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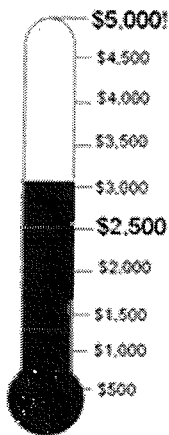
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Peru: Congress Passes Anti-NGO Law

Written by April Howard
 Tuesday, 12 December 2006

On December 8, members of the governing Aprista party allied with pro-Fujimori members to pass a **law** that will give the Peruvian state more control over non-governmental organizations. The law was approved as a draft in the final days of October, but Congress continued to debate over amendments after warnings from International and national human rights organizations, who were concerned about the law's effects on civil liberties. After some changed vocabulary, the law was passed.

Of the 2,100 registered NGOs in Peru, some 900 are active. Less than 1/3 receive "state aid" (are reimbursed for sales tax). However, between 2004 and 2005, NGO's received nearly \$500 million from international aid organizations. While development NGOs can often go hand in hand with neoliberal policies in poor countries, replacing public services and support mechanisms formerly provided by State Owned Enterprises, they can also support popular social movements. In the past few years in Peru, environmental NGOs have been involved in social movement protests lead by communities in opposition to mining companies. In turn, companies have accused the NGOs of leading the demonstrations.

The new law modifies and amplifies the activities and powers of the governmental Peruvian Agency for International Cooperation (APCI), which supporting congress people argued lacked oversight of civil society organizations. According to the **law**, NGO's have to register with the APCI, and their "work plans should be in line with the development guidelines and priorities established by the state." This information is not required by the Peruvian National Superintendence of Tax Administration.

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The amendments did conclude that internationally funded NGOs are exempt from the law, but they still have to report on their projects, donors and funds spent. Most worrisome is the amendment that asserts that NGO's that cause public disturbances, damage public or private property or contravene "proper behavior can be penalized.

The law was proposed by Congressman Rolando Sousa, who is the former attorney for Alberto Fujimori and partner of César Nakasaki, who is Fujimori's defense counsel. Fujimori was president of Peru from 1990-2000, and responded to violent guerilla uprisings with even harsher military force. Fujimori is now under arrest in Chile, and being extradited to Peru for corruption and human rights abuses.

While many NGO groups hoped that president Alan García would fight the law, they were disappointed. While some are suprised at the Aprista-Fujimorista alliance, others point out that the parties have some commonality on this issue. Both García and Fujomori have been legally accused by NGOs of human rights violations committed during their presidencies. García was accused of a massacre of prisoners at **El Frontón** prison (see document 8), and **Fujimori** of extrajudicial executions and corruption.

As of Tuesday, **December 12**, Peruvian NGO's were collecting congressionalists' signatures to present a demand of unconstitutionality against the law. The Parliamentary Alliance and UPP-PNP parties will base their demand on three **vulnerabilities** crated by the law: that of liberty of association consecrated by the Constitution, of private property caused by the regulation of obligatory registration of non-profits, and the cancellation of fundamental rights by an administrative office of the State. The director of the Legal Defense Institute (IDL), Hans Landolt, confirmed a similar demand against the law because it includes "violations of fundamental rights . . . an intolerant spirit, and a persecutory will." The president of the National Association of Centers, Luis Miguel Sirumbal asserted that the law will damage NGOs by requiring them all to register with the state. He lamented that the government had pushed the law through congress quickly.

Like the Aprista-Fujimorista alliance, the opposition to the law also mixes the left-right political continuum, a situation that lead the director of the Andian Comission of Lawyers, Enrique Bernales, to declare that President García "Could give Hugo Chavez some advice about persecuting NGOs."

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