

ACKNOWLEDGEMENTS

SUMMARY

Peru's 2001 elections represented an extraordinary accomplishment in the process of returning Peru to the world community of democracies. Hundreds of thousands of Peruvians helped to ensure the integrity of the election process, sending a clear message of their desire and determination to establish a government based on a democratic electoral mandate. The pre-election conditions met international standards for democratic elections, and elections on both April 8 and June 3 were well administered and peaceful. These accomplishments stand out dramatically when contrasted to the fraudulent and illegitimate process of last year, which was among the worst ever observed in this hemisphere by the National Democratic Institute for International Affairs (NDI) and The Carter Center.

The government of President Valentin Paniagua, the election authorities, the candidates for President and Congress, their political parties and, most of all, the people of Peru deserve praise for their tremendous and continuing efforts in advancing Peru's democratic transition. Now, as in all countries moving to consolidate democracy, hard work lies ahead. In Peru, the principal focus must be on the re-institutionalization of institutions and processes requisite for political, economic and social development. This priority is all the more important in light of Alberto Fujimori's sustained efforts to undermine democratic foundations.

We commend the efforts by President Paniagua, Prime Minister Javier Perez de Cuellar and Peruvian civil society organizations such as *Transparencia* to initiate a national dialogue about political and constitutional reform. President-elect Alejandro Toledo and other political leaders have made constructive statements about such efforts and have taken a tolerant and cooperative approach to each other in the immediate post election period. Political parties agree that reform efforts should be at the top of the agenda for the new Congress, which will take office along with the new president on July 28.

NDI and The Carter Center will continue to monitor developments through the installation of the new government and will issue a detailed final report on the work of the observation mission. This interim report is offered in the hope of contributing to ongoing dialogue about needed reforms. A series of recommendations is presented in this report addressing: 1) electoral and governmental systems and political processes; 2) election administration and election procedures; 3) mass communications media; and 4) ensuring integrity of public institutions.

OVERVIEW OF THE ELECTORAL PROCESS

Over the course of the last year, the people of Peru accomplished one of the most dramatic and positive transformations of a country's election and political processes ever witnessed by NDI and The Carter Center. Peru's 2001 elections marked a sharp contrast with last year's process, which was fraudulently manipulated in favor of then President and candidate Alberto Fujimori. When the first NDI/Carter Center pre-election assessment mission arrived in Peru in November 1999, the vast web of corruption created by Fujimori and his former security advisor Vladimiro Montesinos had penetrated all sectors of the Peruvian government, including the electoral authorities, the court system, public assistance programs and the Congress. The level of institutional manipulation of the electoral process

two institutes opened a permanent office in Lima in January 2001 to provide in-country monitoring of electoral developments and organized two high-level, international pre-election assessment delegations. These delegations traveled to Peru in January (January 18-26) and March (March 5-9) and held extensive meetings in Lima with a wide range of Peruvian leaders in order to obtain a broad perspective on the electoral environment.

NDI and The Carter Center noted in public pre-election reports that the reconstituted election authorities faced tremendous political and logistical challenges from the outset of the election process, due to the compressed timeframe of the elections and extremely low levels of public confidence in the electoral system. Given the fraudulent nature of last year's process, both the National Election Tribunal (JNE) and the National Office of Electoral Processes (ONPE)¹ were forced to reorganize completely and hire many new personnel. In the case of the ONPE, more than 75 percent of its former employees were replaced with less than four months to go before the April 8 elections.

Other specific challenges faced by the election authorities included the recent establishment of a new electoral system based on multiple electoral districts; the need to select and train thousands of poll workers throughout the country to staff nearly 90,000 polling stations on election day; training public officials and informing citizens about the principles of state neutrality during the electoral process; and designing a new software program to tabulate votes on election day. Electoral officials demonstrated exceptional commitment and worked inordinately long hours to ensure that the logistical challenges of administering this election process were met and to restore confidence in the electoral system.

The pre-election periods leading to the April 8 elections and the June 3 presidential run-off were characterized by governmental respect for civil and political rights necessary for democratic elections. There were no problems in candidates qualifying for the ballot. Candidates and their supporters were free to campaign throughout the country. State institutions, including those responsible for food distribution, tax investigations, the armed forces and police, acted in a politically neutral manner, as required by the constitution. There was a dramatic improvement in the press coverage of the election campaign in comparison to the widespread manipulation of the news media in favor of President-candidate Fujimori during last year's campaign. The coverage of this year's election process was generally open and impartial, and was closely monitored by the Peruvian civic association, *Transparencia*. As a consequence, citizens were able to receive adequate accurate information upon which to make choices at the ballot box.

Election officials conducted broad voter education campaigns. National observer groups also participated widely in voter education initiatives and election monitoring activities during the 2001 election process. As a result of these and other factors, a high degree of public confidence was established in the government and in the election authorities. The efforts of *Transparencia* deserve particular mention in this respect. This Peruvian citizen organization conducted a broad range of activities that helped ensure the integrity of the 2001 election process, including mobilizing over 20,000 observers for both rounds of the election. These initiatives were complemented by the monitoring activities of the *Defensoria del Pueblo*, as well as other Peruvian observation groups.

As noted above, however, the pre-election period was also characterized by a general erosion of public faith in politicians, largely attributed to revelations of the so-called “vladivideos,” confirming corruption among many in government and political manipulation by the Fujimori regime. In this context, many citizens expressed disappointment in the superficial level of debate of substantive campaign issues in the media, which was often eclipsed by negative personal attacks and scandal-driven news coverage. This development was compounded by the large number of candidates and weak political party structures in Peru, which resulted in generally personalized election campaigns. An environment of public skepticism developed simultaneously and paradoxically with increased public confidence in the government and election authorities.

NDI/Carter Center deployed approximately 30 international observers to monitor the voting process in eight electoral districts in Peru on April 8, 2001. The members of the April 8 delegation noted large voter turnout, as expected, well coordinated logistical support among the various institutions involved and no exceptional problems in the voting process. The ONPE’s vote tabulation software performed well, even though there had been significant concerns about its reliability prior to April 8. The majority of polling stations experienced only minor problems such as: 1) the late opening of polling stations due to late arrival of poll workers and delays in completing opening procedures; 2) confusion among voters as to the correct voting procedure for the preferential votes for Congress and subsequent problems with the preferential vote tabulation; and 3) delays and misunderstandings related to insufficient training of pollworkers.

The final results of the first round election were: Peru Posible 36.51 percent; APRA 25.78 percent; Unidad Nacional 24.3 percent; FIM 9.85 percent; while four other political groups received less than 2 percent each. Since no candidate received more than 50 percent of the popular vote, the top two vote-getters, Alejandro Toledo and Alan Garcia, advanced to a presidential run-off election. According to the Election Law, the JNE must set the date of the run-off election within 30 days of its announcement of the official election results. For the ONPE to declare the final results, all official objections and complaints (*impugnaciones*) filed by political party representatives (*personeros*) must be resolved by the relevant *Jurado Electoral Especial* (Special Electoral Tribunal - JEE).

Although the ONPE had released more than 90 percent of the election results within three days of the April 8 elections, the final results were not released until more than one month later, due to delays in resolving *impugnaciones*. The majority of them concerned the

The second round presidential campaign was even more intense than the first, with both candidates resorting to negative campaign tactics in attempts to win votes from an often skeptical and disinterested public. A recurring concern throughout the second round campaign was the unusually high percentage of intended blank votes reflected by polling data in the weeks leading up to the run-off election. This phenomenon was generally viewed as the product of election fatigue and general public dissatisfaction with both candidates. National and international observers urged both candidates to concentrate on generating a substantive debate on issues of interest to the Peruvian electorate, as mudslinging between the two candidates was detracting from a serious debate of campaign issues. *Transparencia* is to be commended for its efforts in organizing a televised debate between the two presidential candidates in the period leading up to the run-off election.

A delegation of approximately 30 international observers representing NDI and The Carter Center observed the voting process for the run-off election on June 3 in ten electoral districts throughout the country. Despite the tense campaign leading up to the run-off election, observers noted that the June 3 voting process went smoothly and that voters turned out in large numbers at the polls. NDI and The Carter Center were pleased to note that there were significant improvements in the logistical and operational aspects on election day as compared to the April 8 first round election. In addition, as was the case with the first round, hundreds of thousands of Peruvians helped to ensure the integrity of the election process by participating as election officials, political party pollwatchers and nonpartisan election monitors, while nearly fifteen million voters went to the polls.

Transparencia again presented the results of its nationwide, independent parallel vote tabulations or “quick count” at approximately 9:00 pm on the day of the election. This was a highly anticipated event, given the precision of its projections in the first round and in other Peruvian elections since 1995. The final results of this quick count contributed to the credibility of the electoral process, as both candidates and other political leaders immediately recognized their validity. These projections deviated by just 0.02 percent from the official results for both candidates issued by the ONPE, which confirmed public confidence in the official vote tabulation.

The results of the second round presidential election, reported at 100 percent on June 12 by the ONPE, were the following: Alejandro Toledo of *Peru Posible*, 53.08 percent; Alan García of APRA, 46.92 percent. Blank votes represented 2.75 percent and null votes 11.06 percent, both figures being much lower than had been anticipated throughout the second round campaign. The tabulation process at the ONPE ran smoothly, in part as a result of the new software implemented for the second round and the simplified presidential ballot.

RECOMMENDATIONS

The success of the 2001 election process was truly a testament to the patience and

government. However, the most difficult period in the consolidation of Peru's democracy is still to come. Peruvians in all sectors have recognized the need for significant constitutional, legislative and electoral reforms to ensure the accountability of elected officials in the future

1.2 Governmental bodies, political parties and civic organizations should encourage citizens to exercise their fundamental right to participate in governmental and political processes. Peru has suffered from a relatively long-term undermining of democratic institutions and processes. The de-institutionalization of Peru's political process obstructed avenues for citizen participation and impeded democratic development. All citizens have a fundamental right to take part in government and in public affairs of their country. Broad citizen mobilization during election periods and widespread civic participation in the political process in general are necessary to the success and sustainability of any democratic system. Government authorities, political parties, civic, religious, business and labor organizations, as well as the mass communications media, should call for a "citizenation" of the political process, encouraging citizen input to public policy formulation at the national and local levels and encouraging the public to monitor the performance and accountability of their elected representatives.

1.3 Legislation should be enacted to help strengthen political parties. Political parties are among the weakest of the necessary democratic institutions in Peru. The new Congress therefore should consider legislation to create a legal framework to help strengthen the role of political parties as democratic institutions that allow citizens to associate in order to aggregate their interests in seeking public office and enactment of public policies and creation of services to advance political, economic and social development. Such legislation should consider requirements for democratic internal party structures, promotion of women, youth and other historically underrepresented groups in political parties and the political process, as well as other key issues.

1.4 The influence of money in politics should be regulated to protect the public interest. Congress should consider comparative international approaches to public funding for political parties, electoral campaign financing and party/campaign finance disclosure, and political party access to state-controlled mass media during and beyond electoral campaigns. Consideration should also be given to restricting paid political advertising during electoral campaigns to reduce the need for candidates to raise large amounts of money.

1.5 Party registration requirements should be reevaluated. For the 2001 elections, prospective political contestants collected approximately 6.8 million signatures, of which approximately only 1.8 million were ruled valid. Even though the law allows citizens to sign for only one party seeking qualification for a given election, RENIEC reports that many citizens sign multiple times. There are two likely reasons for this: citizens want to sign for more than one party; and/or citizens do not want to say no to party petitioners because of fear of retribution or other reasons. In addition, parties have no way of knowing whether a signer has previously signed another party's petition, and it is unfair to penalize them for collecting double signatures.

The state's interest in limiting an excessive proliferation of political parties has to be balanced against citizens' rights to express support for political pluralism and to be free from intimidation. The same applies with respect to the rights of political parties and candidates to stand for public office free from overly burdensome obstacles.

Consideration therefore should be given to allowing citizens to sign petitions of more than one political party. In addition, consideration should be given to whether the number of signatures required for electoral qualification might be reduced and/or the

2.2 Consideration should be given to streamlining election authorities. Peru has three separat

making this change, more voting centers (with fewer *mesas* in each one) could be created, so that the distance traveled for some voters can be shortened.

2.5 Electoral authorities should take further steps to ensure that polling stations open on time and that closing and reporting procedures are expedited. In the April 8 elections, a substantial number of polling stations opened significantly late. This did not appear to disenfranchise voters, but it caused confusion and seemed to diminish the prestige of the election process. The incidence of late openings appeared to diminish in the June 3 runoff, due to steps taken by the ONPE.

Further steps to ensure on-time opening of the polls should be considered. For example, requiring earlier arrival of all polling station personnel and allowing substitutes (*suplentes*) for absent pollworkers (*titulares*) from a pool of replacement poll workers or substitutes from adjoining polling stations, should they be available, could facilitate on-time openings. Procedures for opening and closing should be streamlined to save time and reduce possibilities of errors in reporting results. Tallysheets (*actas*) should be as simplified as possible, and the copy for the military eliminated.

2.6 Steps should be taken to expedite processing of electoral complaints. The JNE currently has jurisdiction for the resolution of electoral complaints (*impugnaciones*)

3. Mass Communications Media

3.1 Private media should adopt a voluntary ethical code for political news coverage. The news media are key to providing citizens with adequate, accurate information upon which to make political choices. The Peruvian press now has an opportunity to meet their responsibilities to provide accurate and balanced news coverage of political competitors (parties and political figures) and issues that affect voter choices. Professional responsibility is the key to this effort. Media outlets, as well as media and journalist associations, should consider adopting a code of conduct for responsible and impartial coverage of the political process both during and subsequent to election processes. Such associations should also consider establishing a voluntary mechanism to receive citizen complaints about abuses of such coverage and to call on media outlets to provide corrective measures on a timely basis, such as the right to reply and correction.

3.2 State-controlled media should be required to provide accurate and impartial coverage of political parties and figures. Inaccurate or politically biased information broadcast by state-controlled media had a negative effect on the political process in Peru prior to the 2001 election process. State-controlled media have a direct obligation to citizens to provide them with accurate and impartial information about governmental processes, political parties and figures and issues of political importance, so that citizens can freely exercise their political rights. Congress

4.2 Government officials standing for election should be obligated to meet stringent requirements to prevent the use of state resources for electoral advantage. State resources, including the working time of all government employees, belong to the people and should be used for the public's interest - not for the electoral advantage of a candidate or political party. Individuals holding governmental office have a special public trust and responsibility to uphold this requirement. Congress and the election authorities therefore should consider enacting a range of protections to ensure that candidates cannot misuse their office, state resources or personnel in the electoral context.

For example, mechanisms for strict oversight of the inauguration of public works, government-sponsored travel, speeches made at governmental events, use of telephone services, activities of subordinates on government time and premises, and use of government vehicles should be instituted. Some countries require that all candidates for election who hold an elected or appointed position take a leave of absence from their positions during the official campaign period or from the time of registration of their candidacy.

4.3 Governmental transparency measures should be enacted to ensure the integrity of public institutions and governmental processes during and beyond elections. The key to building public confidence in government, as well as in election and political processes, is transparency. The Congress therefore should establish adequate controls and oversight mechanisms to guarantee transparency, access to information and accountability in all government programs and agencies, including the armed forces and intelligence services.

CONCLUSIONS

At this critical juncture in the consolidation of its democracy, Peru has the opportunity to take advantage of comparative international experiences and to improve on existing