

## **ACKNOWLEDGEMENTS**

The National Democratic Institute (NDI) and The Carter Center would like to thank first and foremost the Peruvian people for the warm welcome that they have given each and every one of our ten election observation delegations and to our field representatives resident in Lima almost continuously over the past year and a half. The citizens of Peru have demonstrated remarkable resolve throughout a protracted political crisis in their country, coming together to ensure a peaceful transition of power through an extraordinary, democratic election process.

In particular, NDI and The Carter Center would like to thank the many individuals who met with our delegations and field representatives on various occasions; they were always ready to share information, concerns and, in many cases, friendship. Members of the January, March, April and June delegations were grateful for the generous donation of time and essential contribution of expertise offered by: the President of the Republic Valentin Paniagua; President of the Council of Ministers and Foreign Minister Javier Perez de Cuellar; Minister of Justice, Diego Garcia Sayan; Minister of Defense, Walter Ledesma; Minister of Women and Human Development, Susana Villaran; the heads and personnel of the JNE, ONPE and RENIEC; leaders of the Congress; the presidential candidates and leaders of their political groups; the acting *Defensor del Pueblo*, Walter Alban, and other representatives of the *Defensoria del Pueblo* throughout the country; leaders of *Transparencia*, as well as many dedicated *Transparencia* staff and volunteers nationwide; leaders of *Consejo por la Paz*; representatives of polling firms and the Peruvian media; Eduardo Stein and members of the Organization of American States Observation Mission; Eva Zetterberg and representatives of the European Union observer delegation; and representatives of the technical assistance missions of the United Nations, IFES, and CAPEL. Many of these individuals also participated as panelists in briefing sessions for our international observer delegations for both rounds of the election, and we are extremely grateful for their collaboration. In addition, ambassadors of the United States, Canada, member countries of the European Union and of Andean countries provided invaluable encouragement and support for our activities.

Finally, NDI and The Carter Center would like to express our sincere appreciation for the critical contribution of the more than 50 volunteer observers who participated in our two international election observation delegations for the April 8 and June 3 elections. In particular, we would like to recognize the outstanding leadership of these two delegations. The first round observer delegation was led by Jimmy Carter, former President of the United States; Ramiro de Leon Carpio, former President of Guatemala and current Vice President of Guatemala's Legislative Assembly; Eni Faleomavaega, Member of the U.S. House of Representatives; and Peter McPherson, President of Michigan State University and former Administrator of USAID under the Reagan Administration. The second round delegation was led by Madeleine K. Albright, Chairman of NDI and former Secretary of State of the United States; Ramiro de Leon Carpio, former President of Guatemala and current Vice President of Guatemala's Legislative Assembly; Rodrigo Carazo Odio, former President of Costa Rica; and Sam Gejdenson, former ranking Member of the U.S. House of Representatives International Relations Committee. NDI and The Carter Center rely on the experience and generosity of individuals such as these to fulfill our responsibilities as international election observers.

The NDI/Carter Center observation mission in Peru was funded by the United States Agency for International Development (USAID), and we are particularly grateful for the consistent support and invaluable encouragement of the staff of the USAID mission in Peru throughout this project.

## **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

prevented the basic conditions for a transparent election from being established. The evident lack of legitimacy of the 2000 elections, along with ongoing protests by citizen groups and political organizations in Peru, led to growing pressures on President Fujimori as he assumed what was likely an unconstitutional third term of office last July.

President Fujimori's lack of a clear, democratic mandate contributed to his government's quick collapse under the weight of scandals related to the criminal activities of Vladimiro Montesinos and others. When President Fujimori announced on September 16 his intention to leave the Presidency within one year, the OAS-brokered *mesa de dialogo* led to actions by the Peruvian Congress to amend the Constitution and put the necessary procedures in place to hold an extraordinary electoral process in 2001. The opposition then gained leadership of Congress and voted to remove Fujimori from office on grounds of moral incapacity. As a result, the newly elected President of Congress, Valentín Paniagua, became President of the Republic.

The transitional government of President Paniagua essentially faced two parallel challenges upon assuming office in November. The first was to organize a genuine, democratic election process to inaugurate a new President and Congress by July 28, 2001. The second was to investigate and bring to justice the numerous individuals implicated in the network of corruption associated with Montesinos and the Fujimori administration.

Although the election process had a clear deadline, it was soon evident that it would take many months, if not years, to conclude the corruption investigations. Prior to Fujimori's departure, a stockpile of more than 1,200 videotapes was recovered from one of the residences of Montesinos. Over the past eight months, videos showing influential Peruvians conspiring in the overt manipulation of the political process have been released to Congress and shown on national television. The ongoing investigation of numerous public officials, many of whom were affiliated with political groups participating in the election process, resulted in an unusually turbulent campaign environment and a climate of public skepticism.

After a decade of authoritarian government and the steady eroding of democratic institutions in Peru, the new government quickly recognized that it was critical for the 2001 elections to rebuild public confidence in the political process. In this sense, these extra-constitutional elections required extraordinary efforts to establish a solid foundation for Peru's democratic future. Immediately upon taking office, President Paniagua and his new Ministers began taking decisive steps to guarantee the neutrality of state institutions, local officials, the armed forces and the forces of public order in this election process. High-level personnel were replaced throughout a wide variety of state institutions, including the military, municipal government, public assistance programs and, of course, the election authorities. Both the President and his Cabinet made a clear public commitment, through official directives, to ensure the impartiality of government authorities throughout the process.

In addition, the government welcomed the presence of international election observer groups to help ensure the legitimacy and transparency of the 2001 elections. At the request of Peruvian civic and political leaders, and with an invitation from the Peruvian government and electoral authorities, NDI and The Carter Center agreed to continue their ongoing monitoring of Peru's election and political processes and organize a joint comprehensive international electoral observation effort for the electoral process of 2001. As was the case of the 2000 NDI/Carter Center election observation mission in Peru, this long-term election monitoring program began with a comprehensive assessment of the pre-election context. The

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)<sup>1</sup> 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.

---

<sup>1</sup> The JNE is the highest electoral authority in Peru for the resolution of legal issues related to the election and for the overall supervision of the process. The ONPE actually organizes and administers the election process.

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 congressional election, and many were related to mistakes by poll workers in filling out the vote tally sheets on election night. There were more than 20,000 *impugnaciones* filed nationwide, a number that is fairly consistent with previous election processes in Peru. However, it took longer than normal for the complaints to be resolved, due in part to a lack of standardized procedures among the JEEs for processing them.

There were several important steps taken by the electoral authorities during the period between the first and second round elections to build public confidence and correct administrative delays. These measures included replacing the electoral software used in the first round with a new program; providing additional training to local election officials and pollworkers; taking measures to guarantee disabled persons full access to polling sites; and streamlining the collection process for the tally sheets to be used in the ONPE’s rapid tabulation sample of results (*acopio rápido de actas*, ACRA) on election night.

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 resolve of the Peruvian people. The transitional government and the Peruvian election authorities deserve particular recognition for their outstanding dedication and demonstrated commitment to democratic principles, as well as their positive collaboration throughout a challenging election campaign.

This electoral process represents a decisive step toward re-establishing the democratic institutions and values that had been eroded by years of corruption and authoritarian

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 and to prevent the deep-seated corruption and manipulation of the political system that robbed Peruvians of much-needed national resources and undermined their faith in government.

It is particularly encouraging that the transitional government, civil society leaders, Peruvian and international legal experts and the media are promoting a broad public dialogue on the necessary reforms to be implemented by Peru's democratically elected leaders. In this sense, NDI and The Carter Center are pleased to co-sponsor with *Transparencia* and International IDEA on July 11-13, 2001, an international conference on democratization in Peru.

President Paniagua and his Cabinet should also be commended for preparing a concrete set of proposals on anti-corruption initiatives, constitutional reforms and the institutionalization of the armed forces, among other needed reforms. These proposals represent an important part of the extraordinary legacy that the transitional government leaves to the future administration of President-elect Alejandro Toledo.

*After reviewing many of the recommendations made by Peruvian groups and international observers throughout the last two electoral processes, and in the spirit of continued international cooperation, NDI and The Carter Center have highlighted a number of recommended reforms for Peruvians to consider as the national dialogue process continues in the coming months.*

## **1. Electoral and Governmental Systems and Political Processes**

**1.1 Broad political dialogue should be held before making changes to electoral and governance systems.** Many major changes to electoral and governance systems that are essentially issues of domestic political concern are being raised in Peru. These include debate about the number of members of Congress best suited to achieve appropriate proportional representation, the appropriate division of the Congressional seats into multi-member or single-member districts, the advantages and disadvantages of proportional, majoritarian or mixed electoral systems, as well as advantages and disadvantages of unicameral and bicameral legislatures and approaches to decentralization of governmental powers.

Long-established and transitional democracies alike have considered making changes to their electoral and governance systems to create a more sound basis for citizens to exercise their right to participate in government, directly or through electing representatives. Comparative international experience demonstrates that a broad public dialogue that includes active citizen participation and all political parties is required to reach national consensus on such changes.

Limited debate and rushed decisions often lead to the need for subsequent changes in these systems, which tends to create political instability. It is therefore recommended that decisions on whether or not to make such changes to Peru's system of elections and governance be the subject of considerable comparative study, civic education, citizen input and political dialogue.



**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 time frame for collecting signatures might be expanded. The possibility of allowing local parties to register to participate in elections should be considered, as well as ways to achieve geographic representation of the entire country in the collection of signatures for party registration.

**1.6 Consideration should be given to ways of reducing voter error and pollworker error concerning double preferential congressional voting or to alternatives to the preferential vote.** In recent Peruvian elections, preferential voting procedures have generated confusion among voters, leading to relatively large numbers of null ballots and errors by pollworkers in vote tabulations. If large numbers of ballots are nullified due to voter confusion and tallysheets are incorrectly completed due to pollworker confusion, the benefits of preferential voting may be negated. Effective methods of voter education and pollworker training should be developed, or, given the magnitude and persistence of this problem, alternatives to preferential voting, such as party primaries or some number of single mandate seats, should be considered.

**1.7 Steps should be taken to guarantee that all eligible voters can exercise their right to vote.** As in most countries, Peru experiences a number of legal and practical restrictions on the realization of universal suffrage. Incarceration, physical disabilities, geographic remoteness and linguistic considerations all can impair the opportunity for citizens to vote. Election authorities should continue their efforts to improve access to polling stations for all citizens eligible to vote.

In Peru, military and police are legally denied the right to vote. There is no international standard on the question of voting by military and security forces, but the trend is to extend the franchise to them under conditions that ensure voting free of undue influence of military or police discipline or chain of command and with procedures that register the votes of such forces in ways that do not disturb the political will of citizens in localities where military barracks are located. It is therefore recommended that the Congress take up consideration of extending the vote to military and police forces, after studying comparative international practice and seeking citizen input.

## **2. Election Administration and Election Procedures**

**2.1 Tabulation and announcement of presidential and congressional election results should be separated.** At present, official presidential and congressional election results are certified simultaneously. Considerable delay in setting the date of the presidential runoff election this year, because of this linkage, introduced an unnecessary degree of uncertainty into the election process. The delay resulted largely because of slowness in processing complaints concerning the congressional elections. The counting of votes and the tabulation of results for the Presidential election therefore should be separated from the Congressional election, in order to facilitate the vote tabulation process and allow results of the presidential election to be announced in a timely manner.

**2.2 Consideration should be given to streamlining election authorities.** Peru has three separate electoral authorities, the JNE, ONPE and RENIEC. Questions have been raised by Peruvian political and civic leaders concerning whether there are unneeded duplications and other inefficiencies as a consequence of this three-part structure. Congress therefore should reevaluate the current structure of the election authorities and consider possible modifications that would improve the efficiency of the electoral administration. In researching possible models, Congress and the election authorities should consider comparative international experiences, recognizing that there is no one “model” electoral system.

Models of electoral administration range from fourth branches of government with a single authority responsible for all organizational and judicial aspects of the electoral process, to divided responsibilities with a separate entity for judicial matters, such as appeal of electoral administrative decisions, and special sections within the judicial branch to enforce the criminal code. Likewise, the formulas for choosing members of national electoral bodies range from multiparty representation to professional, apolitical membership. The choices depend on the political culture and experience of each country, and indeed may change as a particular country undergoes political transition and maturation. Again, we recommend comparative study and ample civic and political dialogue before making reforms to the electoral administration of Peru.

**2.3 Within the current electoral organization, consideration should be given to allowing the JNE to take decisions by simple majority vote and to allow it to investigate electoral abuses on its own initiative.** The past Congress modified the Electoral Law to require the affirmative vote of four of the JNE’s five members for it to make a decision. This was done to help prevent disqualification of Alberto Fujimori’s bid for a third term of office. Reconsideration of the four-fifths supermajority requirement now seems appropriate. While there is no international standard on this issue, most election authorities act upon a simple majority vote.

In addition, consideration should be given to allowing the JNE to initiate investigations of electoral abuses without the necessity of a formal complaint (*denuncia*). This may include adding additional specialized staff and procedures for coordination with those responsible for prosecuting crimes related to the electoral process. Collection of all electoral-related offenses in one place in the criminal code and training special electoral prosecutors and judges to identify and process crimes related to electoral and political processes merit consideration as well.

**2.4 Consideration should be given to increasing the number of voters per polling station.** 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 poll watchers and nonpartisan election monitors. A principal advantage of the low number of voters is a relatively rapid count of ballots after polling has closed. 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. While

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*) concerning the voting, counting and tabulation of presidential results. Processing those complaints as quickly as possible, while providing requisite due process rights, is essential for political stability, determining whether a runoff election is required, who would be in the runoff or who won in the first round. As noted above, this should be separated from certification of results for congressional elections.

The JEEs are responsible for processing *impugnaciones* concerning congressional results. The JEEs' problems in resolving complaints this year stemmed in part from a lack of uniform and clear procedures. Uniform criteria and procedures should be adopted for processing of *impugnaciones* by the JEEs. Given the sensitive nature of the work of the JEEs, consideration should also be given to allowing challenges to the appointment of members of the JEEs. This would instill confidence in the JEEs and negate the basis for charges during the complaint resolution process. In addition, when *impugnaciones* are resolved, parties and election observers should be allowed to witness the data entry and determination of final election results.

**2.7 The legal minimum number of positions on congressional lists for female candidates should be respected for future elections.** For the 2001 election process, the law required a minimum of 30 percent of female candidates on each congressional list. This formula was not met in the districts of La Libertad, Ica and Callao, based on an error in calculating the quota.

**2.8 The cost of objecting to candidates for public office should be reduced.** The fee of 3,000 soles for presenting an objection (*tacha*) to a candidate for public office is quite high. Although the money is returned if the complaint is validated, the high fee has the potential to deter citizens from filing legitimate complaints. Authorities therefore should consider reducing this fee in the future.

### 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 therefore should consider legislation to create mechanisms that would help ensure accurate and impartial political coverage by publicly funded news media. Comparative international experience should be reviewed in a broad political dialogue about such legislation, conducted with public input.

**3.3 Local news media also should be required to provide free air time and space to political contestants during election campaigns.** Local news media are an important source of information upon which voters make political choices, particularly for congressional and local elections. Congress and the electoral authorities therefore should consider expanding the regulation of free air time that political parties receive during election campaigns (*franja electoral*) to cover regional and local media outlets. The appropriate authority should sanction those media outlets that do not comply with the *franja electoral*.

### 4. Ensuring Integrity of Public Institutions

**4.1 Investigations, and where appropriate, prosecutions or administrative sanctions, should be pursued where government resources may have been used for partisan political advantage.** The 2001 election process presented a fundamental improvement over the manipulation of a wide array of governmental institutions for the electoral advantage of Alberto Fujimori and his supporters during the 2000 elections. A number of isolated cases were reported by the *Defensoria del Pueblo* of abuse of local governmental authority for partisan political advantage in this year's election process. The Public Ministry therefore should dedicate the necessary resources to investigating municipal authorities accused of violating principles of neutrality during election campaigns, and appropriate sanctions should be sought through the courts or administrative procedures.

**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 practices, serving as an example for the community of democratic nations. Based on the extensive experience of NDI and The Carter Center in supporting democratic transitions, the most sustainable political solutions are achieved through broad consensus-building, rather than high-level, closed negotiations. Experience also demonstrates that sustainable political solutions are best based on measures that strengthen democratic institutions, rather than personality-driven agreements, and are best taken with a long-term approach, rather than a view to "quick fixes." NDI and The Carter Center hope that the high level of collaboration and consultation established for the successful 2001 elections will continue in the months and years to come, so that Peruvians can benefit from the political and economic stability that the country needs and deserves.

The extraordinary accomplishments of Peruvian public institutions under the leadership of President Valentin Paniagua's transitional government, supported by the cooperative efforts of the Peruvian people, have placed Peru back on a democratic path. The clear desire of the people for political, economic and social progress and the maturity of the country's leaders demonstrated over the 2001 election process provide a basis for confidence in the period ahead. NDI and The Carter Center have been honored to witness these events and will continue to offer support to Peruvians working for democratic development.