



# **PERU ELECTIONS 2000**

**Final Report of the  
National Democratic Institute/Carter Center  
Joint Election Monitoring Project**

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Letter from Peruvian Ambassador Alfonso Rivero to NDI President Kenneth Wollack – February 29, 2000

Press Release from the Embassy of Peru in Washington DC, “National Media will Provide More Access to Political Parties” – March 3, 2000

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Statement by the



An encouraging aspect of the flawed election campaign was the unprecedented mobilization of Peruvian watchdog groups and concerned members of the international community to seek a genuine, democratic election process in Peru. The sustained level of engagement and cooperation between Peruvian and international observers in Peru represented a model of the type of election observation that NDI and The Carter Center advocate worldwide. Throughout the election process, the NDI/TCC mission and *Transparencia* provided each other with mutual support, including NDI's sponsorship of several consultations between *Transparencia* and international experts on methodologies for monitoring voter registries, media monitoring and parallel vote tabulations.

Despite the combined efforts of numerous observer groups and others to urge improvements in the electoral process, and a number of measures taken by the government to address these concerns, neither the timeliness nor the scope of the government's response was sufficient to overcome the irreparable damage that had accumulated during the course of the campaign. The fundamentally flawed campaign period culminated in an electoral crisis following the first round of the elections on April 9. Observations of the voting and counting process by the OAS, *Defensoria del Pueblo*, *Transparencia*, *Consejo por la Paz* and others were confirmed by the experience of the NDI/Carter Center supplemental assessment team sent to Peru for the elections.

Unexplained delays in the vote tabulation process and a lack of transparency in the computer systems of the *Oficina Nacional de Procesos Electorales* (National Electoral Processes Office – ONPE) led many to believe that the election authorities were manipulating the results of the April 9 voting. Political tensions increased as the vote tally showed incumbent president and candidate Alberto Fujimori inching closer and closer to the 50 percent needed for a first round victory. Supporters of leading opposition candidate Alejandro Toledo staged mass demonstrations in protest of the perceived election fraud, and the international community urged the government to accept a run-off election, based on reliable, independent

first round, (NDI-876(I-22.1, and The Carter Center) 9.1(a) 2.9 nize-7.1 eea mase(ssment )] r29-6oupseissuem0fni241( prppoe nr(e(sara)-7969(y)1941(imt)-12.8(prvlemensd to the proce)-683(s. Hhowove,r the ec Ete



- With the emergence of populist leaders with authoritarian tendencies, it is increasingly important to focus on the strengthening of democratic processes and institutions in the region; otherwise, structural weaknesses in democratic development will provide opportunities to supersede the will of the electorate through manipulated or faulty elections.
- The failure to conduct genuine elections deprives the resulting government of a strong foundation based on a popular mandate, which can deny a government the necessary legitimacy to overcome political polarization and scandal.



## **CHAPTER ONE: INTRODUCTION**

### **1.1 Background**

Since President Alberto Fujimori's 1992 *autogolpe* (self-coup) suspended the constitution and dissolved Congress and the Supreme Court, the state of democracy in Peru has clearly degenerated. Under the Fujimori government, political institutions across the board were severely weakened or incapacitated. The legislature became largely a rubber stamp for the Executive; many independent media outlets were shut down or marginalized; and the judicial system ceased to be an independent branch of government. In light of these grave structural weaknesses, government authorities needed to take exceptional measures to organize an election process that would be viewed as legitimate by its citizens and meet international standards for a democratic election.

After his reelection in 1995, President Fujimori and a Congress dominated by his supporters initiated a series of legal proceedings designed to allow the President to run for a third term of office and to block any attempts at a referendum that would have prevented him from doing so. This controversial chain of events clearly indicated that President Fujimori was willing to take extraordinary measures to consolidate and perpetuate his power. In addition, his actions further impaired public confidence in the independence of legislative and judicial processes and in the ability of Peruvians to pursue effective legal remedies through the justice system.

**On December 27, 1999, President Fujimori officially confirmed his candidacy for a third term. Given the incumbent's clear advantages in terms of access to publicity and resources, it was clear that not all candidates would be competing on a level playing field. Indeed, the front-running opposition candidates began complaining early in the process that President Fujimori and his supporters within the government were waging a "dirty war" using harassment and intimidation to discourage support for the opposition. Criticisms also emerged that the government was using public spending on local projects**



to coordinate the activities of various international election observer delegations for an election. From the beginning of its election observation efforts, NDI has emphasized the importance of nonpartisan election monitoring by national citizen groups. The Institute has assisted local election monitoring groups in 52 countries around the globe.

The Carter Center has also been a pioneer in election monitoring and mediation in Latin America. Since its establishment by former U.S. President Jimmy Carter in 1986, the Center has observed numerous elections in the region. In addition to joint observation activities with the National Democratic Institute, the Center observed elections in Panama (1994); Nicaragua (1989 to 1990, 1996); Haiti (1990, 1995); Guyana (1990 to 1992); Suriname (1991); Mexico (1992); Mozambique (1999); Jamaica (1997); and Venezuela (1998 and 2000). Based in large part on its experience in Latin America, The Carter Center established its worldwide Democracy Program in 1997 to support the development of democracy, including successful elections, as the best way to promote human rights, achieve sustainable economic development opportunity, and resolve conflicts peacefully.

NDI and The Carter Center have also conducted joint election missions in a significant number of countries, including: Panama (1989), the Dominican Republic (1990, 1996, 2000), Paraguay (1993), Mexico (1994), Nigeria (1999), and Indonesia (1999).

#### **1.4 NDI's Previous Election Work in Peru**

In 1994, NDI helped Peruvian citizens form the country's first national nonpartisan election monitoring organization, *Transparencia*. During the period leading up to the 1995 national elections, NDI worked closely with *Transparencia*, opening a field office in Lima to provide comprehensive assistance to *Transparencia*'s monitoring efforts. *Transparencia* eventually trained and mobilized more than 9,000 nonpartisan, vol1 Tc07 Tw[(provide compreh)-J/TT6 1 T

## **CHAPTER TWO: POLITICAL CONTEXT FOR THE 2000 ELECTIONS**

### **2.1 Electoral System**

Peru's electoral system, which has been in effect since October 1, 1997 is governed by the 1993 Constitution and Organic Election Law 26859. Peru holds elections for President, 1<sup>st</sup> and 2<sup>nd</sup> Vice-President, and for all seats in the 120-member unicameral congress once every five years. The congress is selected according to a proportional representation system with one single national electoral district. Peru's Constitution allows a President to serve no more than two consecutive terms in office.

On Election Day, voters select one slate for presidential and vice-presidential elections, and, on a separate portion of the same ballot, another slate of 120 congressional candidates, with the option of casting a preferential vote for up to two candidates on that list. Voting in Peru is compulsory for all citizens aged 18 to 70 years, but members of the armed forces and the National Police are disqualified from voting.

The 1993 Constitution establishes three electoral bodies to oversee and organize elections in Peru: the *Jurado Nacional de Elecciones* (JNE) - National Elections Board; the *Oficina Nacional de Procesos Electorales* (ONPE) - National Office of Electoral Processes; and the *Registro Nacional de Identificación y Estado Civil* (RENIEC) - National Identification and Civil Status Registry. The five-member JNE is ultimately responsible for supervising the electoral system. It is charged with ensuring that the electoral process conforms to law, and serves as the final arbiter of legality with regard to electoral questions or complaints.<sup>1</sup> Special Election Boards (*Jurados Electorales Especiales*, or JEEs) are temporary electoral bodies established by the JNE at the regional level to help oversee and arbitrate the electoral process. The ONPE is charged with planning, organizing and implementing the electoral process. The ONPE also establishes temporary bodies at the regional level that function throughout the electoral process, the Decentralized Offices of Electoral Processes (*Oficinas Descentralizadas de Procesos Electorales*, or ODPEs). RENIEC is responsible for maintaining the national registry of citizen identification and issuing identity documents to be presented by voters on election day. RENIEC also maintains and updates the national voter registration list.

### **2.2 Recent Political History**

Through most of its history as a republic, Peru has oscillated between limited democracy and outright dictatorship. However, the 1978 to 1980 transition from military rule to democracy, coupled with the extension of suffrage to non-literate Peruvians, created a great deal of hope for the future of democracy. National elections that by and large met international democratic

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<sup>1</sup> A May 1998 amendment passed by Congress required the vote of four of the five JNE members for upholding legal challenges on electoral matters. This new law was criticized by opposition forces, which viewed it as a way for the Executive to consolidate its control over the JNE.

standards were held in 1980, 1985, 1990 and 1995 and, until 1990, political parties appeared to have relatively stable constituencies within the electorate. Yet as this was occurring, Peru's economic and political situation gradually deteriorated. Inflation reached record highs in the late 1980s, and the country increasingly suffered from internal corruption and terrorism.

The results of these crises included a general decline in political participation and a severe weakening of the political party system in Peru. As organized parties lost credibility and support, 'independent' electoral movements emerged as alternatives to the status quo. The movements that emerged from this vacuum of political institutions had neither a support base within Peruvian society nor a clear ideological foundation. In the 1990 presidential elections,

Interpretation,” purportedly to clarify the presidential reelection provision set forth under the

incited strong criticism and concern for the freedom of expression in Peru from international organizations such as the OAS, the Inter-American Press Association and the New York-based Committee to Protect Journalists, as well as from the U.S. Senate Foreign Relations Committee.<sup>6</sup> An April 1999 report by the OAS Special Rapporteur for freedom of expression stated that “limitations on the independence of the judiciary have bred a climate of legal insecurity in regard to the practice of journalism,” and depicted an environment in which journalists critical of the government were subjected to death threats and persecution.<sup>7</sup> In October, *Transparencia* completed a study to evaluate television news coverage of the prospective presidential candidates. The study found that President Fujimori received 78 percent of all coverage devoted to the presidential candidates. Opposition candidates alleged that television stations were

marked by serious flaws that required “concerted and sustained efforts” if the electoral process was to meet international standards. Among other issues, that delegation pointed to the lack of media access for opposition candidates, biased news coverage, a lack of coverage in the press of issues that could affect voter choices, violation of press freedoms, problems with the legal framework and judicial remedies, lack of confidence in electoral institutions and use of state resources to gain electoral advantage.<sup>9</sup>



### **CHAPTER THREE: THE PRE-ELECTION ENVIRONMENT**

The pre-election environment in Peru was immediately faced with a challenge as to whether the electoral conditions would permit all candidates to compete on a level playing field. A number of problems surfaced early in the campaign period and were repeatedly documented by observer groups in Peru, including NDI and The Carter Center. An Election Observer Mission organized by the OAS and led by former Guatemalan former minister Eduardo Stein arrived in Peru in early March. In fulfilling its mandate to monitor electoral conditions, the OAS observer mission paid particular attention to the concerns raised earlier in the process by NDI/TCC, *Transparencia* and other observer groups.<sup>10</sup>

The President and Prime Minister each made several public statements indicating the government was concerned with opening access to the media for all candidates, and the *JNE* also issued a statement on this matter (*Comunicado Oficial* 200-P/JNE). The government also extended the time period during which candidates were provided free time in the state-owned media, from 30 to 45 days prior to the election. However, the majority of privately held television stations did not respond to these requests, and the imbalance in coverage by even the state-owned media continued to worsen in February and March 1999.

In March, the private broadcast media extended a limited amount of airtime free of charge to political parties, but since no candidate (presidential or congressional) could use more than one 'spot' per channel, this was of minimal benefit to presidential candidates. In the final four days of the campaign period, the government announced that radio and television promotional spots for ministries and state-run agencies -- which previously saturated the airwaves -- were to be temporarily halted (although some ads continued to run on the radio). These steps, however, came late and did not prove sufficient to overcome the opposition's great disadvantage in media exposure, or to overcome the apparent lack of public awareness of candidates' platforms and programs. Overall, the response of the authorities to the lack of fair access to media was insufficient.

The 2000 election campaign was also marred by a lack of media objectivity. Substantive political discussion was a rarity on television, particularly on broadcast (open channel) television. Unfortunately, only a small minority of Peruvians have access to cable television, where news programs are more frequent. Moreover, several broadcast television stations were openly biased and hostile towards opposition candidates and Peruvian election observers (see below). In addition, the tabloids (*prensa chicha*) were disproportionately anti-opposition and pro-government. Attacks in the *prensa chicha* on leading opposition candidates escalated to the level of character assassination. These newspapers were believed by many Peruvians to be part of a concerted effort controlled by the SIN to defame opposition leaders and critics of the government.

In recent years, the Peruvian government has become the single largest buyer of television and radio advertising time. Due to outstanding tax debts, the government is also the major creditor of most broadcast television stations. According to many observers, it is the tacit threat of calling-in these debts or withdrawing a major source of advertising income that acts as a disincentive for media corporations to sell spots to, or broadcast coverage of, the campaigns of opposition candidates. Many of the broadcast television stations have also been involved in politically sensitive disputes over ownership. A number of these disputes have resulted in court proceedings that appear to have been instigated to punish individuals who were critical of the government and to reduce negative coverage of President Fujimori and his supporters in the press. Finally, the saturation of the airwaves and public spaces with state-sponsored messages using a logo "*Peru, Pais con Futuro*," nearly identical to that of the President's political group raised questions regarding the effects of these messages on voters and, as such, the use of public resources for political purposes (see subsection **3.3** below).

As the OAS Special Rapporteur on Freedom of Expression reported on March 8, the numerous limitations on freedom of expression in Peru represented “a serious obstacle for the normal development of the election process.”

### **3.2 Harassment of Candidates and Domestic Observers**

The election process was characterized by a general sense of insecurity, and in some cases fear, on the part of opposition candidates and national election observers. Opposition figures repeatedly complained of harassment, such as violent counter-demonstrations and mysterious blackouts during their rallies, suspicious assaults by ‘common criminals,’ and surveillance by intelligence agents. Although the number of complaints was startling, relatively few victims amassed concrete evidence linking these episodes to a concerted pro-Fujimori effort. Nonetheless, the failure of the authorities to investigate these cases and prosecute those responsible for such incidents contributed to a climate of intimidation and a sense of impunity.

The persistent attacks on opposition candidates and national observers on broadcast television and in the *prensa cívica* (*com*)-*2.pstnate*

Early in the campaign period, the President promised not to inaugurate public works, but he did continue to travel the country intensively to inspect existing public works projects. There were also several examples where the inauguration of a public site was explicitly linked to the reelection campaign, such as the opening of a public health clinic that was advertised on the same flyer as a pro-Fujimori slogan, or campaign propaganda being handed out along with land titles in squatter settlements.

A number of local leaders of poverty alleviation programs reported that they were threatened with the withdrawal of food aid if their community voted against the President or if these leaders did not serve as party poll watchers (*personeros*) for *Peru 2000* on Election Day. In response to allegations in early March that food donations from international agencies were distributed by the government along with *Peru 2000* propaganda, two low-level officials of the *PRONAA* program were suspended from their jobs. However, NDI and TCC noted reports that the use of food aid as a political bargaining chip and the distribution of *Peru 2000* propaganda along with food aid were widespread practices that continued throughout the pre-election period.

Equally controversial was an imbalance in the use of public spaces for campaign propaganda. One example involved the use of restricted military zones -- surrounded by signs proclaiming that guards have orders to fire upon trespassers -- for creating highly visible "*Peru 2000*" advertisements inscribed onto hillsides. The giant "*Peru 2000*" logos were eventually removed from military zones, but reports of the use of state-owned properties for this group's campaign propaganda continued, and the election authorities did not thoroughly investigate the incidents or file charges against those responsible.

There were also some credible charges of political pressure being applied by Peru's tax

communities (e.g. Huancayo) military personnel were acting as support staff for President

reinforced the widespread perception that the Peruvian judiciary was being utilized for political purposes.

### **3.5 Irregularities in the Administration of the Elections**

Throughout the pre-election period, many opposition parties and civic groups expressed concerns regarding the independence and impartiality of the three government entities charged with administering the electoral process: the RENIEC, the JNE, and the ONPE. There were significant instances in which the *JNE* and *ONPE* failed to comply with the electoral law and with their own internal regulations. The JNE repeatedly failed to respect procedures for nominating and selecting the regional *Jurados Especiales Electorales (JEEs)* particularly those procedures which allow for public input by exercising a veto (*tacha*). As a result, 15 of the 47 *JEE*'s had to be renamed. Even so, some *JEE*'s had members who were suspected by many to be *Peru 2000* activists or government representatives. Either of these factors would have been legal grounds for vetoing a *JEE* nominee.

NDI and The Carter Center were impressed by the apparently high technical capacity and methodological sophistication of the ONPE and RENIEC.<sup>13</sup> However, these institutions were also the subject of numerous allegations of a lack of neutrality and an unwillingness to correct deficiencies documented in the electoral process. For example, the ONPE indicated prior to the election that it would be illegal for independent observers to publicly announce the results of their "quick counts" on Election Day, an opinion unsupported by Peruvian law and inconsistent with the well-accepted practices of Peruvian observer groups in previous elections. Fortunately, based in part on expressions of domestic and international concern, ONPE did not prevent the release of quick count information. Another case that cast the neutrality and professionalism of the ONPE into doubt was the alleged signature falsifications used to qualify *Frente Independiente Peru 2000*; according to witnesses, the falsification effort benefited from internal *ONPE* documents that are not normally available to the public. Several ONPE officials were directly implicated in the scandal and eventually removed from their posts without full investigation.

At the regional level, a local ONPE official from Chachapoyas, Dr. Jenny Vargas,



respect the law and not use state resources to support or oppose electoral candidates. With regards to the issue of the mass media, the government publicly stated that it was concerned about fair media access and arranged a limited amount of free airtime in both private and public media, as noted above in subsection **3.1**.<sup>19</sup> However, this media time unfortunately fell short of what would have been required to compensate for months of biased coverage and lack of access to the mass media. Moreover, the introduction of new problems into the election process, such as the scandal over the falsification of signatures for *Frente Independiente Peru 2000* and the apparent lack of effective action concerning this matter, further damaged public confidence.<sup>20</sup>

The JNE investigated a few cases of electoral irregularities. However, the authorities were slow to react to public outcries and did not act proactively to protect citizens' rights and promote fairness in the electoral process. The lack of effective action to hold accountable perpetrators of electoral-related abuses sent a dangerous signal to the electorate: that the



## CHAPTER FOUR: THE FIRST AND SECOND ROUNDS OF THE ELECTIONS

### 4.1 The April 9 Elections

The April 9 elections were generally peaceful, and large numbers of Peruvian citizens participated as voters, polling station administrators, political party agents and election monitors. Yet according to opinion polls, a majority of Peruvians believe that the April 9 elections were affected by fraud.

Observer groups reported witnessing irregularities at many polling. The most common irregularities in the voting process cited were: the presence of illegal propaganda in or around polling sites; irregularities in voting materials (including ballots that were pre-marked with votes for Peru 2000 and/or were missing Alejandro Toledo's name); attempted intimidation of political party agents and voters.



ONPE's results Tudela received 31,674 votes in that same increment.<sup>23</sup> Third, in late April and early May, 11 data entry workers at the ONPE were fired and/or charged with committing fraud, based on accusations that they were paid to inflate the number of preferential votes of certain candidates, yet no legal action was ever taken against the candidates who illegally benefited from these fraudulent practices. Both the *Frente Independiente Moralizador* (FIM) and *Somos Peru* pointed out that at certain moments in the vote tallying process the total number of votes that they received decreased rather than increased -- another mathematical impossibility. In the case of *Somos Peru*, the party had a total of 752,452 votes with 99.97% of precincts counted nationwide, but only 715,384 votes when 100% of votes were counted. This mysterious loss of votes may have cost *Somos Peru* a congressional seat.

In the wake of the April 9 elections, opposition candidates and many of their followers took to the streets in protest of what they perceived to be grave irregularities in the voting and tabulation process. The remaining opposition candidate for the presidency, Alejandro Toledo, repeatedly stated that his participation in the run-off election was conditional upon correcting the deficiencies of the pre-electoral period and on Election Day. The *Defensoria del Pueblo*, the OAS observer mission, and *Transparencia* all proposed ways in which the integrity of the electoral process could be improved in the brief period of time between the two rounds. On April 23, the ONPE announced the formation of three working groups to investigate its own shortcomings and propose improvements to the technical aspects of the electoral process. The three issues addressed by the working groups were: training of polling station officials (*miembros de mesa*); the computerized vote-tabulation system; and overall management of the elections. Each group consisted of two representatives from the ONPE and one representative each from *Peru Posible* and *Peru 2000*, which were both supervised by the OAS and the *Defensoria del Pueblo*. The proposals that emerged from this rare example of consensus building were not properly implemented. In addition to these working groups, direct dialogue between representatives of the two remaining presidential candidates was initiated, but quickly broke down.

From May 1 to May 5, an NDI/Carter Center observer delegation visited Peru and noted the persistence of many of the serious problems that plagued the first round of the elections, including lack of media access, media bias, smear campaigns against political opposition, harassment and obstruction of domestic election observer groups, misuse of state resources, and a sense of impunity for electoral crimes. NDI and the Carter Center also expressed support for the technical reform efforts of the ONPE working groups, as well as the initiation of negotiations between *Peru 2000* and *Peru Posible*. The observer delegation recognized some improvements in electoral conditions, such as the suspension of non-essential state advertising during the entire second campaign period. However, the overall evaluation of NDI/Carter Center at that time was that the credibility of the entire election process was at risk, and that unless immediate and



The results of the voting that took place on May 28, which were determined in the absence of impartial observers and opposition party pollwatchers, demonstrated a high level of

**CHAPTER FIVE: THE POST-ELECTION PERIOD**

An “Advance Mission” consisting of high-level representatives from Canada and the OAS was sent to Peru June 19-23, and met with a wide range of political actors and representatives of civil society. The Axworthy-Gaviria Mission took place on June 27-29, and included lengthy meetings with both the government and opposition groups. Out of this mission emerged a list of 29 recommended democratic reforms in areas such as the rule of law, separation of powers, human rights, freedom of expression, and electoral process.<sup>31</sup> Although the OAS did not initially impose a timetable for compliance with these recommendations, the High Level Mission indicated that they should be implemented prior to the next municipal elections, scheduled for late 2001 or early 2002. The OAS also decided to establish a Permanent Secretariat in Peru to accompany the democratic reform process. The outgoing Chancellor of the Dominican Republic, Eduardo Latorre was named head of this mission.

### **5.3 Other Responses to the Electoral Crisis**

Shortly after the release of the final election results and prior to the High Level OAS Mission, the Peruvian government formed a Presidential Commission for Democratic Reform, headed by Prime Minister Alberto Bustamante. The other members of the Commission included Chancellor Fernando de Trazegnies, Vice-President Elect Francisco Tudela<sup>32</sup>, and Minister of the Presidency Eduardo Mosquera. Former Peru 2000 congressional candidate Maria Mendes was named as the Executive Secretary. Many important academic and political figures refused to participate on the Commission due to the top-down nature in which it was formed.

professional organizations, as well as by representatives of the diplomatic community. Details of the post-election delegation's conclusions and recommendations, as well as the recommendations of other groups to resolve the political crisis in Peru, are included in various appendices to this report.<sup>35</sup>

#### **5.4 Post-Election Political Developments**



In the wake of the elections, the government created several bodies to investigate the various irregularities in the first round of voting. A Congressional commission headed by *Cambio 90 - Nueva Mayoria* Congresswoman Edith Mellado called numerous witnesses to testify on several issues that had affected the integrity of the first round elections. The Mellado Commission focused in particular on two high-profile cases: the alleged conspiracy to falsify over one million signatures for the inscription of the *Frente Independiente Nacional Peru 2000* as a political party; and the alteration of preferential vote tallies in the congressional elections for the benefit of congressional candidates from various parties.

With regard to the signature falsification scandal, only the witnesses (whistleblowers) who first reported the scandal to the media and a few lower-level pro-Fujimori political figures were charged in relation to this case. Several higher level *Peru 2000* politicians implicated by the witnesses were never fully investigated. With respect to the alteration of preferential votes in congressional elections -- a crime for which a group of ONPE data entry workers had already been fired -- the Congress and the Peruvian judicial system determined that the candidates who benefited from these fraudulent practices were not legally responsible for the crimes. In both of these cases, the government did not demonstrate the political will to thoroughly examine the failings of the electoral process and, by doing so, regain the confidence of its citizens.

- *Use of force against protesters during the High Level OAS Mission.*

During the visit of OAS Secretary General Gárriga and Canadian Minister of Foreign Affairs Axworthy, thousands of Peruvians took to the streets to express their criticism of President



## **CHAPTER SIX: CONCLUSIONS**

### **6.1 Assessment of the 2000 Elections in Peru**

The 2000 election process in Peru failed dramatically to meet minimum international standards for a genuine, democratic election. As a result, the people of Peru were denied the opportunity to exercise their right to democratic elections, and the government that emerged from the elections lacks a legitimate mandate based on the will of the electorate.

Almost all of the groups observing the electoral process in Peru, including NDI/Carter Center, the OAS, the European Union, the *Defensoria del Pueblo*, *Transparencia*, and *Consejo por la Paz*, decided not to observe the second round of voting on May 28, affirming their belief that the electoral process was neither legitimate nor credible. This broad consensus among various Peruvian and international observer groups that the election process did not meet international standards speaks to the extraordinary extent and severity of the irregularities that were documented throughout the process.

While the refusal of the election authorities to postpone the election date and presidential candidate Alejandro Toledo's related decision to withdraw from the race ultimately caused most observer groups to pull out of Peru, electoral irregularities were by no means restricted to procedural and technical problems in the final stages of the process. The Peruvian election was characterized by severe flaws in the electoral environment on a scale rarely witnessed in Latin America, or elsewhere. These flaws were deep-seeded, originating in the weaknesses in Peru's democratic institutions and processes. They included: insufficient separation of governmental powers, which weakens the independence of the legislative and judicial branches; lack of political neutrality of state institutions; lack of impartiality and effectiveness of electoral bodies; and impediments to freedom of expression, including press freedoms. A related, important factor is the weaknesses in the organization and functioning of political parties and movements. These factors undermined political competition and the efforts to improve the electoral process by political and civic leaders, as well as such efforts by governmental and electoral officials. From the beginning of the process, it was evident that the government would need to take extraordinary, comprehensive efforts to overcome electoral deficiencies. Unfortunately, the political will of those in power to take such steps was not demonstrated during the electoral process.

In addition, the failure to sanction those responsible for violations of the electoral law undermined voters' confidence in the impartiality of the election authorities and in the rule of law. By April 9, public confidence in the legitimacy of the entire electoral process had been so severely eroded that many Peruvians assumed that the tabulation of the final results was a political decision, rather than a mathematical calculation. Given the widespread perception that the process was affected by fraud, the election authorities and the Peruvian government should have taken extraordinary steps to ensure that the second round of voting would restore voters' confidence in the legitimacy of the elections. Instead, the election authorities failed to implement recommendations made by national and international election observers and by the working

groups that the electoral authorities themselves organized. The second round of voting therefore took place in an atmosphere of extreme suspicion and mistrust.

In each of its public reports, the NDI/Carter Center observation mission sought to offer recommendations to help improve the integrity of the electoral process. Many of these recommendations suggested ways of correcting specific deficiencies in the process that were undermining public confidence in the elections' credibility and legitimacy. However, the recommendations included in the first NDI/Carter Center pre-election statement (issued on December 3) were submitted before the campaign period actually began, and therefore addressed broader concerns pertaining to the legal framework for the elections.

One of the most important observations made by the first NDI/Carter Center delegation to Peru concerned the need for institutionalization of the democratic process in Peru. Indeed, many of the irregularities that occurred throughout the process were not altogether surprising, given the evident structural weaknesses of Peru's democratic system. Now that most international and Peruvian observers have agreed that the Peruvian election process failed to meet international standards, attention has turned to promoting democratic reforms that would address these weaknesses.

Throughout the electoral process, NDI and The Carter Center and others emphasized that a broad, inclusive dialogue was necessary to agree on ways to move forward. This became all the more important in the post-election political crisis. A dialogue among Peruvians should determine the steps that must be taken to resolve the electoral crisis and improve the state of democracy in Peru. This dialogue must not be restricted to government officials, but should include political parties in opposition, as well as civic, religious, labor and private sector organizations that act as intermediaries between citizens and government.

The Special Mission of the OAS in Peru, established in response to OAS General Assembly Resolution 1753, is an important vehicle to promote dialogue. The Special Mission inherits the good will and credibility established by the OAS Election Observation Mission, ably led by former Guatemalan Foreign Minister, Dr. Eduardo Stein. Discussion by Peruvians about steps to overcome the crisis of legitimacy may require more than one avenue of discourse and should not be restricted to a narrow agenda. As noted in the NDI/Carter Center post-election delegation statement, all appropriate and peaceful ways to recover democracy in Peru should be discussed, including the possibility of organizing a referendum, other means of popular consultations or early congressional and presidential elections to be held in accordance with democratic standards.

The Peruvian government, the opposition, and the

## **6.2 Impact of Election Monitors on the Election Process**

The unprecedented mobilization of Peruvian watchdog groups and concerned members of the international community to seek a genuine, democratic election was a positive development



faulty elections.

- The failure to conduct genuine elections deprives the resulting government of a strong foundation based on a popular mandate, which can in turn deny it the necessary legitimacy to overcome political polarization and scandals.

## CHAPTER 7: EPILOGUE

On September 16, just 50 days after his inauguration to his third five-year term, President Alberto Fujimori surprised the nation by announcing that new presidential and congressional elections would be held in as short a time as possible and that he would not participate in the elections as a candidate. He also announced that he planned to deactivate the National Intelligence Service (SIN) and to conduct a full investigation of allegations of corruption that had recently surfaced.

Two days prior to the announcement, a video tape was released to the public by a leader of the opposition political party Frente Independente Moralizador. In the video, the head of Peru's intelligence services, Vladimiro Montesinos, was seen bribing an elected member of the opposition to switch his party affiliation in Congress to support President Fujimori's congressional alliance. The tape, one of several reportedly obtained by the opposition, confirmed allegations of coercion used to cause opposition deputies-elect to cross over, giving Peru 2000 a congressional majority.



**upcoming elections. The date and specific mechanism for the elections are yet to be settled. In addition, working groups are addressing four priority areas for immediate resolution: 1) reinstatement of the Constitutional Tribunal; 2) deactivation of the intelligence services; 3) resolution of the Ivcher case – return of the rightful ownership of Channels 2 and 13; and 4) reaccepting the jurisdiction of the Inter-American Court. While there are many issues that remain to be resolved, the OAS process is making another critical, positive contribution by providing a mechanism through which Peruvians can reach a consensus on reforms that will be necessary to ensure a credible election process.**

These extraordinary elections present a vital opportunity for Peru to resolve its crisis and restore democracy. To do so, however, the new elections must be held under conditions that will guarantee that those elected gain a legitimate popular mandate. Given the controversy surrounding the 2000 elections in Peru and the high levels of polarization that resulted from the flawed election process, Peruvians must work together to ensure that flaws in the process are corrected and that public confidence in the process is restored. The international community should vigorously support efforts to accomplish these goals. International monitors should play a role in supporting the process and setting the basis for public confidence in it.

Application of lessons learned from the 2000 election process in Peru will be important for all concerned. One essential lesson that must be applied in approaching the new elections is that they cannot be divorced from the broader political process and the need to strengthen related democratic institutions. Reform and rehabilitation of Peru's electoral administration is essential for the success of the new elections. Equally important will be reforms concerning the media and freedom of expression; without improvements in this regard, the electorate will not be able to obtain adequate accurate information upon which to make a free political choice. Judicial reform is necessary; otherwise, political competitors will not be confident that they will be able to seek peaceful redress of violations of their electoral-related rights. State security agencies, tax services, and administration in general (including administration of food relief and other social programs) must become politically neutral so that political contestants and their supporters can operate without fear and on a level playing field.

Political contestants must be given an opportunity to strengthen their organizational structures (parties and coalitions) through unrestricted freedom of association, assembly and movement and reasonable opportunities to convey their messages through the mass media. Political leadership, both in government and in opposition, must look beyond short-term interests and build strong political parties that aggregate citizens' interests and provide them with an avenue to participate in formation of public policy and governance. Civil society, including civic, religious, business, labor and other sectors, should be encouraged to augment the efforts of electoral authorities and the political contestants in encouraging citizen participation through civic and voter education programs and through nonpartisan election monitoring. They too need to pursue roles in strengthening democratic processes and institutions beyond elections.

The new elections cannot produce a perfect process; democracy is always in need of refinement. They do, however, present a vital opportunity to mobilize the political will of leaders in government and opposition, as well as the interests of the population, to realize the universally accepted principle that the will of the people shall be the basis of the authority of government,

