations⁶⁸. The Regional President of Lambayeque, Humberto Acuña (2011-2018) in the period 2015-2017, accumulated 33 complaints of various kinds, but all have been archived. In the year 2017, he had at least seven open trials for crimes against public administration, usurpation of functions, abuse of authority, illicit association, and ideological falsification, among others. Additionally, cases of overvaluation of public works and irregular purchases of vehicles are suspected⁶⁹.

Madre de Dios is an area recognized worldwide for the environmental damage that illegal mining is generating as well as for the vigorous presence of organizations linked to human trafficking⁷⁰. Its Regional President, Luis Otsuka (2015-2018) is currently being investigated for his links to illegal mining, has several mining concessions in Madre de Dios and Puno, and at least one complaint for environmental crimes⁷¹. Among his concessions is 300 hectares located in Tambopata (Madre de Dios), an area declared off limits due to its biodiversity. He is, carrying out illegal mining works there⁷².

The cases presented previously are not the exception to the rule, but rather the norm. The link between informal and illegal activities and political representation

at the regional level is more than evident and allows us to affirm that it has become a central element of political participation in Peru.

Dense family networks

Political participation seen as a family enterprise is another characteristic of the weakened regional political institutions in Peru. The lack of long-term trust, the constant renewal of political movements, the lack of a programmatic ideologies, and weak party structures, brings a need to involve family members in party activities.

For example, the family, brothers, and nephews of the regional president of Ayacucho (2011-2018) have also been involved in the gambling business. In an investigation opened in 2010 on money laundering through the illegal exploitation of slot machines and prostitution premises, several of his relatives are mentioned⁷³. In the same way, the regional president of Lambayeque (2011-2018), Humberto Acuña, in 2016 allegedly bribed the anti-corruption police to favor him; the person in charge arranging the bribe was his brother-in-law⁷⁴. In Loreto, this family bond adds a special edge given that the current regional president (2015-2018), Fernando Meléndez, was denounced for participating in a strategy that ties former members of the guerrillas of the 1980s (mostly relatives of the official) to coca growers linked to illicit drug trafficking⁷⁵.

Jaime Rodriguez, regional president of Moquegua (2007-2010 and 2015-2018), in 2015 was denounced for fraudulent embezzlement and illicit association for the hiring of his son's company, a process that even included the murder of the main witness to the complaint⁷⁶. Subsequently, Rodriguez was sentenced to four years in prison for fraud and irregularities in a program of the regional government that favored the company of his brother⁷⁷.

The line between family organizations that benefit from political contacts and have obvious ties to organized crime cartels is getting thinner by the day. For example, several relatives of the regional presidents of Amazonas, Huánuco, Apurímac, Ayacucho, and Madre de Dios are being investigated for illicit drug trafficking in 2018⁷⁸.

Campaign financing

Opaque personal and family relationships with companies of an informal nature or directly linked to illicit activities become some of the ways in which Peruvian politics is financed. The cases are multiple and include recent presidents of the nation who apparently received financing from Odebrecht but failed to declare it.⁷⁹

No party has had as a priority political reforms that increase the levels of transparency as well as limit the amounts that national and foreign companies may "invest" in candidates and elections.

Such investment particularly occurs in the regional electoral processes. In Amazonas, it is estimated that the elected regional president spent between \$1.5 and \$3.5 million on his campaign in 2014, a figure that he refutes but explains that he will not give information on electoral spending due to security issues⁸⁰. On the other hand, in Ancash, the candidate elected during the election was prosecuted for handing out \$150 gifts to the voters in exchange for votes⁸¹.

This campaign strategy was used by other winning candidates, as in Ayacucho, where money was given in exchange for votes; the total cost was more than \$150,000⁸². In Loreto, suspicions about the financing of the campaign of the current regional president were growing throughout the electoral process due to large expenditure far superior to those of his opponents⁸³. Nevertheless it was denied by the candidate, who said that he spent less than \$350,000⁸⁴. The origin of these funds was in doubt until in 2016 a letter sent by a known drug trafficker from the area appeared from the prison in which he requested the payment of campaign debts⁸⁵.

Slow justice

The schemes of illegal financing, illicit political activities, and the consolidation of true schemes of political corruption, in some cases linked to organized crime, are developed with the expectation of high levels of impunity. Most cases related to the last regional election have been dismissed by the courts. Some were prosecuted and punished by a fine or a minimum time in prison. Even convictions have been overturned by different courts. Below, some cases will be presented to highlight the magnitude of the impunity problem.

In 2016, the capture of the regional president of Áncash (2015-2018) was ordered on charges of embezzlement and collusion. However, the regional judicial court dismissed it. Ríos Salcedo surrendered to the authorities after spending ten days at large and was released and his arrest warrant was canceled⁸⁶. Later in 2016, he was again captured for the crime of unfair collusion committed during his tenure as mayor of Huaraz⁸⁷. At the end of 2017, he was officially indicted by the National Elections Board and is in jail in 2018⁸⁸.

Similarly, the regional president of Ayacucho (2011-2018), was sentenced in 2015 to five years in prison for offenses against public administration, for the purchase of machinery valued at \$7 million. In addition, he was disqualified for three years from exercising a public function⁸⁹. Since then, he was a fugitive until his capture in 2016. However, in 2017, he was acquitted and released. The decision was questioned by various anti-corruption institutions⁹⁰. In 2017, he returned to Ayacucho to reoccupy his position as regional president⁹¹.

In 2017, the regional president of Callao (2011-2018) was detained for receiving bribes from Odebrecht to win a tender for an important local public infrastructure⁹².

However, after two months, he was released. The regional president of Amazonas has had twelve requests to appear in court on drug trafficking related cases. However, all documents related to cases involving him have disappeared⁹³.

The regional president of Lambayeque (2011-2018), in just two years, has managed to accumulate 33 lawsuits, but criminal charges were not filled⁹⁴. The regional president of Tumbes (2015-2018) presents a similar situation; between 1999 and 2005 the Office of the Public Prosecutor opened more than forty criminal cases against him, and, again, authorities have not filled charges⁹⁵. Between 2014-2016 he has been investigated for links to organized crime and presumed cost overruns in the remodeling of his office⁹⁶.

Final words

Corruption is a structural problem that affects Peruvians on a daily basis. Multiple media scandals involving politicians, businessmen, and even illegal networks have had an impact on public opinion, turning corruption into the main public concern of Peru

The images of President Fujimori and his top advisers imprisoned for corruption, as well as of President Ollanta Humala and his wife in pretrial detention for possible links to Odebrecht; show that legal frameworks have been developed to exercise effective action against corruption. But the reality is much less clear.

In fact, corruption is deeply rooted in criminal justice institutions and impunity is the norm in most cases in which neither the police nor the prosecutor or a judge play the role of investigating and punishing illegal practices. Therefore, emblematic cases such as those of the former presidents can depict a scenario difficult from the daily reality at many levels of government.

For illicit networks, interest in politics at the regional level is part of their business models, considering that political power, territorial control, and ownership of public resources are key for their development. Controlling the state becomes a key target in order to ensure impunity and greater profit instead of violent fights for political power; illegal networks have penetrated regional politics by supplying campaign financing, regional political movement financing, and even by participating directly in politics.

The cases analyzed show that regional movements are an effective channel to access the power and resources of the state. Political regional movements are mostly the personal endeavors of charismatic leaders who use clientelism as their main tool to energize their political bases. In most cases ideological or public policy differences are not even part of the discussion during elections. Furthermore, these movements are not only sustained by the alliance between actors with compatible interests, but also by family networks that give shape to what Johnston

calls "clans", led by "oligarchs", that take advantage of the weaknesses of the state.

The efforts effectively to combat corruption in Peru have not yet reached the regional sphere. As described in this chapter, the problem does not lie only with better investigative capacities but with the political system. The lack of effective regulation of political financing has become a clear issue that should be highlighted in any state reform agenda. The crisis of national political parties is another element that has an evident impact on accountability and transparency at those regional levels governed by sporadic and opportunistic movements. Finally, state capacity at regional levels should be addressed in the short term, including the establishment of a group of professionals who would ensure accountability and transparency.

Early in 2018, the Peruvian Congress ratified a law proposed by President Kuczynski that prevents people convicted of various crimes, such as corruption, terrorism, drug trafficking, and sexual assault from participating in the electoral process. This is an important step against corruption, but as previously discussed, there are many more structural changes that should be put into place in order to limit the increasing participation of illegal actors in regional politics in Peru.

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