



**PRELIMINARY STATEMENT OF THE
NATIONAL DEMOCRATIC INSTITUTE (NDI)/CARTER CENTER
ELECTION OBSERVER DELEGATION TO PERU'S APRIL 8 ELECTIONS**
Lima, April 9, 2001

This statement is offered by the joint National Democratic Institute (NDI)/Carter Center international election observer delegation to Peru's April 8, 2001, extraordinary presidential and congressional elections. The delegation, which visited Peru from April 4-10, included 35 members from 11 countries and 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.

This was the eighth multinational NDI/Carter Center delegation to Peru since November 1999. The National Democratic Institute and The Carter Center are planning to organize an international delegation to the second round presidential runoff election, in the probable event that one is mandated by the certified election results. A number of recommendations concerning the second round are presented at the end of this statement.

SUMMARY OF OBSERVATIONS

The delegation would like to emphasize that the final results of Peru's April 8 presidential and congressional elections are not yet available. Vote tabulation is still under way; the margin for determining who will be the second candidate in the probable presidential runoff is close, and by law any electoral complaints that may be lodged would have to be resolved before results are certified. This statement therefore is preliminary in nature. The National Democratic Institute (NDI) and The Carter Center will continue to monitor electoral developments and may issue additional statements on the elections prior to observing the second round of the presidential election and the immediate post election period. Our two institutions recognize that ultimately it will be the people of Peru who determine the outcome of the elections and the nature of the mandate they provide for the resulting government.

The April 8 extraordinary presidential and congressional elections mark a dramatic turning point in Peruvian political history. We congratulate the Peruvian people for this outstanding accomplishment. Governmental and electoral officials, candidates and political movements, Peruvian nonpartisan election monitors and the voters themselves deserve praise for their concerted efforts to achieve genuine, democratic elections. While results of the elections are yet to be certified, the delegation is hopeful that the electoral process will continue to earn strong public confidence. We therefore urge the candidates and the public to remain patient as the results are determined.

As noted by the joint NDI/Carter Center pre-election delegations in January and March, the conditions leading to the April 8 elections were fundamentally different from the

fraudulent elections of last year. The legal framework and the pre-election conditions this year, while not without difficulties, established a solid basis for truly democratic elections.

Sunday's elections took place in an orderly and peaceful manner, and the enthusiasm and determination of the voters was impressive. In addition, hundreds of thousands of Peruvian citizens took up their democratic responsibilities as polling officials, political party pollwatchers (*personeros*) and nonpartisan election observers, all working to ensure the integrity of the elections. The security forces acted responsibly to maintain order in the polling places and demonstrated political neutrality in accordance with their constitutional obligations.

The success of electoral officials, especially the ONPE, in organizing the elections is commendable, given the very short time that ONPE had to prepare and its replacement of the majority of its staff in the face of last year's fraudulent process. The delegation also applauds the leadership provided by President Paniagua and his administration in creating a positive electoral environment and building public confidence in the election process. In addition, the delegation was impressed by the professionalism of the Peruvian civic organization *Transparencia*, which mobilized more than 20,000 nonpartisan election monitors and conducted a highly accurate quick count to verify the election results. These and other efforts contributed greatly to public confidence in the process.

While the April 8 elections were festive and the election process thus far has met international standards, it has not been without challenges. The delegation noted that late opening of the polls was widespread, and in a few isolated instances polls did not open at all. These problems seemed to be caused most often by the failure of some polling officials to show up for their assignments. Rigid procedures, several of which may be required by law, made it difficult to replace missing pollworkers, and appropriate adjustments to the procedures should be considered for the second round.

At this point, it appears that the computer software developed to tabulate election results is operating properly. It was unfortunate, however, that the tabulation software exhibited significant problems prior to election day, which prevented full verification of its dependability. This introduced a degree of uncertainty into the process. Nonetheless, software tests were observed by candidate representatives and election monitors; the political parties were provided access to test the software themselves, and international organizations were called upon to recommend ways to address the difficulties. The delegation expects that a great deal of attention will be paid to resolving any remaining questions about the software well before the second round of the presidential election is conducted.

The third concern that the delegation would like to highlight is the need for a constructive campaign in the second round – one that focuses on issues of importance to governing the country, rather than on personalities. The process leading up to the April 8 polls included unfortunate personal attacks against a number of presidential candidates, despite the fact that seven of the eight candidates signed a Civic Pact (*Pacto Civico*) sponsored by *Transparencia* and overseen by a commission of important personalities. It is hoped that both candidates in the second round will immediately sign an agreement to respect each other, to refrain from inappropriate campaign tactics and to call on others to follow their example. It is also hoped that the Peruvian news media will pursue substantive issues for the campaign. In addition, the citizens of Peru did not have the benefit of a face-to-face debate in the first round of the presidential election. Conducting one or more such debates could be

essential for the electorate to make an informed choice of who will be the next president of Peru.

These watershed elections should provide a strong mandate for the new Congress and the next president, whomever that person may be. Along with their mandate will come the opportunity and the responsibility for the new political leadership of Peru to face the substantial challenges placed before the new government. The delegation hopes that a constructive attitude and approach to these challenges will be reflected in the campaign for the presidential runoff election.

THE DELEGATION AND ITS WORK

NDI and The Carter Center are independent, nongovernmental organizations that have conducted more than 100 impartial pre-election, election-day and post-election observations around the globe. This delegation was invited by the government of Peru and Peruvian civic and political leaders. The delegation included current and former elected officials, political and civic leaders, electoral and human rights experts and Peru specialists. The purpose of the delegation was to demonstrate the continuing interest of the international community in and support for strengthening democratic institutions and processes in Peru and to provide the international community with an accurate and impartial assessment of the Peruvian electoral process.

The delegation conducted its activities in accordance with 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 overall process. Our methodology for assessing elections is based on the premise that all aspects of the election process must be considered to accurately understand the nature of the elections. Moreover, elections cannot be separated from the broader political process of which they are a part, and the elections themselves constitute just one step in Peru's democratic transition.

We recognize that an accurate and complete assessment of any election must take into account all aspects of the electoral process, including 1) the legal framework for the elections; 2) a number of important elements of the pre-election period related to fair competition and the freedom of citizens to make informed political choices at the ballot box; 3) the voting process itself; 4) the counting of ballots; 5) the tabulation of election results; 6) the investigation and resolution of any complaints that might be lodged; and 7) the conditions surrounding the formation of a new government. This underscores the point that the present statement is a preliminary assessment, that it should be taken together with the statements of the joint NDI/Carter Center pre-election delegations of January and March and with subsequent statements that we may issue on Peru's election process.

The delegation held intensive meetings in Lima with a wide range of Peruvian leaders, including: the President of the Republic Valentin Paniagua; all of the members of the Jurado Nacional de Elecciones (JNE, the National Election Tribunal); the head of the Oficina Nacional de Procesos Electorales (ONPE, the body responsible for electoral administration) Fernando Tuesta; the Minister of Defense and the Joint Commanders of the Armed Forces; the *Defensoria del Pueblo* (Human Rights Ombudsman's Office); candidates for President and their representatives; representatives of the news media and public opinion research organizations; civic and religious leaders, including leaders of *Transparencia*; the head of the

OAS Election Observation Mission in Peru Eduardo Stein; the head of the European Union Election Observation Mission Eva Zetterberg; and other representatives of the international community.

Delegates then divided into teams and were deployed around the country for meetings in their respective localities. On election day, the teams observed the voting processes in approximately 564 polling stations (*mesas electorales*) and observed the vote counting and tabulation processes in counting centers. The delegation then reconvened in Lima to debrief and develop this statement. The delegation cooperated closely with the election observation missions of the OAS and European Union as well as with *Transparencia* and the *Defensoria del Pueblo*.

The delegation noted that among the polling stations that we visited 72 percent functioned well; 26 percent had minimum problems; and only two percent experienced significant problems. These findings were consistent with the qualitative assessment of the election-day process offered by *Transparencia*.

RECOMMENDATIONS

The delegation was deeply impressed by the enthusiasm and commitment of Peruvians to conduct a genuinely democratic election process on April 8. Tremendous strides have been made since the fraudulent elections last year. The pre-conditions for a democratic election were met in the campaign and the legal framework for the elections. Public confidence in the government and electoral authorities is high, and the population is looking forward to the certification of results for both the presidential and congressional elections. NDI and The Carter Center admire the efforts of Peruvian governmental and electoral officials, political movements and candidates, election monitors and especially the voters to conduct a proper election. Our institutions will continue to monitor the process and will issue additional statements and recommendations as appropriate.

With this in mind and in the continuing spirit of international cooperation, the delegation offers the following recommendations concerning the run-up to the second round in the hope of encouraging further improvements to the process. Longer-term recommendations, including those concerning the congressional elections, will be offered in a later report. Additional recommendations concerning the second round may be offered as the process proceeds to the certification of results.

- 1) **Computer Software for the Vote Tabulation.** The delegation urges the electoral authorities to continue their concerted efforts to correct any remaining problems with the vote tabulation and verification software.
- 2) **Steps to Help Polls Open on Time and Facilitating Other Procedures.** A number of steps should be considered and appropriate actions taken to help ensure that the polls open on time for the second round. Among them are the following: additional training sessions should be offered for pollworkers and their substitutes; pollworkers and substitutes should be required to arrive earlier to the polling stations, so that there is adequate time to complete preparations for an 8:00 a.m. opening; and security forces should be provided with clear instructions to admit pollworkers and substitutes to polling sites. An earlier arrival time could help expedite the signing of ballots and other installation procedures, so that voting can take place in a timely fashion. Steps

should also be considered to streamline procedures for completing tallysheets (*actas*) at the end of the counting process. In addition, further efforts are warranted to provide full opportunities to vote for persons with physical disabilities.

- 3) **Issue Orientation and Civility in the Second Round Election Campaign.** As the results are finalized the contest for the presidency will heighten. The delegation supports the call from *Transparencia* and other civic and religious leaders for the candidates to join in an agreement to conduct their campaigns free from personal attacks and to base their campaigns on the issues that are important to Peru's continued democratic and economic development. The candidates should call on all of their supporters to follow this example, and the news media should concentrate on relevant issues, rather than becoming distracted by smear tactics.
- 4) **Candidate Debates.** The electorate must know the candidates and their positions on the issues in order to make an informed choice at the ballot box. One-on-one debates can play a central role in this respect. There are a variety of formats for such events, and the delegation urges the candidates for the second round to negotiate promptly in order to provide the public with the benefit of seeing the candidates address the issues together.
- 5) **Transparency in Campaign Financing.** The delegation urges the candidates to comply immediately with the JNE's resolution requiring disclosure of sources of campaign financing and campaign expenditures.
- 6) **Role of Security Forces.** This delegation, as has the two joint NDI/Carter Center pre-election delegations, commended the security forces, including the military, for their political neutrality in the election process. The delegation urges the commanders of these forces and the forces themselves to continue to act in such a professional manner and in accordance with their constitutional duties.
- 7) **Broad Citizen Participation.** Peruvian citizens can be justifiably proud of the positive changes in their election and political processes, and the delegation urges broad citizen participation in the second round as voters, election officials, nonpartisan election monitors and campaigners for the candidate of their choice. Additional voter education should be provided to increase understanding of voting procedures and the importance of participating in the process. Broad participation is the best way to ensure the integrity of the process and the furtherance of Peruvian democracy.

The delegation expresses its gratitude to all with whom it met and especially to the Peruvian election observers, electoral officials and voters for their warm welcome and cooperation. Without this we could not have completed our work. NDI and The Carter Center will continue to monitor electoral developments and may issue additional statements prior to the arrival of our observer delegation to the second round presidential election.