



**STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE (NDI)/CARTER
CENTER SECOND PRE-ELECTION DELEGATION TO PERU**

Lima, March 9, 2001

This statement is offered by an international pre-election delegation to Peru, organized jointly by the National Democratic Institute (NDI) and The Carter Center (TCC). The delegation visited Peru from March 5 through March 9, 2001 and was the second of two scheduled assessment missions prior to the 2001 presidential and legislative elections. NDI and TCC also opened a joint office in Lima at the end of January and will maintain a permanent presence in Peru throughout the election and post-election period. The two institutes will organize a joint international election delegation to Peru for the April 8 elections. The delegation will include approximately 30 international political leaders and electoral experts, and will be led by former Presidents Jimmy Carter of the United States and Ramiro de Leon Carpio of Guatemala, and by President of Michigan State University and former Administrator of the United States Agency for International Development, Peter McPherson.

The delegation met with a wide range of Peruvian leaders, including: the President of the *Jurado Nacional de Elecciones* (JNE) and the head of the *Oficina Nacional de Procesos Electorales* (ONPE); the President of the Cabinet of Ministers; the Minister of the Interior; the Minister of Promotion of Women and Human Development; seven of the presidential candidates or their representatives; representatives of the news media and public opinion research organizations; the *Consejo Nacional de la Magistratura*; the President of the Supreme Court; the acting *Defensor del Pueblo*; civic leaders, including leaders of *Transparencia*; and representatives of the international community.

Presented below is a summary of the second pre-election delegation's observations, followed by a series of recommendations that might be considered in the four weeks remaining before April 8.

SUMMARY OF OBSERVATIONS

The delegation is pleased to reaffirm the conclusion reached by the January assessment mission that Peru's interim government has established the necessary conditions for a free, transparent and legitimate election of the next President and Congress of Peru. The delegation commends the extraordinary efforts that the government of President Valentin Paniagua has undertaken to guarantee the neutrality of state institutions, the armed forces and the forces of public order. Although faced with a short time period, the reconstituted electoral institutions have made significant progress in organizing the electoral contest and restoring citizen confidence in the overall process. This trust is reflected in the high public approval ratings that both the President and the electoral authorities have received in recent opinion polls.

Important steps have been taken to overcome most of the specific obstacles to the conduct of a successful election identified by NDI and TCC in January. These positive

developments are specified later in this report. Nevertheless, there remains some reason for concern. The abuses of the Fujimori-Montesinos regime have left a legacy of public skepticism and suspicion that Peruvians are still struggling to overcome. This climate of mistrust is being exacerbated by the increasingly competitive electoral race.

Given this challenging electoral context, all Peruvians, including political candidates, journalists, civil society leaders and the citizenry, must make a concerted effort to focus public attention on the substantive issues of the campaign and seek full cooperation to address any difficulties. As such, political leaders and organizers should avoid using tactics that could be perceived as reminiscent of last year's electoral campaign and refrain from unsubstantiated criticisms of the electoral authorities. Such actions only serve those who may wish to destabilize or discredit the entire electoral process.

The high level of interest and unprecedented collaboration of the international community in this election process demonstrate the significance of Peru's democratic transition for the hemisphere and its regional organizations. The upcoming elections provide Peru with an extraordinary opportunity to begin the collective task of building those democratic institutions that the Peruvian people desire and merit.

DEVELOPMENTS IN THE ELECTORAL ENVIRONMENT

Congressional Lists

In response to public opinion and a desire for increased accountability, Peru's one-district system was restructured into 25 districts for the 2001 elections. The deadline for the registration of congressional candidates was February 7. The JNE has since announced that there are 314 congressional lists officially registered for the elections, representing 13 political movements and including more than 1,600 candidates. Seven groups have presented candidates in all 25 electoral departments: *Accion Popular*, *APRA*, *FIM*, *Solucion Popular*, *Somos Peru*, *Todos por la Victoria* and *Unidad Nacional*.

The Election Authorities and the Electoral Timeline

Faced with an extremely tight electoral calendar, the electoral authorities are working around the clock to meet deadlines and guarantee a credible election process on April 8. While much remains to be done, a number of critical steps have already been completed, including: evaluating and replacing personnel at the JNE and the ONPE, where 78 percent of former staff have been replaced; hiring and training approximately 12,000 temporary election employees; identifying all of the *miembros de mesa* (polling station officials) who will work the polls on election day; opening 49 Decentralized Electoral Process Offices (ODPEs) and Special Election Tribunals (JEEs) nationwide; initiating the printing of the *acta-padron* (voter list and tally sheet) and the ballots to be used on election day; designing a new software program to tabulate the election results; and submitting a copy of the new software to political party representatives and election observers for their review.

In a further demonstration of openness and transparency, both the ONPE and the JNE are making extensive use of electoral experts from around the world to achieve their common goal of a credible election process. The ONPE has put a number of safeguards in place to ensure the technical accuracy of the vote count. Private companies will carry out an independent audit of the new computer software program. In addition, the ONPE will conduct two vote simulations to test its computer systems and correct any deficiencies as necessary.

Since the visit of the first pre-election assessment mission in January, NDI and TCC have noted a number of positive developments that relate to the recommendations made by the institutes' previous delegation. These developments include:

- Seven of the eight presidential candidates signed a Pact of Civility sponsored by the civic organization, *Transparencia* and witnessed by the *Conferencia Episcopal*, the OAS, NDI/TCC and the United Nations. A Commission was created to respond to complaints raised within the context of this Agreement and to ensure continued dialogue among the political groups competing in the elections. Now, it is up to the signatories to use this forum to resolve their complaints in a responsible manner.
- Almost all of the political parties competing in the election are benefiting from free advertising time in the media (*franja electoral*), aired every evening on national television and radio stations between 8 and 11 PM.
- *Canal N* and *El Comercio* have organized a series of programs designed to give both presidential and congressional candidates access to the media and focus public attention on substantive campaign issues. Last weekend, candidates to Congress from the interior of the country had the opportunity to make brief statements to the public, which were broadcast live on *Canal N*.
- The JNE issued a resolution that requires all parties participating in the electoral process to provide a statement detailing their campaign funding, including both the sources of this funding and its intended uses. So far, only two political groups, *Unidad Nacional* and *Todos por la Victoria*, have provided this information, and only in general terms. *Transparencia* signed an agreement with the JNE to monitor the parties' use of media time during the campaign and to share the results of this media monitoring effort with the JNE to help establish transparency in campaign spending.
- The ONPE has initiated a voter education campaign that includes the use of high quality educational materials produced by the ONPE in several languages and disseminated through the mass media. The campaign is being led by 250 full-time "election promoters" (*promotores electorales*) throughout the country.
- The transitional government has completed an overhaul of state-run institutions to ensure the neutrality of public officials in the electoral process. In particular, the Ministry of the Promotion of Women and Human Development has removed and replaced all personnel linked with manipulation of food assistance programs in the past election process. The Ministry of the Interior has replaced the prefects (appointed political officials at the departmental level) in all 25 departments and is removing lower ranking officials.
- The *Defensoria del Pueblo* has established 25 mobile election teams, which are working in coordination with the *Defensoria's* eight permanent offices around the country to supervise the electoral process at the local level. In addition, the ONPE and the *Defensoria del Pueblo* are collaborating in the operation of the recently inaugurated

“Office of the Defense of the Voter,” to receive electoral complaints relating to the ONPE or ONPE personnel. The *Defensor* reports that this Office has received very few substantive complaints thus far.

- The leadership of the armed forces has made a clear public commitment to preserving neutrality in the election process, although there are still some concerns about how these instructions will be carried out at the local level. Given the assurances provided by the military and the many logistical hurdles that the election authorities face, the authorities may want to consider accepting logistical support from the military where appropriate.
- The *Consejo Nacional de la Magistratura* has been reconstituted as an independent and autonomous entity and is committed to phasing out provisional judges in the judicial system.
- The Waisman Commission, charged with investigating the bank accounts and financial corruption organized by Montesinos, has released two reports since the last NDI/TCC delegation, and the Peruvian Congress has approved an extension of the mandate of the Waisman Commission until May 30.

THE DELEGATION AND ITS WORK

This delegation included: Arturo Valenzuela, Director of Latin American Studies at Georgetown University and former special assistant to President Clinton and Senior Director for Inter-American Affairs at the National Security Council; Horacio Boneo, senior consultant in democratic governance and former Director of the United Nations Electoral Assistance Division; Gerardo Le Chevallier, NDI Director for Latin America and the Caribbean; and Shelley McConnell, Associate Director of the Latin American and Caribbean Program at The Carter Center. The delegation was joined by the staff of the Election Observation Mission in Peru, Luis Nunes, Resident Project Director; Linda Frey, Deputy Resident Project Director, and Francisco Robles.

NDI and TCC are independent, nongovernmental organizations that have conducted more than 100 impartial pre-election, election-day and post-election observation delegations around the globe. The NDI/TCC Election Observation mission was invited by the government and election authorities of Peru, and by Peruvian civic and political leaders. The purposes of this pre-election assessment delegation were to express the support of the international community for a democratic election process in Peru and to assess the evolving political environment surrounding the upcoming elections, as well as the state of electoral preparations.

The delegation conducted its activities according to international standards for nonpartisan international election observation and Peruvian law. NDI and TCC do not seek to interfere in the election process nor, at this juncture, to make a final assessment about the overall process. Both institutions recognize that, ultimately, it will be the citizens of Peru who will determine the legitimacy of the elections and of the resulting government.

CONCLUSIONS AND RECOMMENDATIONS

In the spirit of continuing international cooperation, the delegation offers the following conclusions and recommendations:

- **1) Adherence to the Code of Conduct (*Pacto Civico*)**

The candidates who signed the “*Pacto Civico*” made a public commitment to focus their campaigns on substantive issues and to refrain from the tactics of harassment and intimidation that characterized last year’s fraudulent election process. Having made this admirable commitment in writing, the presidential candidates should now adhere to the Pact through their actions and ensure that their supporters do the same. Moreover, they should seek to use the Civic Pact Commission to address their concerns within the context of the campaign before publicizing these concerns in the press.
- **2) Concerns about Aggressive Behavior in the Campaign**

In the past several days, there have been several disruptive incidents of aggression directed at candidates and their supporters during campaign events. The delegation urges all political leaders to condemn such acts and prevent them from recurring. Given the recent political history of Peru, political organizers need to make special efforts not to fall into the trap of using the same tactics that were used to destabilize the democratic process in the past.
- **3) Safeguarding the Credibility of the Election Process**

The delegation has noted a problem of communication at several levels between the electoral authorities and political groups. In our experience, these problems are not unusual, and they can and should be addressed. Legitimate concerns and misunderstandings could have the unintended effect of causing unaffordable delays in the electoral timeline or increasing public skepticism. In recognition of the high levels of confidence expressed by Peruvian citizens and political candidates in the good faith of the election authorities, the delegation urges party representatives to address and clarify any concerns with regard to the election process through the appropriate channels before making them public. In return, the election authorities should maintain and strengthen the lines of communication with all groups and be as responsive as possible.
- **4) Debating Substantive Campaign Issues**

Both political groups and the media should refrain from attacking the character of candidates. Such attacks will only serve to destabilize a fragile election process. Rather than debating issues of character, the candidates should enter into a debate of substantive electoral issues such that the Peruvian electorate can make an informed choice at the polls on election day. This public debate should be structured in such a way as to allow the candidates to challenge or affirm the policies and programs of their electoral competitors.
- **5) Accurate and Timely Public Information on Election Day**

The Peruvian population is accustomed to receiving result projections shortly after the polls close at 4:00 pm. However, due to problems during last year’s elections, an agreement was reached at the OAS sponsored *Mesa de Dialogo* to restrict the release of

projections until 10 pm, or until the ONPE releases its quick count results. Now that the ONPE has decided not to conduct a quick count, these restrictions create an information vacuum on the evening of the elections. This vacuum could be filled by unreliable data with the potential for misleading the population and the political contenders. The relevant authorities should seek a solution to address this concern.

Given the unreliability of exit polls, the delegation also strongly recommends the use of quick counts (statistically accurate projections based on a sampling of actual election results) as confidence-building measures on the night of the elections and welcomes the fact that organizations such as *Transparencia* will be conducting them. We further urge that the electoral authorities make a particular effort to help validate the reliability of such quick counts and to promote the sharing and dissemination of quick count results on election night in accordance with the law. Any release of electoral projections (either exit polls or quick counts) by the media should include an explanation of the method used to obtain these results and their margin of error.

- **6) Investigations of Corruption**

The massive quantity of evidence and the far-reaching web of corruption linked to the past regime will take many months, if not years, to uncover. Of particular concern is the perception that in this electoral environment the release of the videos could be in some way manipulated for political gain. Since the purpose of these investigations is to restore the rule of law and confidence in justice, prosecutors should take special care to respect these principles and be transparent in their proceedings.

- **7) Equitable Media Coverage and Media Access**

Media coverage of the 2001 election process has demonstrated a dramatic improvement over that of last year's campaign. The free advertising and radio time provided to political groups by the Peruvian authorities represents an important and much appreciated initiative. Unfortunately, this *franja* only applies to national media outlets; consequently, congressional candidates from departments outside of Lima do not benefit from this opportunity to present their ideas to voters. In addition, the delegation received complaints that some local affiliates of the national networks were not broadcasting the *franja* simultaneously.

State-owned media should also fulfill their obligation of providing free air time to all candidates and offering reduced rates for campaign advertising. Finally, both local and national private radio and television stations could help contribute to the success of this electoral process by offering advertising time to candidates at a reasonable cost and airing voter education programs and information as a public service.

ISSUES FOR FUTURE ELECTORAL REFORM

The delegation hopes that genuine, open dialogue continues in the post-election period to frame lessons learned from these elections and address the continuing need to improve Peru's democratic process. As it would be difficult to make changes to electoral legislation at this late date, there are a number of issues that the delegation has noted as areas for future electoral reform.

- A mistake was made in calculating the number of seats to be filled by female candidates for the congressional lists of La Libertad, Ica and Callao. In these three departments, the 30 percent quota was not respected (La Libertad: 28.6 percent; Callao: 25 percent; and Ica: 25 percent). If it is not possible to solve this problem during this electoral process, the election authorities should at least acknowledge this mistake to ensure that it will be avoided in the future.
- The fee for presenting an objection (*tacha*) to a candidate for public office is extremely high, at 3,000 soles. The JNE may want to consider reducing this fee in the future. Although the money is returned if the complaint is validated, the high fee may be deterring citizens from filing legitimate complaints.
- There is a serious need for effective campaign finance legislation in Peru. This would do much to increase transparency and equity in the conduct of election campaigns.