



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

*Lima, January 26, 2001*

This statement is offered by an international pre-election delegation to Peru, organized jointly by the National Democratic Institute for International Affairs (NDI) and The Carter Center. The delegation visited Peru from January 18 through January 26, 2001, and was led by former President of Guatemala, Ramiro de Leon Carpio. This was the sixth multinational NDI/Carter Center delegation to Peru since November 1999 and the first of a series of delegations to be organized for the 2001 election process. In addition, the National Democratic Institute and The Carter Center have visited Peru on a number of occasions in the last five months and have followed developments leading to the new elections and the recent change of government.

NDI and The Carter Center will maintain a continuous presence in Peru throughout the 2001 election process. This joint effort will coordinate closely with missions of the Organization of American States (OAS), European Union and other international organizations, as well as with efforts of domestic organizations, such as *Transparencia*, the Ombudsman's Office (*Defensoria del Pueblo*) and others to monitor and promote a democratic election process in Peru.

The delegation held intensive meetings with a wide range of Peruvian leaders, including: the President of the Republic Valentin Paniagua; the members of the JNE and the heads of ONPE and RENIEC; the Minister of Justice; the Minister of Defense and the Commanders of all three branches of the armed forces; leaders of the Congress; the *Defensoria del Pueblo*; 14 of the prospective candidates for President or their representatives; representatives of the news media and public opinion research organizations; civic and religious leaders, including leaders of *Transparencia*; the Permanent Secretary of the High Level OAS Mission in Peru Eduardo Latorre and other representatives of the international community. Presented below is a summary of the delegation's observations. Recommendations are presented at the end of this statement.

**SUMMARY OF OBSERVATIONS**

Peru is in the midst of dramatic, positive changes in its democratic development. The environment surrounding the 2001 extraordinary presidential and parliamentary elections is fundamentally different from that of last year. All of those with whom the delegation met expressed a high degree of confidence in the integrity of the new leaders of government and of the electoral authorities.

The conditions for organizing genuine democratic elections have been established in Peru, and the prospects for realizing them are strong. At the same time, important challenges face the election process in the weeks and months ahead that should not be underestimated.

These challenges will require concerted efforts by all electoral authorities and active support by all branches of government. They will require sufficient tolerance and respect among candidates and political parties towards each other and will require them to keep the long-term national interests in mind as they pursue their immediate goal of winning public office. The challenges also will require responsible actions by the news media and broad citizen participation – a “citizenization” of the elections – to support a democratic process and to provide a mandate for transparent, accountable governance. The delegation believes that these things can be accomplished.

The circumstances surrounding last year’s elections in Peru were among the worst ever observed in this hemisphere by NDI and The Carter Center. It is clear that the Fujimori government perpetrated election fraud. As a result, those elections failed to provide the Fujimori government with a mandate based on an expression of the will of the people. The lack of a democratic mandate contributed to that government’s collapse under the weight of scandal.

Incontrovertible evidence, more of which is still being uncovered, shows that political corruption committed by the former regime undermined democratic institutions and processes that are essential to national development. Fortunately, the process of dialogue developed under the auspices of the OAS in the post-election period provided a basis for important reforms already achieved, as well as improved channels of communication needed to advance the process in the period ahead.

Peru is now presented with an exceptional opportunity to expose and dismantle the network of intimidation and corruption that subverted its democracy. Important steps are being taken by the government, Congress, the judiciary and electoral authorities to eliminate corruption in the political process. Actions by citizens to take ownership of the process would not only strengthen the mandate of government but also would confirm that safeguards are being put in place to ensure that the people’s will may never again be denied.

## **POSITIVE DEVELOPMENTS IN THE ELECTORAL ENVIRONMENT**

The following are among the positive developments noted by the delegation.

- An independent prosecutor and a special congressional commission have been investigating the massive network of corruption used by the Fujimori regime to maintain its power. This network is being revealed in large part through video tapes compiled by the former head of the intelligence service, Vladimiro Montesinos, who is now a fugitive from justice.
- The culture of impunity has been further broken by investigations of the military’s connection to the network of corruption. More than 40 generals have been separated from military service as part of efforts to “rationalize and re-institutionalize” the military.
- Steps are being taken to end the provisional status of judges and provisional mechanisms that undermined the independence of the judiciary.

- The three justices of the Constitutional Tribunal, who were wrongly removed from office due to their issuing an opinion against a law which authorized then-President Fujimori to seek a third term, have been reinstated to the Tribunal.
- Peru has returned to the jurisdiction of the Inter-American Court of Human Rights.
- News media are operating with new openness and in the absence of political persecution.
- Television Channels 2 and 13 have been returned to their owners, and Radio 1160 expects to reacquire its transmitters soon.
- Registered political parties are to be provided free of charge 10 minutes per day on the broadcast media, during the 60 days prior to the elections; this free time (*franja electoral*) is to be guaranteed by public funds to be provided by the ONPE.
- Government advertisements, with limited exceptions, are to halt for the 60 days prior to the elections.
- Civic, professional and religious organizations are planning to monitor the election process, to educate and to mobilize greater citizen participation.
- The military has demonstrated its professionalism and respect for civilian authority through the transition to the new government. The President, the Minister of Defense and the Commanders of the three branches of the armed forces have ordered political neutrality of military units. The Minister and the Commanders made a public commitment to support democracy and to maintain political neutrality at an unprecedented news conference this week, which was held with the NDI/Carter Center delegation.
- The JNE has been reconstituted, and it is taking steps to ensure the integrity of the election process, such as calling for an examination of the electoral registry (*padron*).
- The ONPE's leadership has been replaced, and the ONPE is reorganizing itself as it works to prepare the elections. A new spirit of openness has been established at all of the electoral authorities, including the initiation of a coordinating group within the ONPE for the political parties (*mesa de coordinacion con los partidos politicos*).
- *Transparencia* examined the electoral registry produced by RENIEC and determined that it is sound. The examination was conducted through an agreement with the JNE.
- Candidates and political parties have been registered for the elections, even though some questions have been raised about the signature collection and verification processes.
- After an intense public discussion, a political agreement was reached to restructure the election system into multiple districts.

## **CHALLENGES IN THE 2001 ELECTORAL PROCESS**

The delegation noted that the 2001 electoral process presents significant challenges, including the following.

- The elections are only 71 days away, which necessitates a tight election calendar (*cronograma electoral*). With great effort and if there are no delays, the ONPE should be able to organize elections properly for April 8. However, if further changes are made to the electoral process that require additional time, it will be extraordinarily difficult for the ONPE to meet the requirements of an April 8 electoral timetable.

- There are 10 certified candidates for the President of the Republic. Only one will win the office, and only two will enter the second round run-off if none obtains 50 percent plus one vote on April 8. Electoral competition for the Presidency therefore may become antagonistic, which could also be true for Congressional seats in the country's 25 new electoral districts. Nonetheless, the political environment remains fragile due to extreme political polarization in the recent past. The political contestants therefore will have to find ways to maintain civility in their respective campaigns.
- The past regime created an intricate and far-reaching web of corruption. Revelations about the corruption are continuing day-by-day. While investigations and prosecutions of those involved in the corruption are necessary, the potential exists for excesses that could affect innocent people. In addition, should revelations continue over a protracted period, the public could become distracted or even alienated from the election process. Balancing these competing interests will require careful attention.
- Last year's elections suffered from a number of manipulations, including of the media and of election results. As a consequence, a legal prohibition against publishing opinion polls about candidate choices will be enforced for one week before the elections; pollsters will be required to register with the JNE; no exit polls will be allowed on election day, and no independent vote projections (*conteos rapidos*) may be published until the ONPE has released official results or 10:00 p.m. arrives on election night. The combination of these restrictions will prevent the public from receiving available, relevant information. With this news blackout, various political contestants could claim victory early on election night, which could cause confusion and undermine confidence in the election process. It would be important to find a less restrictive balance more favorable to allowing the public to receive timely, relevant information from the media until close to election day and soon after the polls close.
- Many important steps have been taken in Peru to prevent manipulation of election and political processes. Some officials from the old regime, who rigged the last elections, however, may seek to sow confusion or obstruct the 2001 election. Maximum efforts to organize the elections properly and to ensure their integrity by the election authorities, political contestants, mass media and citizens organizations will be the best way to prevent attempts to undermine the process.
- Organizing genuine democratic elections this year will require the mobilization of tens of thousands of citizens. Broad campaigns will be necessary to inform citizens of the need to participate in the election process as voters, political party pollwatchers (*personeros*); electoral officials (*miembros de mesa*) and as nonpartisan election monitors (*observadores*). The mass communications media will be central to a successful citizen mobilization. Those who control media outlets therefore will have to find ways to address the national interests for citizen participation.
- While great efforts will be needed to organize successful elections, longer-term issues for democratic and economic development will extend well beyond the elections. Political

contestants, the mass media and citizens themselves therefore will need to find ways to introduce into the election campaign such longer-term issues.

- According to electoral legislation, polling stations (*mesas de votacion*) may have no more than 300 registered voters. In practice, tables rarely have more than 200 voters, resulting in approximately 89,000 polling stations in Peru. This creates a huge burden for recruiting, training and deploying election officials, political party pollwatchers and nonpartisan election monitors. It is common in other countries to have many more voters assigned to each polling station. Increasing the number of voters per polling station by two or even three times, where distances and populations allow an increase, would improve the capacities of electoral authorities, parties and candidates and citizen groups to staff the stations. Although not approved for 2001, this should be considered for elections after this year.

In addition to these challenges to the election process, the delegation noted a concern raised by political parties that did not succeed in qualifying for the ballot. Approximately 360 groups took out petitions for ballot qualification, while 33 returned them, and three new parties were accepted for the ballot. In addition, 18 presidential candidates applied for ballot qualification, while 10 were approved.

Prospective political contestants collected approximately 6.8 million signatures, of which approximately only 1.8 million were ruled valid. Political parties indicated that they must collect up to five times the required number of signatures to ensure that the minimum valid number will be met. 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. 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. These issues merit further consideration after the elections.

## **THE DELEGATION AND ITS WORK**

This delegation included: Hon. Ramiro de Leon Carpio, President of Guatemala (1993-96) and present Vice-President of the Congress of Guatemala; Monica Jimenez de Barros, founder and for 12 years Executive Director of PARTICIPA (a Chilean nongovernmental organization dedicated to strengthening democracy) and former member of Chile's Truth and Reconciliation Commission; Charles Costello, Director of The Carter Center's Democracy Program; Patrick Merloe, NDI Senior Associate and Director of Programs on Election and Political Processes; Gerardo Le Chevallier, NDI Director for Latin America and the Caribbean; and Denis Kadima, NDI's Election Observation Coordinator for the Southern Africa Development Community Parliamentary Forum. The delegation was joined by Luis Nunes, Project Director, and Linda Frey, Program Officer, of the NDI/Carter Center Joint Election Observation Mission in Peru.

NDI and The Carter Center are independent, nongovernmental organizations that have conducted more than 100 impartial pre-election, election-day and post-election observation delegations around the globe. The delegation was invited by the government of Peru and Peruvian civic and political leaders. The purposes of this 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 The Carter Center do not seek to interfere in the election process nor, at this juncture, to make a final assessment about the over all process. Both institutions recognize that, ultimately, it will be the people of Peru who will determine the legitimacy of the elections and of the resulting government.

## CONCLUSIONS AND RECOMMENDATIONS

Peru is passing through a period of rapid democratic change. The fraudulent elections of 2000 led the OAS General Assembly to pass a resolution in June on the need for democratic reform in Peru. A dialogue was then established under the auspices of the OAS (*Mesa de Dialogo y Concertacion*). Soon after the dialogue was established, corruption scandals rocked the government of then-President Fujimori. When he announced his intention to step down within one year, the dialogue led to action by the Peruvian Congress amending the Constitution and setting the 2001 extraordinary elections. The opposition gained leadership of Congress, a development that led Fujimori to attempt to resign while on a state visit to Japan, where he remains today. The new President of Congress, Valentin Paniagua, then became President of the Republic after the Congress removed Fujimori from office on grounds of moral incapacity.

It is vital to Peru's democratic development that the 2001 extraordinary elections build public confidence in government and in political and electoral processes. In this sense, it is important to do more than just meet minimum standards. Peruvian authorities, candidates and political parties, the mass media and citizen organizations should seek to achieve a process that the public and the political contestants will embrace. Therefore, these extraordinary elections merit extraordinary efforts to establish a solid foundation for Peru's democratic future.

At the same time, the 2001 election process is taking place in a compressed timeframe. The process of dialogue should continue after the elections to evaluate the strengths and weaknesses of the legal structure for the elections as well as ways to encourage citizen participation in determining further democratic reforms.

It is with this in mind and in the spirit of continuing international cooperation that the delegation offers the following recommendations.

- **1) Caution in Changing the Electoral Framework Is Warranted.** The Congress and the JNE have legitimate powers to implement changes to the electoral framework and appear to have made changes properly. The delegation recommends that caution be used in

approaching any further changes that could expand the electoral timetable in significant ways without adopting a corresponding delay in the election date. The delegation suggests that the ONPE be consulted in advance of changes in the electoral framework to ascertain the potential impact of any possible changes on the electoral timetable. In addition, the delegation urges political parties and the JNE to expedite processes, such as challenges (*tachas*) to polling officials, in order to safeguard the electoral calendar as much as possible.

- **2) Civility Is Needed in the Election Campaign.** Elections provide a means for peaceful competition for public office, which nonetheless tends to foster sharp exchanges among candidates and political parties. The parties have agreed to restrict painting campaign slogans in certain places, and *Transparencia* and Prime Minister Perez de Cuellar both have proposed that agreements be reached for proper campaigning. The delegation recommends that the candidates for president and the leaders of the political parties participating in the 2001 extraordinary elections sign such agreements to respect the law, the rights of voters and each other's civil and political rights through the campaign and thereafter. The agreement should include a pledge to train their supporters in the law and a code of conduct corresponding to their agreement. The agreement could be witnessed by organizations and personalities, such as *Transparencia*, the Conference of Catholic Bishops (*Conferencia Episcopal Peruana*) and other religious, professional, business and civic organizations or leaders. That would add moral force to the agreement and send a positive signal to the population.
- **3) Timely Review Is Appropriate for Corruption Proceedings.** Careful review of the "Montesinos videos" and other material concerning the network of corruption of the prior regime is required to prevent any unfair damage to the reputations of people who may appear in those materials but who were not involved in wrongdoing. At the same time, daily release of such materials throughout the election period could distract and even alienate citizens from the election process. The delegation therefore suggests that consideration be given to applying additional professional resources so that the materials can be reviewed properly and be released in a timely fashion.
- **4) Citizens' Right to Information Is Central to Proper Elections.** Preventing undue influence on voters of inaccurate or potentially prejudicial information appears to be the basis for various legal restrictions affecting release or publication of opinion polls, exit polls and quick counts concerning election results. The right of voters to information about the elections as well as press freedoms also must be taken into account. The delegation recommends that consideration be given to dropping the registration requirement for opinion pollsters (or minimizing it), that the restriction against immediate release of quick count information be lifted, and that the limitation on publishing opinion polls be reconsidered. The delegation commends ONPE's efforts to provide real-time access to its computerized vote tabulations on election night and encourages that its computer software be tested in the presence of parties and impartial observers.
- **5) Broad Citizen Mobilization for the Election Process Is Needed.** The will of the people expressed freely through genuine elections is the basis of authority of any democratic government. This is an extension of the internationally recognized fundamental right of

citizens to participate in government and public affairs, directly by standing for office or indirectly by choosing representatives. Broad citizen mobilization as voters, party pollwatchers, polling officials and impartial election monitors is therefore needed to ensure a truly democratic election process. The delegation urges the ONPE, political parties, civic, religious, business and labor organizations, as well as the mass communications media, to call on citizens to participate in monitoring the election process.

- **6) The Mass Media Should Assist Citizen Mobilization and Civic Education.** The news media is a key element to providing citizens with adequate, accurate information upon which to make a free choice at the ballot box. The media has a new opportunity to meet their responsibilities to provide accurate and balanced news coverage of political contestants and issues that affect voter choices. Professional responsibility is the key to this effort, and the delegation recommends that media outlets, as well as media and journalist associations, adopt a code of conduct for responsible coverage of the election process and the political process beyond the elections. The government and political parties reached an agreement as an outgrowth of the OAS dialogue, which provides for free broadcast media access for parties participating in the elections (*franja electoral*), to be guaranteed by public funds. This should be usable at the discretion of the parties for print media as well. In addition to this, media outlets should offer free time to civic and other groups for voter education and calls for citizen mobilization for the election process. During last year's elections, media owners provided some free time to political contestants; similar amounts could be provided to civil society groups this year.
- **7) Further Consideration Seems Warranted for Replacing Some Officials.** Many officials of the prior regime have been replaced, and it is appropriate that those with integrity remain in their posts. Suggestions have been made by political parties and others to review prefects, governors and some other officials who serve at the will of the Ministry of Interior and to replace some such people with mayors, who have an independent elected mandate. Further consideration of such measures seems warranted to protect the elections and broader political processes from those who might seek to impede proper elections. The Ombudsman's Office could play an important role in reviewing any allegations that local officials may be acting to undermine electoral-related rights and claims that the rights of such local officials could be violated by false allegations.
- **8) Dialogue about Democratic Reforms Should Continue after the Elections.** The 2001 extraordinary elections are being prepared in the context of dramatic, positive changes in Peru's democratic development. They also are taking place in a compressed timeframe and under ground-rules that were in many instances agreed in order to move quickly to establishing a government based on a popular mandate. The official components of the OAS dialogue headed by Eduardo Latorre have ended, but mechanisms such as ONPE's political party liaison meetings (*mesa de coordinacion con los partidos politicos*) and other efforts are continuing to build on the OAS process. The OAS observation mission again to be headed by Eduardo Stein, who conducted admirably last year's OAS election mission, will undoubtedly contribute to further dialogue during the election process. The dialogue process, however, should not stop with the elections. 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.

The delegation was heartened by the positive developments it observed and by the firm expressions of political will it received from governmental, political, military, civic and religious leaders to organize open, democratic elections. NDI and The Carter Center will continue to monitor Peru's 2001 extraordinary elections and the surrounding political environment through its representatives in Peru and future delegations. Further statements and recommendations will be released as the election process develops.