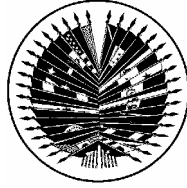


**Electoral Observation Mission
General Elections
Peru, 2001**

Electoral Observation in the Americas Series, No. 34



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Foreword

Democratic ideals and principles have always been present in the inter-American system. The Charter of Bogotá, establishing the Organization of American States (OAS), formally proclaimed in 1948 that "the solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy." Forty years later, the Protocol of Cartagena de Indias emphatically reaffirmed this principle, including among the essential purposes of the Organization the promotion and strengthening of representative democracy. The signature of the Protocol gave rise to an unprecedented renewal of the commitment of the member states to defending and building democracy.

Within this context, the Unit for the Promotion of Democracy (UPD) is one of the instruments the OAS can draw upon to support member states in their efforts to strengthen and consolidate democratic institutions. Established by João Clemente Baena Soares, who was then Secretary General, as agreed at the 1990 General Assembly session, the UPD offers a broad program of support to member states which, in full exercise of their sovereignty, request advisory services or assistance in their efforts to preserve or strengthen their political institutions and democratic processes.

With regard specifically to elections, the UPD provides assistance and technical advisory services to national electoral agencies and organizes and dispatches electoral observation missions to member states that so request by applying to the Secretary General of the Organization. OAS activities in this field are based on the conviction that the electoral process is always an essential piece of the transition to or building of democracy.

The electoral observation missions of the Organization are intended to: (a) observe and report to the Secretary General on the electoral process, using as a reference point the constitution and electoral law of the host country; (b) express the international community's support for the electoral process; (c) work with government, electoral, and party officials and with the population in general to ensure the integrity, impartiality, and reliability of the electoral process; (d) foster an atmosphere of public confidence and encourage citizen participation; (e) discourage attempts to manipulate elections; (f) serve as an

informal channel for reaching a consensus if disputes arise among the various participants in the electoral process; and (g) make recommendations for improving the electoral system.

In order to meet these objectives, the OAS electoral observation missions deploy observers throughout a country to monitor the different stages of the electoral process and compile their comments in a final report.

In general, the work of the OAS electoral observation missions focuses on those aspects and mechanisms of the political and electoral process where differences or disputes among participants are more likely to arise or that could jeopardize the integrity and transparency of the results. The missions therefore closely follow both organizational and political aspects of the electoral process. On the organizational side, the missions pay special attention to the enforcement of election law, the actions of the electoral tribunal, logistical arrangements, civic education campaigns, and the observance of rules governing the registry of candidates and voters. On the political side, the missions look at promotional campaigns, the behavior of the mass media, activities linked to elections in nongovernmental organizations, and government actions that might have an impact on the course of the electoral process.

The observations and analyses by the electoral observation team, combined with the Organization's experience with elections, enable the mission to identify the weaknesses of a system with considerable accuracy and formulate possible solutions. As a result, mission reports generally include a number of recommendations for strengthening the electoral process.

This volume is part of a series designed to provide relevant information on some of the UPD's electoral observation missions, both to the general public and to readers with special interests. We trust that the study and analysis of these experiences will help to increase knowledge of circumstances in the countries in the region and promote democratic values and practices as the 21st century approaches.

Elizabeth Spehar
Executive Coordinator
Unit for the Promotion of Democracy

Presentation

This document contains the complete text of the Report of the Electoral Observation Mission (EOM/OAS) in Peru on its observation of the general elections of 2001. During the Thirty-first session of the General Assembly, held in San José, Costa Rica (June 3 - 5), the Secretary General considered that it would be useful for the foreign ministers present to have an executive report (Annex 1), which was presented by the EOM Chief of Mission, former Minister of Foreign Affairs of Guatemala, Dr. Eduardo Stein Barillas.

This overview of the electoral observation work of the OAS, provided the Secretary General with a timely opportunity to report on the conclusion of a dynamic phase in the OAS's participation in, and commitment to, the reconstruction of democracy in Peru, in pursuance of a mandate issued by the General Assembly in Windsor, Canada. That mandate, based on the report of the Electoral Observation Mission conducted in 2000, led to the formation of a High-level Mission and Roundtable sponsored by the OAS.

This report outlines the stages of the EOM and the issues it addressed in monitoring an extraordinary process, describing the work conducted by the Mission in the first and second rounds of the election in coordination with national and international electoral observation and technical assistance institutions, including the United Nations, the International Foundation for Electoral Systems (IFES), the Center for Electoral Assistance and Promotion (CAPEL), the Civil Transparency Association (*Transparencia*), the Council for

Peace, the National Institute for Democracy (NDI)/Carter Center, and the European Union.

The report draws comparisons between the climate that compromised the elections in 2000 and the sharply contrasting conditions that surrounded the general elections of 2001. The information is organized in two distinct but complementary parts, describing the legal and political context that characterized the first and second rounds of elections. Particular attention is called to the impartiality of the Transitional Government, which in a very short period of time was able to meet the fundamental challenges posed by the political and legal environment within which the electoral process took place. This pertains in particular to repercussions stemming from the release during the process, of videos exposing acts of corruption throughout the process and which a renewed judicial branch has undertaken to adjudicate. Of equal significance was the manner in which the Transitional Government handled the critical situations that resulted from these revelations and their impact on the country's institutional integrity in the midst of an electoral process.

The document also covers the technical components under the responsibility of the National Elections Procedures Office (ONPE) in the areas of the training, logistics, vote-tallying, and the role of the media in the electoral process, observed with the same rigor as the year before. Finally, the report provides a balance sheet that may prove useful to Peruvian election authorities and the government in future elections.

This Mission of the OAS Secretary General released 12 progress reports (Annex 2), which provide a series of snapshots of the work of the EOM during the two rounds of elections, showing in particular how one week prior to the second round all technical arrangements for voting and vote-tallying were in place and had been fully tested by means of a national trial voting process (simulation) conducted, by law, on Sunday 27 May.

In conclusion, the EOM found an environment diametrically opposed to that encountered the previous year. It is noteworthy, in this regard, that the Secretary General arranged for the same composition of this year's observation mission as the previous year. This permitted the group to form a comparative view of the two processes and to assess them accordingly.

As this report clearly shows, the general election process in 2001 was on balance positive. Accordingly, based on international standards, these elections can be considered free and fair. Peru has thus been able to demonstrate to the international community that it has returned to the path of democracy and has provided an undeniable point of reference in the region and hemisphere for the proposition that democracy is not only an ideal, but a reality when policy and citizen commitment converge in contributing to the country's institutional consolidation.

CHAPTER I

THE ELECTORAL PROCESS

September 14, 2000 marked the start of a profound change in the political life of Peru, stemming from the public release of a videotape showing former presidential adviser Vladimiro Montesinos Torres paying US\$15,000 to former Congressman Alberto Kouri Buchamar to join the party *Perú 2000*. The broadcast of this surreptitious taping had sweeping repercussions.

It was then that President Alberto Fujimori decided to shorten his recently initiated term of office from five years to one and to convene new general elections for 2001, announcing that he would not be a candidate and would relinquish power to the winner of the election on July 28, 2001. At the end of November 2000, from Japan, Fujimori resigned from the office of President of the Republic. The Congress then elected a Transitional Government, which took office for the period from December 1, 2000, to July 28, 2001. To conserve constitutional order, given the resignation of the two vice presidents, it was decided by virtue of Article 115 of the Carta Magna that the Presidency of the Republic would pass to the President of the Congress, Dr. Valentín Paniagua Corazao. President Paniagua ratified the convocation of general elections for April 8, 2001.

A. LEGAL FRAMEWORK

Within the framework of the Constitution of Peru, the essential function of the electoral system is to ensure that elections represent an expression of the free will of the citizens and that the results of the voting are an accurate and timely reflection of the will of the electorate expressed at the polls. To

discharge this constitutional function, provision is made for three autonomous institutions, which together comprise the electoral system and are responsible for organizing and monitoring the electoral process and administering justice in electoral matters.

1. Composition of the electoral system

The electoral system of Peru is composed of autonomous authorities exercising various electoral functions and working in close coordination to plan and execute the activities necessary for the holding of elections.

Permanent bodies within the system include the Jurado Nacional de Elecciones [National Elections Panel] (JNE), the Oficina Nacional de Procesos Electorales [National Elections Procedures Office] (ONPE) and the Registro Nacional de Identificación y Estado Civil [National Registry of Identification and Marital Status] (RENIEC). The Jurados Electorales Especiales [Special Electoral Panels] (JEEs) and the Oficinas Descentralizadas de Procesos Electorales [Decentralized Elections Procedures Offices (ODPEs) are temporary bodies set up for each electoral process. The functions of these bodies are defined in the Political Constitution of Peru and the corresponding organic laws.

National Elections Panel (JNE)

Among other functions, JNE is responsible for overseeing the legality of the voting process, administering justice on electoral matters, and officially proclaiming candidatures. The highest electoral authority, JNE is composed of five members elected by secret ballot by the members of the Supreme Court of the Republic, the Council of Supreme Court Prosecutors, the Bar Association of Lima, and the deans of the nation's public and private law schools. JNE adopts its decisions by absolute majority.

National Elections Procedures Office (ONPE)

ONPE is an autonomous, decentralized body constituting the highest authority in matters pertaining to the organization of elections, referendums, and other forms of popular consultation. A Chief appointed by the National Council of Magistrates for a renewable term of four years heads ONPE.

National Registry of Identification and Marital Status (RENIEC)

RENIEC is an autonomous, decentralized agency responsible for maintaining the voter identification register. Its functions include preparing and updating voter rolls and verifying signatures for all electoral purposes. The Chief of RENIEC is appointed by the National Council of Magistrates from among three candidates proposed by RENIEC's own Advisory Committee for a renewable term of four years.

Special Electoral Panels (JEEs)

Among other functions, JEEs supervise the voting process in their respective jurisdictions. Their functions are enumerated in Article 36 of the Organic Law of the National Elections Panel. Their functions remain in effect until the candidates are proclaimed and their credentials have been issued. Each JEE is composed of three members: one appointed by the Superior Court in the electoral district concerned; the remaining two are publicly chosen, by lot, from a list of 25 citizens residing in the JEE's district.

Decentralized Elections Procedures Offices (ODPEs)

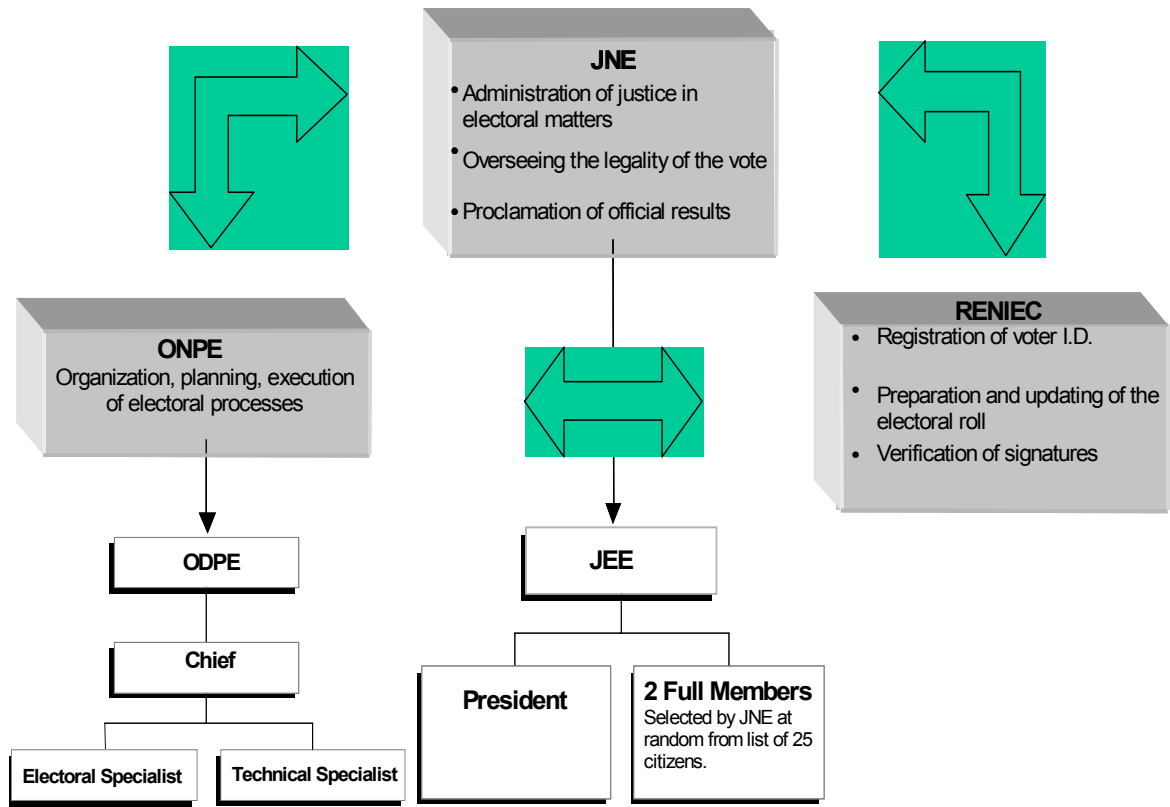
ODPEs are set up for each election within their respective electoral districts. The Chief of ONPE determines the number, location, and organization of the ODPEs, which perform essentially administrative functions and carry out the various activities necessary for the holding of elections in accordance with directives from ONPE.

The following chart shows the relationship between the various bodies that make up the electoral system.

Electoral System

Permanent Electoral Agencies: **JNE, ONPE, RENIEC**

Temporary Electoral Agencies: **JEE, ODPE**



2. Reforms in the Electoral Laws

Based on the EOM's evaluation of the Peruvian elections in 2000, and on the recommendations of the Roundtable sponsored by the OAS, a number of proposals were submitted to the stakeholders concerned for guidance in the area of constitutional and legal reform. These proposals included the following:

- a. Article 112 of the Political Constitution of Peru (published on November 5, 2000): the reform of this constitutional provision eliminates immediate presidential reelection. However, once another constitutional period has elapsed, the former president can run for office again subject to the same conditions.

- b. Article 191 of the Organic Law on Elections (published on November 18, 2000): the reform of this article includes the following provisions:
- i. The media are allowed to publish projected election results up to the Sunday prior to election day (previously allowed up to 15 days before election day. This provision reduces the period to one week).
 - ii. Originally, the reform of this article aimed to establish a “news blackout” that would have prohibited the publication on election day of projections based on a sampling of vote tallies or “exit polling”, either until after ONPE had disclosed the results of its initial tally, or after 10:00 p.m. on election day. Legal action to declare this provision unconstitutional was subsequently brought by the Office of the Ombudsman. On April 4, 2001, the Constitutional Court lifted the prohibition, ruling that: “with the prohibition of projections, what is prohibited is the right to think, since what the provision prohibits is the projection of results, denying the right to interpret them, that is, to translate numerical results into projections by means of a simple mental mathematical operation...” The Court considered the impugned provision contrary to the principal of freedom of thought and information, basic values protected by the Constitution of Peru, which constitute a mechanism for controlling governments and preventing the arbitrary exercise of power.
 - iii. New rules were approved for the dissemination and publication of opinion polls, establishing the obligation for persons or institutions engaged in conducting and disseminating electoral opinion polls to obtain accreditation from JNE. It was also determined that when these entities disseminate their polls they must include technical data on the polling process and complete identification of the polling entity. JNE was placed in charge of supervising polling entities.

- c. Article 192 of the Organic Law on Elections (published on November 18, 2000): this reform provides for impartiality of the state in the dissemination of information. Formerly, the law did not provide for the suspension of election campaign publicity via state-run news media. The aim is to prohibit the government from involvement in any form of state-sponsored publicity by any communication medium once elections have been convened, except in cases of emergency or public utility, under the strict vigilance of JNE or a JEE as the case may be.

- d. Article 194 of the Organic Law on Elections (published on November 18, 2000): This reform contains concrete provisions for the expansion and regulation of electoral media time slots. The Organic Law on Elections did not formerly regulate this area with precision. With the reform, new rules were established to provide for wider and more equitable access by political parties to the time slots made available by the media, as follows:
 - i. Coverage by broadcast television and national public and private radio stations was expanded, with equitable distribution of time (10 minutes) among the political parties, independent groupings, or alliances participating in the electoral process, at no cost, starting 60 days prior to the day and hour indicated by the law (24 hours prior to election day).

 - ii. The time slots are assigned by ONPE on a rotating basis determined by lot in the presence of community leaders, observers, and media representatives.

 - iii. In the case of a second round, electoral time slots will be regulated in the same way.

 - iv. By resolution 065-2001-JNE, published on January 19, 2001, it was determined that aspects related to this matter would be regulated through JNE.

- e. Article 291(f) of the Organic Law on Elections (published on November 18, 2000): The law did not formerly provide for the delivery of a copy of the election return certificate to the political parties. The reform made it mandatory to provide a copy of the certificate to all of the political organizations through a mechanism determined jointly by legal representatives of the various parties concerned. In these elections, however, the political parties did not reach a consensus as to the entity that would receive the certificate (also known as the “sixth certificate”). The certificate was therefore returned to ONPE with the unused election materials.
- f. Article 315 of the Organic Law on Elections (published on November 18, 2000): because of the confusion that was created by the absence of regulatory provisions for cases where there are discrepancies in an election return certificate between the number of voters and the number of counted votes, it was determined that in cases where a certificate does not record the number of voters, that number is deemed to be equal to the total number of votes. When two types of elections are involved and there is a difference between the totals recorded, the higher number is used. If this number is greater than the number of registered eligible voters, that portion of the certificate is invalidated. This issue was addressed more specifically in resolution 206-2001-JNE, by which JNE issued concrete provisions for calculating results according to different assumptions in cases where electoral acts presented discrepancies between the number of votes and number of eligible registered voters. Procedures were also established both for the ODPEs and the JEEs for the review and invalidation, as the case may be, of certificates presenting these irregularities.
- g. Article 24 of the Organic Law of the JNE (published on November 18, 2000): This reform reinstated the JNE voting system, which requires a quorum of four members for plenary sessions and a simple majority of members present for the adoption of decisions or rulings, subject to legal exceptions.

- h. Article 116 of the Organic Law on Elections (published on December 29, 2000): this reform increases the minimum gender proportions (male or female) of lists of candidates for Congress to 30%. The former rule required a minimum proportion of 25% men or women for lists of candidates for Congress in each district.

- i. Article 21 of the Organic Law on Elections (published on December 29, 2000): The earlier legislation applied the Single Electoral District system. The reform of this article has now introduced the Multiple Electoral District system for the election of members of Congress, applying an apportionment coefficient, with optional preferential double votes, except in electoral districts where fewer than two members of Congress are elected, in which case there is only a single optional preferential vote.

The adoption of these reforms solved some of the issues requiring immediate attention, sealing the commitment of the Transition Government to ensure the legality of the elections, permitting the electoral institutions to freely discharge their functions and thus allowing for a legitimate and transparent process.

B. PRE-ELECTORAL SITUATION

1. POLITICAL ENVIRONMENT

As of the arrival of the EOM in Peru on February 20, 2001, the necessary contacts were maintained with government authorities in order to obtain the fullest information possible on the political environment at the time of the elections. The attitude of the government in sharing information at these meetings was appreciated and proved to be of great value in meeting the EOM's objectives.

In contrast with the election in 2000, in these elections the Transition Government kept itself removed from the voting process and thus enabled election authorities to perform their functions with complete autonomy from the government.

a. Attitude of the Government Towards the Electoral Process

The EOM was able to report that the Government and Administration maintained strict neutrality throughout the election campaign, which enabled electoral bodies to operate entirely independently of the Executive Branch. This was consistent with one of the major areas of discussion at the Roundtable sponsored by the OAS, and is borne out by the fact that the only electoral violations reported were in connection with isolated incidents involving local authorities elected prior to the appointment of the Transition Government.

The Transition Government issued various orders, by way of decrees, resolutions, and directives, to ensure neutrality and transparency on the part of Executive Branch agencies, officials, and public servants. These provisions included in particular:

- Prohibition of the use of public resources for electoral propaganda.
- Prohibition of the use of state owned media for the purposes of political propaganda.
- The obligation to maintain neutrality in issuing information and opinions for dissemination by state-owned media.
- Explicit prohibition of interference or the exertion of pressure during the process.
- The obligation to facilitate communication flows.
- Prohibition of actions limiting the right to assembly.
- The obligation to maintain neutrality in receiving complaints from political parties and citizens.

In addition to providing support for the electoral process, the Transition Government met the challenge of creating conditions enabling the other state institutions to undertake the reforms necessary to ensure their independence. Particularly significant were the efforts made to strengthen the justice system and combat corruption, conditions without which it would not have been possible to reform electoral agencies and clean up the electoral process.

The EOM took note of the normality observed in terms of public order. During the days leading up to the first round, thanks to timely intervention by government authorities, solutions were found to problems arising in the locality of Moyobamba, in San Martín department, which threatened to prevent

completion of the election process in that area. The EOM also lamented the eruption of violence designed to prevent the holding of meetings by certain candidates, including Lourdes Flores, during the campaign.

b. The Judicial Branch and the Ministry of Justice

With the arrival of the Transition Government, the Judicial Branch and Ministry of Justice regained their full autonomy, as enshrined in the Political Constitution, following years of subordination to oversight commissions. This enabled justice to follow its course, in parallel with the electoral process, in terms of the investigations and judicial proceedings required to shed light on and punish the corrupt acts exposed by the presidential adviser Vladimiro Montesinos's videotapes, better known in Peru as the "Vladivideos", the disclosure of which marked the electoral process.

c. Evaluation of the Electoral Bodies by Political Forces and the Electorate

The EOM took particular note of the efforts made by ONPE and JNE, in organizing the elections, to provide relevant and timely information to the electorate on the main campaign issues. The effectiveness with which current electoral authorities performed their functions has been clearly recognized and valued by the electorate, which according to a survey conducted by the firm IMASEN on March 12, 2001, gave an approval rating of 78% to the work performed by JNE and ONPE. It should be recalled that in addition to their restructuring (ONPE, for instance, underwent a 78% turnover in staff), these agencies had to operate within a narrow timeframe while at the same time improving their credibility in the eyes of public opinion.

The EOM observed with satisfaction the high degree of coordination and mutual support between JNE and ONPE and noted as a positive factor that the necessary communication channels had been opened between political party operatives and ONPE to permit a timely exchange of views.

CHAPTER II
THE EOM DURING THE FIRST ROUND OF
ELECTIONS

Recognizing the importance of the electoral observation function to democratic processes, the Peruvian government extended a formal invitation to the OAS Secretary General on December 7, 2000, conveyed by the Chairman of the Council of Ministers and Minister of Foreign Relations of Peru, Ambassador Javier Pérez de Cuéllar, to observe the general elections. The Secretary General accepted this invitation and indicated his willingness to organize a mission, which established operations in Peru for a period of time starting before the voting began and ending upon the conclusion of the process, with terms of reference established by an agreement between the General Secretariat of the Organization of American States and the Government of Peru, with respect to the privileges and immunities of electoral observers, and an agreement between JNE and the OAS General Secretariat with respect to observation procedures.

The general objectives of the EOM were to observe the electoral process as a whole, to certify that guarantees were in place to ensure a transparent process, and to verify the existence of conditions enabling citizens to vote within an atmosphere of freedom and democracy.

The specific objectives of the EOM were as follows:

- To observe the conduct of participants in the electoral process and certify conformity with current election rules.
- To cooperate with governmental, electoral, and political party authorities and with the general public to ensure the impartiality and reliability of the electoral process.

- To help strengthen an atmosphere of public confidence and encourage citizen participation.
- To make itself available to participants in the process to help ensure compliance with the procedures established by the legal rules and to help ensure the use of these procedures for the resolution of conflicts.
- To express international support for the electoral process.
- To formulate conclusions and recommendations to help improve the electoral system.

A. FORMATION OF THE EOM

This Electoral Observation Mission (EOM), as in the case of the general elections of 2000, was headed by the former Minister of Foreign Relations of Guatemala, Dr. Eduardo Stein, accompanied by Dr. Diego Paz, Principal Specialist of the OAS Unit for the Promotion of Democracy (UPD), as Deputy Chief. The aforementioned persons and the Executive Coordinator of the UPD, Dr. Elizabeth Spehar, visited Lima the week of February 5 to hold meetings with electoral, government, military, and ecclesiastical authorities, civil society organizations, and the news media, for the purpose of setting up the EOM's operations in the country.

The EOM arrived in Peru on February 20, and established a central team at its headquarters in Lima. In order to fulfill its objectives most effectively, the EOM was structured as shown in the organizational structure chart in Annex 3.

The EOM's multidisciplinary team was composed of 125 persons from the following countries: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, El Salvador, France, Finland, Guatemala, Japan, Mexico, Nicaragua, Norway, Panama, Paraguay, the United States, and Uruguay, distributed in the 13 regional offices: Lima, Callao, Cajamarca, Ayacucho, Cuzco, Chiclayo, Huancayo, Huaráz, Iquitos, Arequipa, Piura, Puno, and Trujillo. The EOM conducted three training sessions for contractual observers and volunteers.

B. COORDINATION WITH TECHNICAL ASSISTANCE AND ELECTORAL OBSERVATION INSTITUTIONS

From the time of its arrival in Peru, the EOM held coordination meetings with institutions providing technical assistance to ONPE and JNE to obtain better information about progress made and difficulties encountered throughout the process. These institutions were the United Nations, the International Foundation for Electoral Systems (IFES), and the Center for Electoral Assistance and Promotion (CAPEL) of the Inter-American Human Rights Institute (IIDH).

The U.N. mission provided technical assistance to ONPE in the areas of electoral management, information technology, training, legal matters, and institutional redesign. In discharging its functions, the U.N. mission worked in coordination with IFES experts.

In coordination with the U.N., IFES provided technical assistance and institutional support to the ODPEs in planning for the deployment and removal of materials; contingency planning; the fitting out of offices and polling stations; and the training of panel members and coordinators. IFES also provided support to ONPE in preparing the national simulations and in training panel members and local coordinators, as well as in the area of information technology.

In providing technical assistance to JNE, CAPEL agreed with the JNE plenary that its work would consist of providing support for the oversight function. To that end, CAPEL dispatched a team of consultants to Lima and other cities in the country providing valuable assistance in ensuring that in this electoral process, unlike that held the year before, JNE would perform its function of overseeing the legality of the process.

The EOM remained in constant communication with national and international electoral observation missions. The national missions were conducted by the Civil Transparency Association (*Transparencia*) and the Council for Peace. The international observation missions were conducted by the National Democratic Institute (NDI)/Carter Center and the European Union. Coordination with these institutions enabled the EOM to share experiences and opinions in confirming its own diagnostic assessment and transmitting it to authorities in the search for solutions to the difficulties observed.

Transparencia^{1/} conducted the largest observation mission, dispatching more than 20,000 volunteer observers on election day, and performing a rapid tally of votes covering a sample of 1,454 polling stations.

In addition to electoral observation, the Council for Peace^{2/} conducted an awareness-heightening program for the electorate during the 2001 elections through the distribution of brochures with instructions for voters.

The European Union dispatched an observation group to Peru to closely follow the 2001 electoral process. The mission had a presence in the departments of Lima, La Libertad, Loreto, Arequipa, Ayacucho, and Puno. The mission was composed of a central unit of six persons led by Mission Chief Mrs. Eva Zetterburg, Vice President of the Swedish Parliament, 12 long-term experts, and 33 observers on election day. The mission issued three reports during its observation of the first round of elections.

The mission of the National Democratic Institute (NDI)/Carter Center was composed of these two nongovernmental organizations, headquartered in United States of America, which participated jointly in pursuit of their common objective of promoting democratic development in countries requesting observation of their electoral processes. During the days prior to the first round of elections, the mission was expanded to a delegation of 30 international political leaders and electoral experts and was headed by former President of the United States Jimmy Carter.

C. TECHNICAL OBSERVATION OF THE PROCESS

Central issues for the elections requiring specialized monitoring, given their importance within the process, were identified. To ensure comprehensive observation of all relevant aspects of the voting process, the structure of the mission included the areas of logistics, training, information technology, media, and complaints. An appropriately qualified expert headed each of these areas.

^{1.} The Civil Transparency Association was founded in July 1994. One of its objectives is to create civic awareness among the citizenry to promote the exercise of the right to vote. Its functions include coordinating with electoral authorities to ensure that democratic processes reflect the free will of the citizenry.

^{2.} The Council for Peace is an entity composed of several Peruvian institutions comprising 13 regional councils and committees for peace distributed throughout the country. It is dedicated to upholding human rights and building a culture of peace within a context of democracy.

1. Electoral logistics

ONPE developed a General Elections Plan, which effectively divided the various responsibilities for electoral matters. It also established an organizational structure based on coordination and operational divisions, supported by electoral district divisions with 49 OPDEs distributed throughout the country according to needs reflected in the electoral roll.^{3/} As part of the measures taken to ensure the proper functioning of electoral agencies and restore public confidence in the country's institutions, both ONPE and JNE took decisive measures, including the replacement of 78% of ONPE's permanent staff and the hiring of a private firm to conduct a competitive process for the recruitment, selection, and contracting of personnel for deployment during the general elections.

a. ONPE's General Elections Plan

The operational plan was executed in accordance with specific activity timetables through ONPE's Management Division and three specialized units.

The Management Division is the operational unit responsible for executing, monitoring, and advising on organization of the process as a whole and assisting the ODPEs. It is divided into three units:

- i. *The Planning Unit* is responsible for developing operational plans, activity timetables, resource requirement tables, maps showing routes for the deployment and removal of electoral officials and election materials, and contingency plans for the transport of materials to isolated areas.
- ii. *The Operations and Logistics Unit* is responsible for assembling, organizing, packing, and distributing election materials from central warehouses located in Lima to the ODPEs, and for developing the plan for the deployment and removal of election materials and the contingency logistics plan at the national level.

^{3.} Peruvian national territory is divided into 25 electoral districts. The electoral roll, in this first round, contained the names of 14,898,435 eligible voters distributed among 91,697 polling stations. For the 2001 elections, 64,619 men and 105,692 women, having reached legal age, voted for the first time.

- iii. *The Technical Support, Supervision, and Advisory Assistance Unit* consolidates and provides advisory assistance in connection with implementation of the Plan, with responsibility for supervising compliance with operational plans in the country's 12 regions and 49 electoral districts. It also supervises progress in the implementation of activities and provides continuous technical advice and assistance to the decentralized electoral agencies. Its evaluation office consolidates progress in the implementation of activities at the national level, and its technical support office tracks problems arising in the regions and refers them to specialized offices for prompt attention and remedial action.

Completion of the activities entrusted to the Management Division is measured through the use of progress report forms, which are regularly filled out and collected to provide information on difficulties encountered and additional resources needed to meet objectives. These forms are sent to the Technical Support Unit for filing, analysis, processing, and response.

b. ONPE's Information and Awareness Campaign

The process also benefited from an information system with characteristics different from those encountered in past elections. ONPE designed a modern information campaign with effective citizen participation, managing access to the media for all political parties. ONPE also purchased television time to promote civic awareness about the electoral process.

Activities conducted around the country were coordinated from Lima using tools for planning, supervision, and continuous monitoring, including general training for regional and district officials and specific training for polling station coordinators and officers.

Each responsible unit or individual designed a management plan, programs, and flows that were progressively consolidated as activities were conducted and contingency plans included.

The EOM monitored the timetables for work by means of regular meetings with the Management Division of ONPE and the ODPEs, directly verifying progress by the Planning, Technical Support, and Electoral Logistics Units, which were found to be on schedule.

c. Coordination between ONPE, political parties, and observers

ONPE encouraged active participation by political and technical representatives of the parties in the design of activities and documentation, and on this occasion displayed a willingness to engage the various political interests in a truly participatory and transparent process.

Also noteworthy was the manner in which JNE and ONPE facilitated efforts by national and international observers to closely monitor compliance with the electoral timetable.

d. Election management on the day of the vote

The EOM's 125 observers covered an average of 10 polling centers each with 20 polling stations per center. This provided the EOM with the timely information on the following:

- i. *Installation of the polling stations.* There were delays in the installation of polling stations, which on average were set up by 9:30 AM, that is, an hour and a half behind schedule. The EOM identified two possible reasons for this: polling station officials arrived late; and some of the officials mishandled installation procedures. These circumstances showed the need to develop permanent plans for motivating citizens and heightening awareness about their civic duty to participate as polling station officials. It should be noted that the percentage of polling stations not installed was minimal: only 77 out of a total of 91,697.
- ii. *Voting process.* The voting process took place normally and smoothly at most voting locales in the country. The EOM Mission Chief accepted the cordial invitation of the President of the Republic, Dr. Valentin Paniaguas and accompanied him when he cast his vote. The President of the Republic then gave a press

conference in which he underscored the role played by the EOM in support of this historic election process.

- iii. *Vote-tallying and the closing of the electoral process.* The tallying of presidential votes did not pose any major problems for polling station officials. The process was completed at most polling centers in an orderly and correct manner. The same cannot be said, however, of the tallying of votes for members of Congress and the preferential votes. Polling station officials were unfamiliar with, and/or mishandled, the concepts involved in tallying these votes. Votes initially assigned to political parties were then assigned as well to individual candidates. There was even confusion among ONPE coordinators, who mishandled the methodology, resulting in recourse to FEE auditors.

There were also delays in preparation of the final certificate of election results, causing concern among polling station officials about possible invalidation when results initially entered in a draft form were transferred to the final certificate.

- iv. *Retrieval of Statements of polls.* The armed forces and the national police fully discharged their functions with respect to the custody of election materials. In some places where the materials were transported by air, there were delays caused by the weather and the phased-in programming for the retrieval of materials. This part of the process, in the EOM's judgment, was marked by poor coordination between ONPE and JNE with respect to JNE's delivery of Statements of polls so as to permit the scanning of returns in accordance with JNE's own oversight plan.

In conclusion, it was observed that from a qualitative standpoint, the electoral process was conducted in a normal manner.

2. Electoral training

The duty to provide electoral training, and the functions of the agencies responsible for providing it, are defined in the Organic Laws of JNE and ONPE. This work was carried out through the execution of action plans and

use of the “cascade effect”, that is by training trainers so as to achieve greater dissemination of information in the shortest amount of time possible. There are three types of electoral training:

- Training of the electoral system officials.
- Training of polling station officials.
- Training for citizens.

The electoral authorities’ training responsibilities were carried out as follows. JNE was in charge of designing and executing training programs for electoral system officials. Training for polling station officials was the responsibility of ONPE, whose functions include developing and executing the operational programs necessary for that purpose. Responsibility for training citizens was shared between JNE and ONPE, which develop and carry out electoral education programs designed to create civic awareness. These authorities are authorized to enter into agreements with colleges, universities, and the media for the purposes of training.

The EOM conducted visits and took part in coordination meetings with the training divisions of JNE and ONPE. During those meetings, aside from discussing various related aspects, the necessary documentation was obtained to analyze the contents of the training materials and to use them in training sessions for members of the EOM. As a result of these meetings, significant progress was made in each of the training areas, as described in the following paragraphs.

a. Training of electoral system officials

JNE’s training and education division prepared a Central Program of Electoral Training and Education for Central Agents in the 2001 General Political Elections Process. This General Plan established the need to solve various problems generated during the 2000 process, beginning by strengthening training for the JEEs and improving coordination and information sharing between them and ODPE chiefs throughout the country. Special emphasis was also placed on improving the auditing of training programs for political leaders and polling station officials, as well as in the distribution, management, and tallying functions of the ODPEs.

ONPE's Electoral Information and Education Division was in charge of training transitional personnel, that is, ODPE chiefs, assistants, and specialists. The training was conducted by Division staff and contractors hired for this purpose, with cooperation from other ONPE divisions.

The ONPE training program, according to the results of the self-evaluation exercise conducted at the end of the first round of elections, resulted in a figure of approximately 14,000 persons recruited and trained. This program included 49 ODPE chiefs; 198 electoral specialists; 219 training assistants; 220 electoral promoters; 198 administrative assistants; 98 security officers; 49 secretaries; 49 vote-tallying officers; 1,880 district coordinators, approximately 3,000 local coordinators (each responsible for 10 polling stations); electoral coordinators; keyboard and data entry operators.

b. Training for polling station officials

To perform its function of training selected polling station officials for this process, ONPE put into practice a number of complementary forms of training using informative publicity disseminated over the media. It also conducted a motivational pilot plan, which consisted of going door-to-door with a letter from the National ONPE Chief inviting polling station officials to attend training sessions and highlighting the importance of performing this function. The exercise included the selection of electoral promoters (one per province) who, to the extent possible, should capably speak local native languages. In carrying out this function, ONPE used complementary training and motivation materials that included the use of videos and graphics.

As part of the audiovisual mechanisms used for training, a video for polling station officials was published featuring popular, well-known Peruvian figures. With respect to graphics, a simple and informative instructional poster for polling station officials was provided. In addition to Spanish, materials were published in three native languages: Aguarun, Huanbiza, and Ashaninka (jungle area of Northern and Central Peru). This enabled ONPE to cover 70% of the population in the native Amazon area. For Quechua and Aymará, which are unwritten languages, it was decided to disseminate publicity by radio. Physical samples of the materials to be used on election day were also provided, including ballot boxes and sample ballots.

According to the numbers provided by ONPE, an important training goal was reached on April 8, when the total number of polling station officials trained throughout the country reached 300,000, 35% of all polling station officials – a record for Peruvian elections.

c. Training for citizens

In addition to training provided to citizens by electoral authorities, other organizations contributed voluntarily to the performance of this function. *Transparencia*, the Ombudsman's Office, and the Council for Peace, conducted information campaigns and distributed instructional materials in a cooperative effort to better inform the population about the voting process.

Also noteworthy is the role played by the Catholic Church in Peru, which through the Episcopal Conference signed an agreement with ONPE under which parishes throughout the country informed and motivated voters on their right to vote. This work was especially important, since it permitted training in isolated areas.

3. Information technology

One of the central concerns of the past election related to the vote-tallying system. The general sense of the population was a complete lack of confidence in the tallying systems used at that time. This created the need for electoral agencies to take the measures necessary to create confidence among Peruvians about the capacity and honesty of authorities to develop a reliable, accurate vote-tallying system. To this end, ONPE conducted a restructuring program for personnel working in the area of vote tallying and arranged for support from various national and international institutions.

The most important measures adopted as part of the ONPE restructuring program included reorganization of the vote-tallying center and the replacement of its personnel, a complex situation given the need to organize an election in such a short period of time while simultaneously restructuring the electoral institution itself.

Given the time restrictions, and the need to plan the execution and operation of elections on April 8, ONPE performed a rapid evaluation of the available alternatives to determine the strategy to be followed in implementing and executing a new vote-tallying system, since the software used in the previous elections was neither available nor recommended given the problems experienced in that election.

The decision to develop new software required ONPE to organize and conduct a public bidding process, which led to selection of the firm J. Evans, to develop the vote-tallying system and provide for implementation, training, support, and maintenance of the information technology infrastructure required for election day. ONPE also hired a second company to develop contingency software. The firm selected through the bidding process was Top Level.

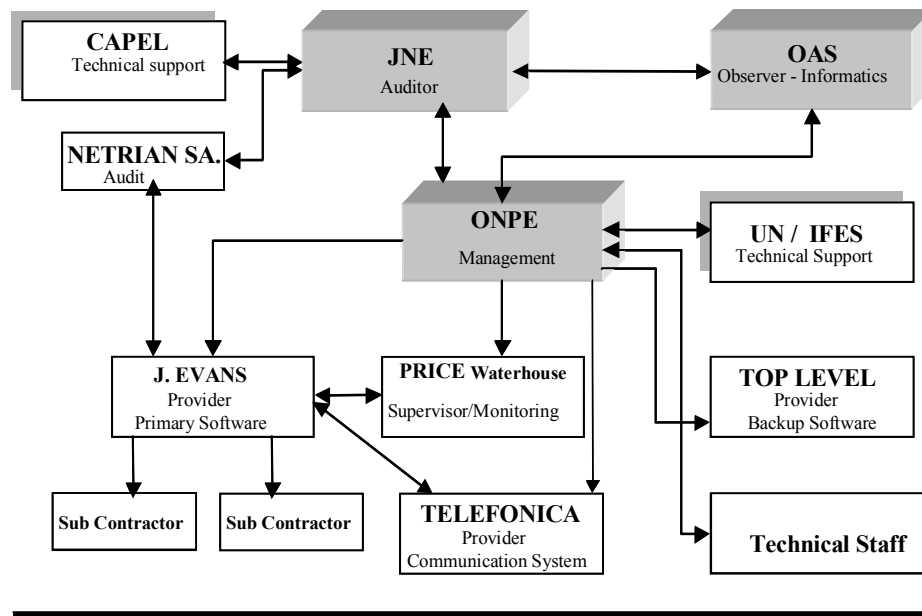
In support of ONPE's operations, the Peruvian government entered into cooperation and technical assistance agreements with the United Nations and IFES, which followed the entire first round of elections. This assistance included management and monitoring support for the vote-tallying system.

ONPE also hired PriceWaterhouseCoopers to monitor the process and ensure that the software developed by J. Evans met the specifications established in the terms of reference. PriceWaterhouseCoopers was responsible for issuing continuous reports on progress in developing the software, problems encountered, and appropriate recommendations.

As the agency responsible for ensuring the legality of the process, JNE entered into a technical assistance agreement with CAPEL, and hired the firm NETRIAN S. A. to conduct a functional audit of the vote-tallying system and to verify the election result tallies by scanning all the Statements of polls.

Technical staff from the political parties participated actively in overseeing the vote-tallying system, attending the evaluation and review sessions for the software developed by J. Evans, and participating in a superficial evaluation of the backup system.

The relationship between the various players intervening in the design, implementation, supervision, advisory assistance, and audit of the vote-tallying system is shown in the following illustration.



PLAYERS IN THE VOTE-TALLYING SYSTEM
Electoral Process Peru 2001

The essential objectives of the EOM in this area are as follows:

- To address the concerns and doubts of technical staff from the political parties and refer them to the appropriate divisions of ONPE. Bridges were created that facilitated improved communications between ONPE and technical staff in the various groupings participating in the election.
- To verify the characteristics, functional effectiveness, data transmission capacity, and security of the vote-tallying system and supporting infrastructure. In pursuing this objective, the mission conducted a detailed review of the vote-tallying system, identifying possible problems, evaluating them, and reporting them to the appropriate division of ONPE, suggesting solutions for implementation during the election process.

The following activities were conducted in pursuit of these objectives:

- Verification of the functional capacity of the vote-tallying system developed by J. Evans, considering the following processes: zeroing of the system; initial data entry; registration of users and permits; scanning; sorting; digitizing; correction; registration of resolutions; reports.
- Verification of the hardware infrastructure supporting the application, which includes: main server; backup server; sorting stations; bar code scanning gun; digitizing station; verification stations; printers; scanner; and UPS.

- Verification of the infrastructure and security of data transmission.
- Verification of the physical security of the vote-tallying center.
- Verification of the configuration of the operating and applications systems supporting the vote-tallying system.
- Verification of the structure, security, and content of the database.
- Verification of compliance with the requisites of the vote-tallying system for election day, examining whether the vote-tallying center had adequate installations; final version of the vote-tallying system; national communication lines; security in the vote-tallying system, transmission of data, database, and vote-tallying centers; real and consistent data from the various departments, provinces, districts, polling centers, etc.; vote-tallying system manuals; procedures manuals for staff at the vote-tallying centers and technical support from J. Evans.

To evaluate the functionality of the system, the EOM conducted interviews with the various agencies involved in the issue (representatives of ONPE and the United Nations, and technical staff from the various political parties) and assisted with the various internal tests and simulations. This enabled the EOM to obtain information on the general characteristics of the system, supporting infrastructure, support manuals, security characteristics, data transmission, and procedures manuals, with a view to providing responsible information on the functionality of the system and the elements that support it. The subjects for evaluation during the test cases were as follows:

a. Vote-tallying system

The vote-tallying system developed by the firm J. Evans included the following functions: establishment of users and user access; zeroing of the system; generation of zeroing reports; assignment of users to workstations; receipt of the Statements of polls in the vote-tallying centers; sorting of Statements of polls; digitization of the data from the Statements of polls at the computer terminals; verification and correction of returns; recording of resolutions; issuance of vote-tallying center monitoring reports and reports on results and monitoring; replication of the backup server; transmission of data to national servers (Nazca, UNI); partial and final closure of the vote-tallying centers; national consolidation; national reports and presentation of results in the press room.

One of the main problems, in the opinion of the technical members of the EOM, was that the firm J. Evans lacked experience in the design of vote-tallying systems and adapted its knowledge of banking systems to the electoral process. Its system, reinforced with a high degree of security (as in the case of bank transaction systems), led to difficulties when the reports were issued that prevented its proper functioning from being fully verified.

Another problem encountered was the lack of effective management by ONPE in directing the firm's activities, which resulted in failure to comply with the schedule agreed to for the performance of various activities. This difficulty was finally overcome with technical assistance from the U.N. and a group of national experts hired by ONPE during the week prior to the elections, who intervened in the coordination of pending activities. This made it possible to accomplish the objective of making the system operational on election day.

In its first official report, J. Evans indicated that it would provide different versions of the vote-tallying system as the process unfolded. The versions of the system were as follows:

- Alpha version, for use by technical staff in testing the system
- Beta version, used in the first national simulations
- Candidate version, used in the second national simulation
- Gold version, originally planned for use on election day
- Gold version 1.0, the version actually used on election day

ONPE set up test laboratory facilities and made them available to technical personnel and observers. This made it possible to keep the general public and party representatives continuously informed on progress in developing the vote-tallying system. ONPE allowed technical personnel to test the system daily and to suggest changes and make recommendations as users of the software. Working timetables were established for that purpose, and though they were not strictly followed, they did allow the system tests to be monitored. Internal tests were conducted continuously at the various vote-tallying centers. The EOM technical team assisted representatives of the parties at two vote-tallying centers in particular: San Borja and San Miguel.

In order to evaluate the software, ONPE organized two national simulations: on March 25 (Alpha version) and April 1 (Candidate version). Following the second national simulation, it was considered necessary to conduct other internal simulations, the last of which took place on Saturday, April 7. Following the final internal simulation, Gold version 1.0 was created and used on election day.

It should be noted that the EOM was not able to fully evaluate the vote-tallying system, because its technical staff was not provided with a detailed description of the test cases used in the simulations or the results expected. The EOM did, however, inform ONPE of the difficulties encountered (mentioned in the preceding paragraphs) in the interests of facilitating solutions. These problems were ultimately solved and the vote-tallying process took place normally.

b. Security (transmission of information, database, application)

The issue of security for the vote-tallying system relates both to physical security of the system and integrity of the data at its point of origin (vote-tallying centers), during transmission and consolidation in the central office. With respect to physical security, it was observed that ONPE took such measures as providing security guards, distributing equipment in secure places, furnishing fire extinguishers, etc. In terms of the integrity of data at its point of origin, and specifically data capture and storage, no risk situations were observed; the platform and software used were to be backed up with mechanisms to protect data. A backup server was also provided for data protection, to be activated in the event of failure in the main server.

With respect to data transmission, there was speculation at one point about data insecurity. The EOM noted in this regard that the network used for the electoral process was dedicated

exclusively to the transmission of election data.^{4/} In addition, the provider of this network (Telefónica Peru) established the security measures necessary to monitor and detect hackers or access by unauthorized persons. There was therefore no way for hackers to gain access to the IP VPN network through the Internet. In addition to the VPN, ONPE had access to an administrative network and the Internet.

The EOM duly informed ONPE about the vulnerability of these networks and recommended the appropriate precautions. ONPE was also alerted about efforts by hackers to access its networks.⁵ Based on the need to improve the security of these networks, a number of recommendations were made and implemented by ONPE. These included the establishment of firewalls, monitoring software, and a monitoring and tracking service furnished by the Internet provider (Telefónica Peru). Event recording options were activated in the operating system and in the routers for the timely detection of attempts to violate security.

c. Documentation and manuals

ONPE provided the system documentation and manuals, but these were not up-to-date because ONPE did not control changes in the system. Documentation is vitally important because it supports the system and permits technical corrections. Manuals are also important for users, because they explain that the correct use on the system and the most effective means of using it.

d. Organization and procedures

ONPE developed rules and procedures for each vote-tallying center, for instance with respect to the process for zeroing, the starting time for simulations, versions to be used, etc. These procedures were not systematically followed, however, because of a lack of uniformity. In many vote-tallying centers, zeroing took place at times other than those stipulated, causing uncertainty and inconsistency among political party representatives, who were unable to follow the procedure. This defect, however, was corrected on election day.

While observing the vote-tallying simulations, and also on election day, the EOM observed the issuance of various reports, such as: the vote-tallying center monitoring reports; reports on results; monitoring reports; replication of the backup server; the transmission of data to national servers (Nazca, UNI); partial and final closure of vote-tallying centers; national consolidation; national reports; and the presentation of results in the press room.

4. Access to the media during the election process

With respect to political party access to the media, the climate was very different during this election than the previous one. The EOM observed progress in the area of equal time for political parties participating in the election.^{6/} Recognized progress in this area included changes in the law

^{4.} This system, known as IP VPN (virtual private network) is physically independent of the other networks used by ONPE, such as the administrative network and the Internet.

^{5.} It is commonly known worldwide that hackers are constantly scanning Internet systems for the purpose of breaking through security barriers.

^{6.} During the general elections in 2000, the EOM pointed out that freedom of the press in Peru was seriously compromised by a series of irregularities and unequal candidate access to the media. These irregularities included: the failure to suspend state-sponsored publicity during the electoral period;

with respect to government impartiality in the issuance of information; various decrees, resolutions, and directives designed to prevent government intervention in media coverage of the process; and the expansion of electoral fringe time slots. These were important steps in enabling candidates to communicate their plans for government and citizens to obtain information about the election process.

The establishment of electoral time slots ensured equitable access by the different political parties, independent groupings, or alliances to public and private broadcast television and radio, free of charge, from 60 days up to 24 hours prior to the elections. This helped to overcome one of the great deficiencies observed in the 2000 electoral process, when access to the media for government and opposition was extremely asymmetrical.

The EOM took note of this extremely positive development for the process. This issue had in fact been addressed by the EOM's own recommendations after the previous election process, which were conveyed to the various participants in the election, government officials, and electoral agencies, with stress placed on the importance of the very clear regulations existing in Peru with respect to the role and obligations of the media in an electoral process.

Another initiative welcomed by the EOM was the organization of a debate on "Presidential Creativity 2001", which was designed for dissemination and discussion of the presidential candidates' platforms.^{7/} The candidates, however, did not take advantage of this opportunity, which made it difficult for the election process to focus on a comparison of their proposed programs. For this reason, the EOM appealed to the presidential candidates to take full advantage of such opportunities, which are rare and of great interest to the electorate.

In terms of media coverage of the elections, it was observed that the greatest attention was focused on the "vladivideos" and on the issue of corruption, at the expense of a more thorough discussion of electoral issues.

The EOM analyzed the coverage given to the different presidential candidates during the 2001 general elections on national television news, the printed press, and the tabloids, measured over a period of three weeks from Saturday March 3 to Friday March 23, 2001. There was great variety in news coverage from one period to the next, so the results of the EOM study only reflect the reality during the sample period.

Overall, the monitoring process revealed that journalistic coverage by television news, the formal press, and the tabloids focused mainly on the three candidates most highly rated in the opinion polls: Alejandro Toledo, Lourdes Flores, and Alan García. The candidates Fernando Olivera, Carlos Boloña, received secondary coverage, with minimal coverage for the candidates Ciro Gálvez, Ricardo Noriega, and Marco Antonio Arrunátegui.^{8/} These coverage percentages were maintained

unequal access to the media (particularly the broadcast television channels); the use of intelligence services to exert pressure on the media; and use of the Judiciary to silence radio and television programs with content critical of the government.

7. The debate was organized by the Peruvian University of Applied Sciences (UPC), *Canal N*, *RPP Noticias*, and the newspaper *El Comercio*, and was sponsored by *Transparencia*.

8. Among the various media analyzed, only the printed press provided coverage of the eight candidates for president in all newspapers. In the case of television news, on the other hand, only channels 5, 8,

within the various television news programs, while in the case of the formal press and the tabloids, the coverage, during the period observed tended to focus more on the candidates Alejandro Toledo and Lourdes Flores.

Of greatest importance is the manner in which the media covered appearances by the various candidates (news bias), reflecting their inclination in favor of particular candidates.

The EOM observed that among the various forms of media, television news presented the smallest percentage of unfavorable coverage.^{9/} In the case of the printed press, the percentages of favorable, unfavorable, and neutral coverage of the presidential candidates were similar. An analysis of television news coverage revealed that most coverage of the candidates was favorable or neutral, with very little unfavorable coverage.

In the case of the formal press, the percentage of unfavorable coverage of all candidates was higher, but most of the coverage was neutral (first-place) or favorable (second-place).^{10/}

Coverage by the tabloids was more unevenly distributed among favorable, unfavorable, and neutral references to the candidates.^{11/} The analysis revealed that the tabloids were the least pluralistic in their coverage, reflecting a certain bias toward particular presidential candidates. This observation is borne out by the complaints filed by candidates with regard to negative campaign tactics.

5. Campaign spending

The issue of campaign spending is not addressed in Peruvian law. There are no limits on the amounts that each party can receive for campaign financing, nor any provisions prohibiting financing from any particular source. The laws do, however, establish the obligation to inform JNE about the sources of financing and the spending program for the resources obtained. Each political party participating in the election must present a detailed report after the election on the items of expenditure covered by these resources. According to Article 183 of the Organic Law on Elections, no later than 60 days prior to election day, political organizations, independent lists and alliances must provide JNE with projections on the monies to be spent during the election, as well as the sources of financing. In addition, within 60 days after proclamation of the official results, these entities must provide JNE with a sworn statement of campaign expenditures. JNE is authorized to have these statements audited.

The President of JNE indicated in this regard that out of the 13 groups participating in the first round of elections, three political groupings (Frente Popular Agrícola FIA del Perú—FREPOP,

and 10 provided coverage of all the candidates. In the case of the tabloids, only *El Chino*, *Correo*, and *El Tío* provided coverage of all candidates

^{9.} 9% of television news coverage was unfavorable; 49% was favorable; and 38% was neutral.

^{10.} As an exception, Alejandro Toledo received more favorable (40%, 211 references) than unfavorable (31%, 25 references) or neutral coverage (29%, 106 references). On the other hand, he also was the subject of more negative references (25) than the other candidates (for instance Lourdes Flores was the subject of only 21 unfavorable references, and Alan García, 17). However, there was considerable variation in the coverage of candidates by the various newspapers in this group.

^{11.} In the case of the tabloids, the candidate Alejandro Toledo was the subject of more unfavorable (48%, 348 references) than favorable (31%, 226 references) or neutral references (21%, 147 references). Conversely, there were more favorable (50%, 236 references) than neutral (32%, 151 references) or unfavorable references (18%, 83 references) to the candidate Lourdes Flores.

Alianza Electoral Cambio 90—Nueva Mayoría and Partido Renacimiento Andino) did not submit the required information on campaign financing. JNE reported these groupings to the Attorney General's Office for investigation and prosecution as appropriate.

The Organic Law on Elections does not specify any particular punishment for failure to comply with the obligation under Article 183. The general rule established in the Penal Code therefore applies. This provision provides that when a person fails to comply with the mandate of an authority, that authority can order punishment according to the level of its functions. This legislative gap renders effective enforcement of the provision in question impossible. It would therefore be advisable to introduce specific sanctions into the election laws to punish failures to comply with the reporting obligations established in this article.

6. Election complaints

A complaint office was established for the purpose of receiving and transmitting complaints about the election process as soon as the EOM set up operations in Peru.

a. Receipt and processing of complaints

During the first round of elections, the complaints received by the EOM were presented by political groupings participating in the election and by civic organizations and individuals interested in the electoral process. In most cases, the EOM received copies of complaints submitted to election authorities and the Ombudsman's Office. This fact was interpreted as an indication of the complainants' preference to limit the role of international observers to an awareness of irregularities alleged during the political campaign.

EOM observers dispatched to the 13 regional offices received a number of complaints *in situ*, which were transmitted to the Mission's headquarters in Lima for review and appropriate follow-up.

On the day of the vote, observers received a number of complaints, which they reported to election authorities stationed at the polling centers. Expedient solutions were found.

b. Principal complaints received

The EOM directly received 17 complaints in the following areas:

- Irregularities in the process of selecting the temporary staff hired by ONPE.
- Violation of the Organic Law on Elections (noncompliance with the rule concerning proportional representation of men and women on the congressional candidate lists (resolution 068-2001-JNE). These complaints were presented in the electoral districts of Callao, Ica, and La Libertad.
- Failure by ONPE to provide information to technical personnel.
- Errors in publicity materials and ONPE training, with the allegation of bias in favor of a specific political campaign.
- Participation by public officials in acts of political propaganda.

- Use of state resources in support of particular candidates.

Other complaints came from small political groupings in connection with internal disputes, which in some cases even resulted in the disqualification of candidates on their own lists. They also presented complaints about the failure of the media to cover their campaign events.

The Mayor of Lima was the subject of a complaint to the JEE concerned, having allegedly participated in political propaganda when he appeared in a number of television spots and publicity materials inviting voters to support his political grouping's list of congressional candidates. Preliminary investigation of the matter was brought before the Lima JEE, for subsequent referral to JNE.

Throughout the pre-electoral phase there were a number of isolated confrontations between the militants of different political parties at meetings and when campaign propaganda was being posted in the streets.

The EOM saw allegations in the press of bought votes made against certain political groupings. No official communication was received from JNE, however, since no proof of the allegation was ever presented in the case. The President of JNE told the press that what had occurred was the usual practice of giving away T-shirts, headbands, caps, and similar articles at political events, which was not considered to be the same as buying votes.

It should be noted that the government was rigorous in instructing public officials on the principle of neutrality in the performance of their duties so as to ensure a properly conducted election process.

For election day, observers received explicit instructions concerning the receipt of complaints filed during the day. A number of complaints, filed and settled on the spot, concerned the following issues: the exhibition of political propaganda at polling centers by political representatives and activists, who desisted after receiving a warning; problems with the accreditation of certain representatives, which were resolved by the JEE concerned; in a small percentage of cases, errors in the electoral roll pertaining to deceased persons, unregistered citizens, or the repetition of names.

D. ELECTION DAY, APRIL 8

On election day, observers stationed at the 13 EOM offices visited an average of 10 polling centers each to observe the conditions under which the vote was taking place. The points covered by the observations were as follows: the installation of polling stations; verification and delivery of election materials; the voting process; the participation of volunteers; vote counting and closing procedures; the activities of the Armed Forces and National Police; the retrieval of election materials; complaints; the role of election authorities in the process, and the performance of the vote-tallying system.

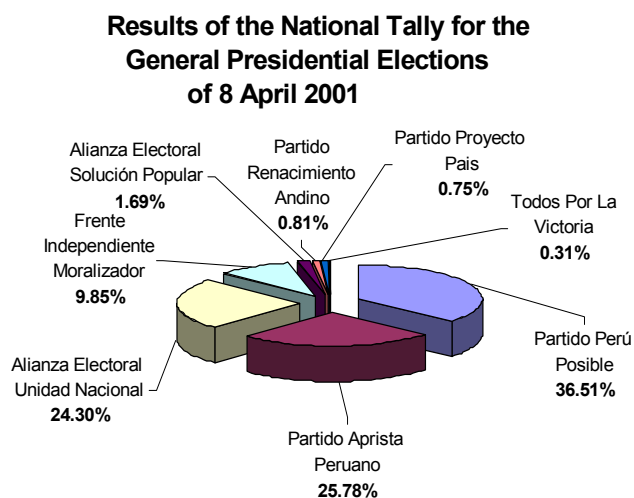
As customary, the EOM performed a rapid count for a sample of 140 polling stations, 70 of which were primary samples and 70 secondary, selected through a statistical sampling representative of the demographic characteristics of Peru.

To achieve the objective of the rapid count, the EOM observers responsible for collecting the various samples went to their assigned sites well in advance as required, proceeding to locate the polling centers and voting stations assigned to them and make the necessary provisions for communication to ensure rapid, effective, and accurate transmission.

The rapid count was performed successfully, obtaining complete data and the corresponding statistical analysis by 7:30 p.m. on election day. The data obtained from the rapid count were shared immediately by the EOM Chief of Mission with the OAS Secretary General, the President of JNE, and the Chief of ONPE.

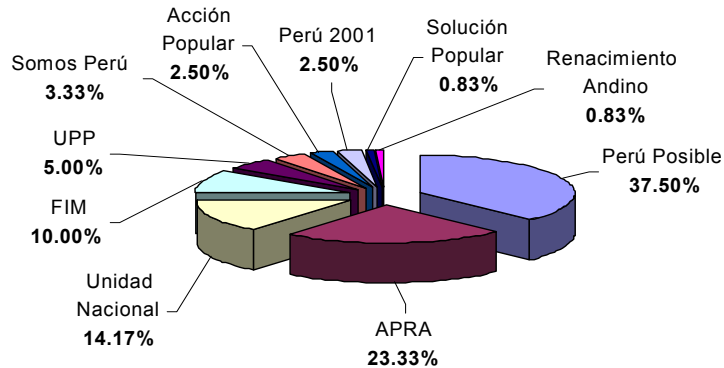
The day after the election, the data obtained from the rapid count were reviewed by the EOM Chief of Mission with the three candidates receiving the most votes: Alejandro Toledo, Alan García, and Lourdes Flores. That same day, the candidate for *Alianza Electoral Unidad Nacional*, Lourdes Flores, publicly acknowledged the margin in favor of the candidate for *Partido Aprista Peruano*, Alan García, who would contend with the candidate for *Partido Perú Posible*, Alejandro Toledo, in the second round of presidential elections.

ONPE delivered the complete, official results of the presidential and congressional elections on the night of May 20. Out of the total number of votes cast for President of the Republic, Alejandro Toledo obtained 36.51% with 3,871,167 votes, and Alan García, 25.78% with 2,732,857 votes. Lourdes Flores of *Unidad Nacional*, came in third place, obtaining 24.30% with 2,576,653 votes; and Fernando Olivera of *Frente Independiente Moralizador*, came in fourth, obtaining 9.85% with 1,044,207 votes.^{12/} The foregoing was confirmed by the data and statistical analysis produced by the EOM's rapid count. The official results reported by ONPE for the presidential and congressional elections are illustrated below:



^{12/} Blank and invalidated votes accounted for 13.56%.

Results of the National Tally for the General Congressional Elections of 8 April 2001



E. ASSESSMENT OF THE FIRST ROUND OF ELECTIONS

The EOM's assessment of the first round of elections was positive, with strengths outnumbering weaknesses. Overall, the analyses conducted by national and international observers found that the first round of general elections had been a clean and fair process.

Based on the reports provided by the coordinators at each of its offices, the EOM conducted an evaluation of the main points observed during this first round of elections, which led to the following conclusions:

1. Logistics

In the area of logistics, significant progress was made relative to the previous year's elections. Using a continuously updated bar graph as a programming tool, ONPE designed a General Elections Plan and operational plans with specific outputs. ONPE converted an electoral system poorly understood by the political players into a process characterized by widely available information. The activities included in the election schedule were carried out in their entirety and difficulties were overcome through timely intervention by electoral and government authorities, which provided citizens with an atmosphere of calm and law abidance. Areas where difficulties were observed included the distribution of materials in isolated areas, where winter weather transportation problems were encountered. For this reason, ONPE developed primary and contingency plans for the deployment of materials in coordination with the Armed Forces and private transportation companies. According to information provided by ONPE's Information and Education Division, all of these problems were addressed in the corresponding contingency plans.

Administrative difficulties were reflected in the opinions expressed by a number of ODPE chiefs, who complained about excessive paperwork formalities and delays in receiving the material and budgetary resources needed to perform their work.

ONPE's planning activities facilitated the process but raised its cost, given the limited amount of time available to conduct program activities and gain public confidence.

2. Capacitation

In the area of training, it was observed that electoral agency officials were well prepared. There were deficiencies, on the other hand, in the training of polling station officials. On election day, the lack of adequate training for polling station officials led to a variety of problems, such as delays in the installation and closing of polling stations and in the vote counting process. This led to numerous errors in the Statements of polls, which had to be corrected by the JEEs, which in turn led to delays in the reporting of election results.^{13/}

3. Vote-tallying System

The EOM technical team availed itself of every opportunity provided by ONPE to observe and evaluate the reliability of the vote-tallying system to be used in these elections. It was observed that the system afforded ample security but, given its very complexity, would not be able to manage the volume of information to be processed on election day. On the day of the vote, the system's performance was monitored closely and it was observed that the difficulties encountered earlier had been resolved by a subsequently developed version of the software, providing for an effective tally of the votes, with 50% of the results obtained by the next day.

4. Media

With respect to the issue of political party access to the media, the conditions observed during this campaign contrasted sharply with those observed the previous year, when manipulation of the news media by the government then in power was evident. This time, the government did not exert any influence whatsoever over the media, which resulted in more balanced coverage of the political options offered by the various campaigns.

It must be noted, however, that efficient use of the media in disseminating information on the political campaigns was not the responsibility of the media alone. The participants in the process have their share of responsibility as well, starting with the presidential candidates, who passed up virtually every opportunity to debate and communicate their respective platforms.

The EOM observed considerable progress with respect to political party access to the media, in such areas as the expansion and regulation of media time slots for electoral purposes. At the same time, however, while not stooping to open disparagement of particular political platforms, media bias in favor of certain candidates was evident.

The EOM Chief of Mission described the voting process on April 8 as an extraordinary event: "We can say that the clear winners in this contest are the Peruvian people, who have today displayed exemplary civic behavior".

The EOM submitted the following table of suggestions to JNE and ONPE authorities, in the areas of vote-tallying, training, and logistics, based on their observation of the first round of elections, for reference in organizing and carrying out the second round of presidential elections.

¹³. The JEEs had to process 24,707 returns with material errors (27% of all returns).

VOTE-TALLYING SYSTEM

ISSUE	OBSERVATIONS	IMPACT ON THE PROCESS
Evaluation of the performance of the vote-tallying system during the elections	<p>The vote-tallying system continues to be a critical and fundamental issue for the Peruvian electoral process. It is therefore recommended that ONPE and JNE coordinate in conducting an exhaustive evaluation of all available options. For example, the software used in the first round should be analyzed, evaluating the possibility of activating only those modules that are applicable to the presidential vote. The backup software should also be analyzed and its applicability to the second round should be examined.</p> <p>The software used by ONPE in the second round should be defined in close consultation with the technical representatives of political parties participating in the process.</p>	HIGH
Evaluation of the security systems for transmission of information from the ODPEs to ONPE	<p>The security measures implemented for the transmission of information operated satisfactorily. For this second round, we recommend an evaluation of these measures at the vote-tallying center where the data originates as well as at the consolidation points. It is also recommended that the public be informed in simple terms about the security provisions in place for all of the systems used by ONPE, in order to avoid the kinds of speculation observed during the first round.</p>	HIGH
Vote-tallying simulations to generate confidence	<p>While it is true that the purpose of simulations is to test the vote-tallying system under realistic conditions, in order to detect errors, these processes must be conducted in accordance with specific plans. It is also recommended that participants be adequately informed on a timely basis about the simulation plan (objectives, scope, process flows, participants, test cases, and procedures), since a disorganized simulation can undermine confidence, even though the errors or flaws found may be correctable.</p>	HIGH
Relations between the political parties and ONPE	<p>The exchange of information and active, continuous dialogue between the technical representatives of political parties and ONPE should be improved.</p>	HIGH
Scanning of Statements of polls	<p>To facilitate the audit to be conducted by JNE, it is recommended that the scanning of first- round Statements of polls be completed. This will also help to provide more detailed information to the</p>	HIGH

ISSUE	OBSERVATIONS	IMPACT ON THE PROCESS
	voter about the procedures followed and ensure greater transparency.	

TRAINING

ISSUE	OBSERVATIONS	IMPACT ON THE PROCESS
The electoral training provided by ONPE	More training by ONPE is recommended to facilitate the identification and use of election materials by polling station officials. As observed during the voting on April 8, the percentage of trained polling station officials observed did not live up to ONPE expectations. This was particularly true in isolated geographical areas. The percentage of trained polling station officials was estimated to vary between 30% and 40%.	HIGH
Public motivation campaigns for polling station officials	It is suggested that the public motivation campaign for effective training of polling station officials be strengthened.	HIGH
Training for ODPE chiefs in use of the General Elections Plan	Given the existence of a general plan based on operating schedules and predefined formats, it is suggested that training be provided to ODPE chiefs and their support staff in the use of this control and monitoring tool for effective compliance with the election timetable.	HIGH

ELECTORAL LOGISTICS

ISSUE	OBSERVATIONS	IMPACT ON THE PROCESS
Coordination between JNE and ONPE	Each of these agencies performed specific functions during the electoral process. The relations between these two agencies directly affect the process, which makes it necessary to provide for a permanent process of coordination.	HIGH
Effective operation of the polling stations	The polling station is central to the electoral process. It is therefore necessary to improve training for polling station officials and electoral coordinators, while heightening awareness about the role of political party representatives, the JEEs, and observers.	HIGH
Adequate resources for ODPE operations	It is essential to ensure that adequate resources are provided on a timely basis for ODPE operations.	HIGH

Improvement in the plan for the submission of credentials by polling station officials	A more coherent plan for the presentation of credentials should be designed taking into account individual and cultural differences in the various regions. This mechanism can thus be used to help increase the percentage of trained polling station officials and raise the quality of their performance during the election and vote counting process.	HIGH
General Elections Plan	Make the election timetables more operational and redesign the format for monitoring and executing them in the regions, strengthening communication, supervision, and advisory assistance in connection with the activities. Redesign the control and monitoring system in the ODPEs.	HIGH

CHAPTER III. THE OAS OBSERVATION MISSION DURING THE SECOND ROUND OF ELECTIONS

Pursuant to Article 111 of the Political Constitution, the results of the first round of presidential elections forced a second round between the two candidates having received the largest relative majorities, to be held within 30 days after proclamation of the official vote tally. JNE pronounced itself in favor of considering the results submitted by ONPE, which combined the presidential and congressional elections, as the official vote tally. The tardy official announcement of the candidates who would continue in the second round of the elections resulted from delays in the resolution of complaints lodged in connection with the congressional elections.

The distinction is not without significance, in that the results of the parliamentary election lagged behind those for the presidential elections because of the preferential votes, which were expected to take more time to count. The JEE's, and in the final instance JNE, had to resolve more than 18,000 observations presented, including 2,016 contested Statements of polls, before results based on 100% of the returns could be proclaimed. A considerable number of these observations referred to the tally of the preferential vote for Congress.

The date initially set by JNE for the second round of elections was June 3. This date was confirmed by JNE on May 21, following proclamation of the official results of the first round of elections.

A. POLITICAL ATMOSPHERE

The atmosphere for the second round of presidential elections was not troubled by some of the darker aspects of Peru's dramatic elections in 2000. This time around, the Executive Branch committed itself to maintaining neutrality while providing timely and effective support for the electoral process.

There were a number of irregularities during the period following the first round of elections, but these did not compromise the legality of the process. Isolated cases included an unexplained delay by the JEE in Central Lima in resolving complaints concerning a number of Statements of

polls, given the lack of any provision in the law setting a time limit for the settlement of complaints by JEEs.^{14/} It took 17 days for the JEE of Central Lima to issue its ruling, which prevented the timely execution of activities scheduled in the electoral timetable. This caused concern among the observers as well as voters and economic agents.

Other special situations arose in connection with the proclamation and even presentation of credentials to congressional candidates for the department of Huaraz, even though several appeals by JEE's in the provinces of Huarí and Santa were still pending resolution by JNE. The JNE rulings affected the final results in those departments, so JNE had to order the reopening of vote-tallying centers in the districts concern to re-tally the votes, subject to modifications stemming from these rulings. As a result, *Frente Independiente Moralizador* lost a seat to *Aprista Peruano*.

On May 22, 2001, after all of the complaints had been resolved by the JEE's, JNE proclaimed the official results of the first round, published the list of new members of Congress, and confirmed that the second round of elections would be held on June 3, 2001.

1. The election campaign

The election campaign for the second round was characterized by: the independence of the electoral agencies vis-à-vis the Executive Branch; the absence of state resources used for electoral purposes; the neutrality of the Armed Forces; freedom of the press; and recognition of the role played by national and international election observers.

This campaign was also characterized more by excessive promises from both candidates on a variety of issues and by personal attacks than by debate on pragmatic ideas. Sensitive issues of national importance were placed on a back burner, for consideration after the new government took office on July 28. In the final days of the campaign, exchanges of personal attacks and repudiations between the candidates increased, based on events in their past political activities and their private lives.

Notwithstanding the confrontations between political parties during the second round of elections, the EOM welcomed the decision by Alan García and Alejandro Toledo to publicly debate their positions on substantive issues of concern to the country. Through the media access offered to them, the candidates of both parties had the opportunity to discuss their political proposals, providing the electorate with a basis for evaluating what each had to offer.

The other political forces competing in the first round of elections, with the exception of *Frente Independiente Moralizado*, opted to release their voters for the second round of presidential elections.

2. The candidates

As mentioned earlier, the candidates for *Aprista Peruano*, Dr. Alan García Pérez, and for *Perú Posible*, Dr. Alejandro Toledo Manrique, contended in the second round of presidential elections on June 3.

¹⁴. Article 311 of the Elections Law assigns responsibility to the JEEs for resolving appeals in the case of complaints lodged against returns issued by polling stations. It does not, however, establish a time limit for doing so.

Alan García Pérez is an attorney and a graduate of *Universidad Nacional Mayor de San Marcos*, who holds a doctorate in political science from the *Universidad Complutense* in Madrid. He has always been associated with, and been a major figure within, the party *Aprista Peruano*. He served as the party's National Secretary in 1979, and was subsequently a member of the Constituent Assembly and a deputy for Lima. In 1985 he was elected President of the Republic. During his presidency, the country suffered a severe economic crisis. Following Alberto Fujimori's *autogolpe* in 1992, he left the country and gained asylum in Colombia.

During his campaign in this election, former President Alan García projected the image of a mature statesman attempting to build on his government experience from 1985 to 1990 and seeking to rectify the errors perceived by the electorate at that time. His proposals and promises were focused on sensitive issues for the population, such as rates and fees for public services.

The candidate for *Perú Posible*, Alejandro Toledo Manrique, studied economics at the University of San Francisco (USA), and obtained both a master's degree and a doctorate in human resource economics from Stanford University (USA). He served as an international consultant for the United Nations (U.N.), the World Bank, the Inter-American Development Bank (IDB), the United States Agency for International Development (USAID), the International Labour Organisation (ILO) and the Organization for Economic Cooperation and Development (OECD). In the General Elections in 2000, he gained eligibility for the second round in a contest against President Alberto Fujimori. Prior to that second round, however, he withdrew from the contest, continuing a campaign of opposition to the elected government. He led the so-called *Marcha de los Cuatro Suyos*, one of the most emblematic protest demonstrations against the regime of Alberto Fujimori.

Dr. Toledo projected a strong plan for government based on a team of technical advisers experienced in economics, education, etc. He centered his campaign around attacks on former President García's past, offering a radical change from the era of President Fujimori and characterizing his party as a political force capable of reaching consensus with other parties to provide effective government for the country.

On the eve of the election, the EOM held meetings with Dr. Toledo and Dr. García, obtaining the unconditional commitment of both candidates to respect the official results of the election whatever they might be. This commitment was expressed publicly through the media and helped to temper the election climate in the face of rumors and expectations of a supposed statistical dead heat anticipated by certain private opinion pollers (public polls were prohibited during the final week prior to the vote). Some of these polls, according to Alfredo Torres, Director of the polling firm *Apooyo*, were fraudulent.

3. Blank and invalidated votes

Polls conducted in early May revealed a historic percentage of voters intending to cast blank or invalidated votes.^{15/} This phenomenon, observed mainly in the capital, was largely the result of a

^{15.} According to a poll conducted between May 5 and 10 among 2,000 persons throughout the country by the firm *Analistas y Consultores* (with a margin of error of 2.2%), 40.6% of the persons surveyed in Lima responded that they would cast blank or invalid votes; this was the leading preference among the voters in the capital. This percentage was lower at the national level, where according to the survey, 32.9% of the electorate intended to cast blank or invalid votes, a percentage surpassed by Dr. Toledo, who, according to the polls at that time, was the candidate preferred by 35.4% of the electorate.

campaign initiated anonymously on the Internet. The campaign was subsequently led by a number of national personalities (Alvaro Vargas Llosa and Jaime Bayly), who at that time were encouraging Peruvians to choose this option over voting for either of the two participating candidates. The preference for blank/invalidated votes reflected in the polls diminished considerably, however, following the debate between presidential candidates on May 19, 2001, returning to traditional levels (approximately 13%).

B. COMPOSITION OF THE EOM

The Mission continued its work without interruption, but with a smaller team in Lima, during the period between the first round of general elections on April 8 and the start of preparations for the second round of presidential elections on May 3, 2001, when it was joined by experts in legal affairs, reporting, management, training, and information technology.

On May 22, coordinators were stationed in the 13 EOM offices in Arequipa, Ayacucho, Cajamarca, Callao, Cuzco, Chiclayo, Huancayo, Huaráz, Iquitos, Lima, Piura, Puno y Trujillo. Finally, on May 27, the team of observers was completed with the participation of volunteers from the embassies of Canada, the United States, Bolivia, Colombia, Japan, and Paraguay, as well as from the Andean Community, bringing the total number of EOM observers to 110 for election day.

Training sessions began on May 22 with an informational meeting for coordinators in the EOM offices. Further training was provided to the group of observers to provide orientation on the working methodology for the second round. Information was provided to bring them up to date on relevant events that had occurred prior to their arrival in the country.

In observing the second round, the EOM followed the manner in which ONPE proceeded to perform the activities included in the electoral timetable. During this second round, the EOM defined the main points to be covered by the observation, including areas that would require special attention during the second round. The mission formulated comments and recommendations on various aspects of the process by way of progress reports.

C. COORDINATION WITH NATIONAL AND INTERNATIONAL OBSERVATION INSTITUTIONS

During the second round of elections, the EOM continued its observation work in coordination with national and international institutions, holding regular meetings to compare experiences and exchange comments on the most salient aspects of the process.

When the Director of IFES for Latin America and the Caribbean joined the EOM central team as Management Officer, the EOM was able to reinforce the institutional cooperation it has maintained with IFES in the joint work this agency conducts with the UN team.

The EOM Chief of Mission accepted the invitation from NDI/Carter Center, as it did in the first round, to hold discussions with the delegates who observed the elections on June 3. On this occasion, former Secretary of State of the United States, Madeleine Albright, headed the delegation.

The EOM also attended weekly coordination meetings programmed by *Transparencia* in order to exchange views on the atmosphere of the electoral process and possible ways of

strengthening institutional capacity in Peru. The EOM called attention to the constructive role played by *Transparencia* in promoting and conducting negotiations for the presidential debate on May 19.

D. COORDINATION WITH ELECTORAL INSTITUTIONS

The spirit of cooperation between the EOM and the various government institutions and electoral authorities was consolidated during the second round of elections. The activities conducted during this phase included participation in jointly arranged information meetings between the EOM and these institutions and the participation of EOM representatives in the various events and activities programmed by ONPE and JNE.

The EOM took note of the exercise conducted by ONPE to assess the first round of elections. This enabled ONPE to identify strengths, weaknesses, and lessons learned, for reference during the second round of presidential elections. ONPE also decided to establish weekly coordination and information meetings for the electoral observation missions and the Ombudsman's Office. At these meetings, which began on May 7, ONPE supplied information on progress made in various technical areas and addressed doubts and concerns raised by ONPE's openness and its diligence in sharing timely information with the observer groups and the Ombudsman's Office, was also evidenced in its relations with technical representatives of the parties.

The EOM was invited by ONPE to attend events such as the following: presentation of the electoral timetable for the second round; determination by lot of the placement on the ballot paper of the names of the candidates participating in the second round; the start of ballot printing; presentation of the electoral volunteers program; the opening of the offices for technical representatives of the two political parties participating in the second round of elections; monitoring of the vote-tallying program; attendance at three internal tests of the vote-tallying program; the determination of media time slots for the election; and the dispatch of election materials overseas and to ODPEs around the country. The EOM also received an invitation from ONPE to attend the presentation of official results at the end of election day.

The EOM took pointed out the interest of a series of conferences organized by ONPE during the week prior to election day entitled "Peru, elections, and democratic transition". The EOM Chief of Mission took part in the inauguration of this forum, expressing recognition for the work performed and presenting a broader perspective of the electoral process. The conferences, led by distinguished panelists, covered such topics as an evaluation of election processes in Latin America, the importance of youth participation in national politics, and experiences in the Latin American countries in their processes of transition towards democracy.

The EOM also held coordination meetings with the President of JNE, which intensified as a result of events occurring during the period prior to proclamation of the official results of the first round, and the scheduling of a date for the second round of presidential elections, which finally was set for June 3.

The EOM Chief of Mission visited the President of JNE to personally express his solidarity and that of the OAS following the attack of May 16 on the Supreme Electoral Tribunal. This regrettable incident consisted of the explosion of a backpack bomb in front of panel facilities, which produced great alarm among the Peruvian people and raised the specter of renewed terrorism in addition to the impact produced on the atmosphere for the process. Universal condemnation of this

terrorist act constituted a powerful signal to the Peruvian people encouraging the use of democratic mechanisms as the only means for finding solutions to the country's problems.

E. COORDINATION WITH GOVERNMENT INSTITUTIONS

During this stage, the EOM Chief of Mission met with the President of the Republic, Dr. Valentín Paniagua, and with the Minister of Foreign Relations and Chairman of the Council of Ministers, Dr. Javier Pérez de Cuéllar, to engage in dialogue and exchange views on the atmosphere prior to the elections, and to agree on how the EOM could contribute privately and publicly to focus attention on the central issues of institutional revitalization that provided the backdrop for the process.

The EOM repeatedly expressed its recognition of the role played by the Transition Government, which aside from supporting the electoral process, a titanic task in itself given the short time frame involved, met the challenge of creating conditions enabling other government institutions to begin the processes of renewal required to ensure their independence. Particularly significant were the efforts made to strengthen justice and combat corruption, without which it would not have been possible to revitalize the electoral agencies and clean up the election process.

The Transition Government also took charge of the process of transferring power to the next government by providing a clear diagnostic assessment of needs requiring urgent attention, as well as existing strengths and opportunities in that regard. This would enable the new government to develop its program with a view to the accomplishment of goals in the future. This special dedication to an orderly and informed transition undoubtedly helped to restore trust in the democratic process and in particular in the electoral system. This was evidenced in the high degree of coordination maintained between the electoral agencies and the Armed Forces and National Police in preserving security and facilitating logistics throughout the process.

An example of this was the activity coordinated by the Minister of Defense, who extended a special invitation to the EOM Chief of Mission and his staff to observe the voting simulation processes in the cities of Chiclayo, Cajamarca, and Huaraz, held on Sunday, May 27, in accordance with the electoral timetable.

This invitation was also extended to representatives of the delegation of the European Union, NDI/Carter Center, the U.N. mission, *Transparencia*, and the Council for Peace, as well as senior officials of ONPE and JNE. This event was of great importance, since it brought together for the first time representatives of the entire national and international electoral observation missions, officials of international organizations providing a technical assistance to the electoral system and electoral authorities, providing the opportunity to observe and discuss the national voting simulation together. At the same time, this act symbolized the close civilian-military relationship in support of the process.

The results of the voting simulation enabled the EOM Chief of Mission to issue an overall assessment, which was released to the public at the end of the exercise, confirming that the necessary machinery was in place and ready to go a week before the vote. In terms of logistics, it was confirmed that the election materials had reached the ODPEs and were ready for distribution to the polling centers. In the area of information technology, it was noted that the simpler and faster software to be used in the second round was functioning properly. In the area of training it was

observed that the instruction provided to polling station officials had improved considerably based on experience gained during the first round.

F. TECHNICAL OBSERVATION OF THE PROCESS

As in the first round, the EOM centered its observation on issues pertaining to electoral logistics, training, vote-tallying, and media access, verifying that these were being conducted in strict accordance with legal procedures.

1. Electoral logistics

The EOM noted the JNE's decision to stick to the electoral timetable prepared by ONPE, even though the official results of the first round had not been proclaimed. This decision was made through resolution 397-2001-JNE on May 3, and enabled ONPE to taking immediate steps to ensure compliance with the electoral timetable.

The first activities conducted in this regard included: design of the ballot paper; determination by lot of the placement of candidates' names on the ballot papers; the printing of election materials; and other tasks in preparation for the election. JNE's decision made it possible to complete preparations for the second round in strict accordance with the law, managing to overcome the congestion resulting from delays in processing the complaints filed by certain JEEs with respect to a number of Statements of polls. While maintaining strict compliance with existing law, JNE found a solution that opened the way for the second round of elections, since, although completion of the presidential vote-tallying process was linked to the resolution of complaints concerning congressional and preferential votes, the percentage of votes not yet recorded as a result of the complaints was not sufficient to alter the results already known to the public at that time. JNE thus demonstrated once again its determination to carefully monitor the electoral process, while at the same time ensuring its soundness.

In view of the aforementioned problems caused by the delay in resolving complaints, ONPE activities programmed for the start of the second round did not take place in strict accordance with the electoral timetable. The EOM expressed its concern over the lack of sufficient time to complete the preparatory work. Accordingly, its observations focused in particular on activities where difficulties had been encountered during the first round, such as delays in the deployment of election materials in some of the more isolated areas of the country and the lack of coordination between ODPEs and JEEs in the retrieval of Statements of polls.

The following paragraphs present the EOM's evaluation of various aspects of electoral logistics:

a. Deployment of materials

With the exception of Lima and the Constitutional Province of Callao, where election materials were distributed directly to the polling centers, in the rest of the country the materials were delivered to the 23 ODPE compilations centers located in each of the departments.

As before, work in isolated areas of the country was conducted in coordination with the Armed Forces and National Police, and by direct contracting with surface transportation companies. In particularly remote areas, helicopters were used.

b. Polling centers

100 percent of the polling centers were operational, following the reinstallation of 190 polling centers comprising 4,836 polling stations nationwide.

ONPE coordinated with the Armed Forces and National Police for monitoring and security purposes at the polling centers. Per ONPE instructions, polling stations were installed for persons with disabilities at all polling centers, and a national census of disabled persons was conducted during the vote in order to update national electoral rolls.

c. Verification and review of materials

As prescribed by law, election materials were verified and reviewed in each electoral district by JEE auditors, who selected samples from the boxes to verify and confirm compliance with the applicable legal provisions. They also verified the packing of reserve materials for polling center coordinators, which for the first time included signs directing disabled persons to special polling stations.

d. Retrieval of materials

Tests were conducted on the rapid Statements of polls retrieval system (ACRA), which measures transmission and delivery times for the statements – in envelopes for the most part – to the ODPEs. The average time observed for the selected polling centers during the simulation on May 27 was 45 minutes maximum and 20 minutes minimum in Lima and Callao. In the rest of the country the time varied between three hours maximum and 20 minutes minimum. The same performance was observed on election day, when digitization and began at approximately 6:00 p.m. throughout the country and the first results (approximately 40% of the vote), were disclosed at 7:00 p.m. that same day.

Two days prior to completion of the electoral process, JNE issued resolution 486-2001-JNE, containing special provisions for the second presidential election process, referring to the completion and delivery of Statements of polls.

Article 288 of the Elections Law, in concordance with Article 291 of the same law, provides that once the counting of votes has been completed, polling station officials must, in a single session, fill out six copies of the ballot return.

In accordance with ACRA, which was introduced by ONPE for the first round of these elections, the second of these six copies filled out by a polling station official was dispatched to the ODPEs prior to completion of the remaining four copies.

To ensure completion of the second round of elections in accordance with the principles of efficiency and security, JNE decided that six copies of the Statements of polls must be filled out and signed in a single session and that the dispatch of these copies to the various recipients would be performed subsequently. The aim of this measure was to protect the security of the process and avoid opportunities for mistakes in the preparation of Statements of polls.

Since there was not sufficient time to disseminate this resolution, its application was partial so the deployment of ACRA took place as planned.

2. Training

ONPE's The Electoral Training Division, in coordination with the Electoral Management, Legal Counsel, Administration and Finance Divisions, coordinated a training and technical assistance program for the ODPEs. This plan was designed to strengthen the 49 ODPEs in the areas of organization, the handling of formats, procedures, and resources and to improve human relations. The program was designed for ODPE personnel as well as the following groups:

a. Polling station officials

The national simulation, which took place on May 27, 2001, included activities to train polling station officials and volunteers in the area of voter orientation. This exercise began at 6:00 a.m. and ended at 1:00 p.m., and included the installation of polling stations, the review and identification of election materials, the completion of returns, and the signature of ballots. The next step was to verify the legitimacy of the voting process and examine possible complaints. It was noted that the withdrawal of credentials was very slow, consistent with reduced attendance at the training programs by polling station officials.

To assist polling station officials in the performance of their functions, a new Polling Station Official Instruction Manual was published, covering, in an orderly and effective manner, practical problems and applicable procedures for situations arising at polling stations. Poster-size enlargements of the ballot papers and Statements of polls were prepared. Significant improvement in the quality of instruction and materials was observed.

b. Media campaign

The radio, television, and press campaign targeted polling station officials in particular. For instance, of the four television spots, two were intended for polling station officials, one for disabled persons, and one for voters.

The campaign was designed to encourage attendance at training sessions and underscore the importance of punctuality on election day, so as to avoid delays in the installation of polling stations and completion of Statements of polls. During the last week, the presence of ONPE personnel was increased to provide assistance to voters by way of radio programs.

c. Voter education

A campaign was conducted to keep voters interested in the election and encourage their participation. In rural areas efforts were made to significantly reduce the number of votes discarded because of errors. This entailed the following measures: (a) assigning 250 electoral promoters to those areas; (b) using reproductions of the ballot papers, returns, and worksheets (although these were only published in Spanish); (c) broadcasting a radio program in Spanish, Quechua, Aymara, Achaninca, Shipibo and Aguaruna; (d) organizing a major spectacle at Lima's Monumental Stadium on June 2 in connection with a soccer match between the All-Star teams of Ecuador and Peru, taking advantage of the radio and television coverage for that event.

d. Monitoring and JNE training programs

To strengthen training for JEE chairmen and members, JNE's Electoral Training and Education Division organized a series of technical training meetings in the cities of Cajamarca, Huancayo, and Cuzco during the month of May. The main objective of the JNE training program was to consolidate the training provided during the first round of elections and make the election process more dynamic during the second round.

For the purposes of this training, JNE prepared such support materials as a new edition of the Manual for JEE Electoral Auditors, brochures covering waivers and fines for voters and polling station officials, and a videoconference entitled "Democracy and Voting" on May 25 2001, which was transmitted simultaneously to Lima and 24 universities throughout the country, with the participation of 18 JEEs located in 16 cities and the Constitutional Province of Callao.

The EOM observed that despite an historic increase in the training level of polling station officials, the coverage of the plan designed for this purpose was still inadequate. This situation, in turn, led to other problems, such as delays in the installation of polling stations and vote counting. According to ONPE's own assessment, around 35 percent of all the polling station officials were trained. The EOM decided to conduct its own evaluation of this matter by obtaining direct information from its observers on election day. According to reports from coordinators in the various offices, the level of training for polling station officials rose substantially, due in part to the training sessions and in part to experience gained during the first round, since the polling station officials were the same for both rounds.

3. Information technology

Problems encountered in the vote-tallying system during the first round of the elections were attributed to the unnecessary complexity of the components used in the system selected by the firm J. Evans, as well as the insufficient time available for its development and implementation and the lack of a proper computer division within ONPE to monitor and control the project.

The EOM's conclusions and recommendations after the first round emphasized the need to evaluate other alternatives from a technical, economic, and operational point of view. Based on the vote-tallying requirements for the second round, ONPE decided that the most appropriate alternative was the use of software developed by Top Level, entitled SISNE (National Election System).

The EOM's work in the area of the vote-tallying focused on monitoring and evaluating the activities and tasks involved in implementing, operating, and conducting the vote-tallying system (SISNE), as well as observing and monitoring ONPE's computer infrastructure for the second round of elections.

The change of software and software provider led to a series of questions and challenges that had to be resolved in 30 days, given the established timeframe for the second round. Top Level, the provider of the SISNE software, assumed responsibility for improving its functionality, modifying and adapting it to a distributed environment (all vote-tallying centers), including security mechanisms for data transmission and consolidation, and ensuring the physical security of the equipment and communication lines.

Given the magnitude of the changes that had to be made, the EOM considered it necessary to conduct exhaustive tests to verify and validate the operation, compatibility, security, and performance of SISNE during the transmission and consolidation of electoral data. The specific objectives during the second round included the following:

- Verifying the functionality of the final version of SISNE developed by Top Level.
- Verifying the supporting hardware infrastructure for SISNE.
- Verifying the security of the application, data transmission and equipment.
- Confirming the physical security of the vote-tallying center.
- Verifying the structure, security, and content of the database.
- Dealing with concerns expressed by technical representatives of the political parties, answering questions or referring them to the appropriate ONPE divisions.

In addition, the participation of political party technical representatives was reduced to interventions during the test sessions. ONPE developed a program of testing activities, which included the following:

TIMETABLE OF ACTIVITIES		
DATE OF EXECUTION	TYPE OF TEST/VERSION	COMMENTS
4 May	Presentation of the version SISNE V1.0	Backup version used in the first round
15 May	First internal test SISNE V2.0	Partial tests in 12 vote-tallying centers and on 10 % of the returns.
22 May	Second internal test SISNE V2.1	Partial tests in 29 vote-tallying centers on 25% of the returns.
25 May	Third internal test SISNE V2.3	Tests in all vote-tallying centers, on 50% of the returns.
27 May	National Simulation SISNE V2.3	National simulation in all vote-tallying centers, on 50% of the returns. In some cases, returns prepared by the political parties were processed.
3 June	General Elections, Second Round, SISNE V3.0	Verification the system's overall performance.

The following paragraphs describe the tests conducted on the vote-tallying system with the participation of technical support agencies and the presence of national and international observers and technical representatives of the parties.

Presentation of version VI.0: Top Level delivered and provided a demonstration on the use of the initial version VI.0 of SISNE.^{16/} This version showed the various processes that take place at the vote-tallying center: initial data input; assignment of users and permits; and numbering, digitization, and correction of Statements of polls. It was observed that the system was an easy-to-implement, client-server application based on a platform sufficiently well known within the Peruvian computer community.

First internal test (May 15): This test covered 12 vote-tallying centers in Lima and Callao and a total of approximately 9,000 Statements of polls (10 percent of the total). The version used was SISNE 2.0. This test did not take place in a real environment, since the results of the first round had not been 100 percent digitized, and the main Nazca and UNI servers still contained that information. On this occasion, it was not possible to use the full bandwidth for data transmission. The process of digitizing the Statements of polls was not covered by the simulation; nor was there a test of the contingency plan or security system.

During this test, the problems observed included delays in the start of the exercise, untrained digitizers, data consistency problems in several reports, slow data transmission, and the presence of different versions of the software during the simulation.

This exercise did, however, allow all of the vote-tallying processes to be tested, including: zeroing, sorting, digitization, verification, correction, recording, and transmission of information.

Second internal test (May 23): The second test covered half of the vote-tallying centers in the country (29) and approximately 22,500 Statements of polls (25 percent of the total). This exercise did not include the vote-tallying centers in Lima and Callao. The version of the vote-tallying system used was SISNE 2.1 and the main servers used to consolidate the information were Nazca and UNI.

All of the vote-tallying processes were tested without problems. At the vote-tallying centers that still had not completed digitization of the returns from the first round, backup servers were used as the primary servers. Price Waterhouse Coopers was entrusted with obtaining information to test the functionality of the system and the integrity of the information. The problems detected in the reports during the first simulation were in most cases solved.

Third internal test (May 25): The third test included all of the country's vote-tallying centers (58) and 50 percent of the Statements of polls (approximately 45,000). The version of the vote-tallying system used was SISNE 2.2.

The technical team detected a number of network security problems, since it was possible from the technical representatives' stations to access servers at the other vote-tallying centers. There was an improvement in transmission speed relative to the previous simulation, and the vote-tallying processes did not present any problems.

National simulation (May 27): This simulation included all of the country's vote-tallying centers (58) and a total of approximately 45,000 Statements of polls. The version of the vote-tallying system used was SISNE 2.3.

^{16.} The platform used by Top Level includes: the Microsoft NT operating system (server); application developed with PowerBuilder V6.5, Oracle V8.1 as database and Windows as operating system for the workstations.

In this exercise, no problems arose during the zeroing processes; however, there was no uniform time for the performance of this function. In some places, there were delays resulting from the absence of political party technical representatives. The digitizers were observed to be well trained, and were the same as those who participated in the first round of elections. The results were transmitted without difficulty.

It was noted that some of the security policies required strengthening, since it was possible from the workstations designated for representatives and observers to gain access to other types of applications unrelated to the vote-tallying program. The security problems detected during the test on May 25, when it was possible to see information on servers at other vote-tallying centers, was solved.

The national simulation took place without major difficulties. The situation in the vote-tallying centers was observed to be orderly and the digitizers well trained. The system proved stable during the simulation and no failures compromising its proper use were reported.

With the completion of the national simulation on May 27, SISNE had shown itself to be entirely functional for the second round of elections. At each step in the sequence of tests performed on SISNE the errors encountered were corrected and the program was shown to be ready for use on election day. There were no critical or unsolvable problems during any of the tests. The results obtained surpassed expectations and in many cases, due to the simplicity of the system, the digitization and generation of results were completed in very good time. The EOM was therefore able to regard SISNE as functional in terms of performance and response times, which met the usual standards for a client/server system; the reports generated by the system were clear and accurate; the electoral data were transmitted and replicated without major difficulty, and the integrity and protection of data could be verified through reports.

On June 5, ONPE provided EOM with the Price Waterhouse Coopers report, describing the conditions of the system and confirming the assessment of EOM experts.

4. Political party access to the media

The EOM called upon the presidential candidates to reaffirm their commitment to the Civic Pact signed during the first round of elections. Confrontations during the political campaigns of the two parties that moved on to the second round led to campaigns by each of the candidates to discredit the other. Personal accusations were made against the candidates, and there were acts of violence at events held by both political parties in the contest. Presidential candidates disqualified during the first round also entered into these negative campaigns, and the media were used to disseminate propaganda against opposing candidates, to the detriment of the general political climate during the election.

Despite this "dirty war", the candidates also took advantage of opportunities provided by the media to present and discuss their proposals. One such opportunity was the presidential debate held on Saturday 19 May, and the discussions on economic, educational, and other issues of interest to the general public.

In connection with this initiative, promoted by *Asociación Civil Transparencia*, the EOM took note of the positive attitude exhibited by party representatives responsible for setting the ground rules for the debate, and the decisive support provided by the media. Based on the polls, the debate appears to have led to a decrease in the number of blank or invalidated votes. The number of the voters intending to cast blank or invalidated votes had reached its highest point just prior to the debate.

The Mission focused its observation in this regard on three central issues: the coverage of both candidates by the media, the use of electoral time slots, and the use of paid political messages from the two parties in the contest.

a. Analysis of media coverage

The Commission called on the media to provide pluralistic and equitable coverage, free of any bias in favor of or against either candidate. Based on measurements of coverage by national television news programs, the formal press, and the tabloids, conducted by the OAS over a period of three weeks, it could be observed that coverage percentages for the two candidates were roughly equal.

Media coverage of candidate appearances (news bias) was analyzed as follows:

- Television devoted a minor percentage of coverage to news unfavorable to the candidates (10 percent García; 8 Toledo), focusing their coverage primarily on favorable (40 percent García; 1 percent Toledo) and neutral coverage (46 percent García; 41 percent Toledo). This tendency among news programs on the various channels was maintained until the end of the process.^{17/}
- In the case of the printed press, neutral coverage of both candidates was greater than during the first round.
- In the case of the tabloids, coverage of the two candidates was predominantly neutral (45 percent García; 43 percent Toledo). However, these newspapers displayed a favorable tendency in their coverage of Toledo, with more favorable (35 percent) than unfavorable coverage (22 percent). In the case of Alan García, on the other hand, there was more unfavorable (37 percent) than favorable (18 percent) coverage. Among the various tabloids variations could be observed in terms of favorable bias toward one candidate or the other.
- In the case of the formal press, no bias could be observed in favor of either candidate. Both candidates received very similar, predominantly neutral coverage, (47 percent García; 49 percent Toledo). In second-place came unfavorable coverage (31 percent García; 29 percent Toledo), and in third, favorable coverage (22 percent García; 22 percent Toledo). As in the case of the tabloids, there were great differences from one newspaper to the next: some were more unfavorable toward Alejandro Toledo, others toward Alan García.

^{17/} With the exception of Canal 13, where the news coverage of both candidates was predominantly neutral, there was more unfavorable (34%) than favorable (16%) coverage of Alan García. This was not the case for Alejandro Toledo (21% and 29% respectively).

Once again, it was observed during the second round that television news provided more pluralistic coverage of the political groupings than did the printed press, where bias toward particular

candidates was evident. It should be noted, however, that to a great extent, the candidates themselves were responsible for this fact, given their daily attacks and accusations which were then quoted in the media.

(b) Election time slots

Election time slots for the second round of elections in 2001 were determined by lot on May 16. This act was performed in the presence of electoral authorities, representatives, and national and international observers.

Unlike what happened in the first round, political groupings made use of all opportunities provided by ONPE, showing a greater awareness among these groupings about their use. It must be noted, however, that the delay in proclaiming the official results of the first round, also led to delays by ONPE in reserving the slots. Consequently, use of the slots did not begin until 14 days before the date scheduled for the vote. Even so, free access to the media provided candidates with the best opportunity to present their programs to the public.

(c) Paid messages

Unlike previous elections, the main concern in connection with paid political messages was not about payments by political groupings for such publicity, nor about delays in projecting expenditures for such messages. The main concern this time was about messages paid for by the grouping *Frente Independiente Moralizador*, which was no longer a contender in the elections but which paid for 10 percent of such publicity on television during the period May 1 - 23, all clearly biased against Alan García. These messages were denounced by Dr. García's party, APRA. It should be noted, however, that there are no provisions in the current Elections Law with respect to publicity paid by a political grouping that is not contending in the election.

During the second round of elections, confrontations led to campaigns by both candidates to discredit the image and credibility of their opponents. This "dirty war" notwithstanding, there were also occasions during the campaign for pragmatic debate, using such mechanisms as roundtables for the discussion of economic issues, education, and institutional reform. It was clear that both candidates agreed on the need for constitutional reforms to strengthen national institutions in such areas as government oversight, the role of the opposition in parliamentary committees, and depoliticization of the Armed Forces.

This is borne out by the mission's observations regarding the media, which are described in more detail in the study "Access to the media for presidential candidates during the second round of general elections in Peru in 2001".

5. Electoral complaints

During the period between the first and second rounds of elections, the EOM received eight written complaints, mostly from congressional candidates who had filed their complaints directly with the electoral agencies and sent copies to the EOM. Some of these complaints concerned internal disputes within the groupings with respect to preferential votes.

The main cause of complaint, however, was the “dirty war” between the two candidates for President of the Republic. The candidate for *Perú Posible* focused his attacks on his opponent’s loss of prestige while serving as President of the Republic from 1985 to 1990. *Frente Independiente Moralizador* (FIM) aired various television spots showing images of poverty and violence and relating them to the government of the APRA candidate, former President Alan García. Alan García’s campaign team filed a complaint with the EOM, affirming that the FIM propaganda was being financed by *Perú Posible*.

Partido Aprista also conducted a negative campaign against the candidate for *Perú Posible*, referring to the candidate’s private life and an alleged transfer of funds from his opposition campaign against the regime of former President Fujimori (*Marcha de los Cuatro Suyos*) to a nephew’s personal account.

Former FIM presidential candidate, Fernando Olivera, lodged a complaint with the National Attorney General’s Office against former President García for alleged illicit enrichment, furnishing documents in connection with a property in France allegedly owned by García.

During a campaign visit by Alejandro Toledo to Cerro de Pasco (Pasco), rocks were thrown at the candidate’s car. He was also attacked during visits to Azángaro (Puno) and Chota (Cajamarca). The candidate for *Partido Aprista Peruano*, was attacked in Comas (Lima) and Pachanaqui (Junín).

G. ELECTION DAY, JUNE 3

The characteristics observed during the first round were confirmed during the second, as described below.

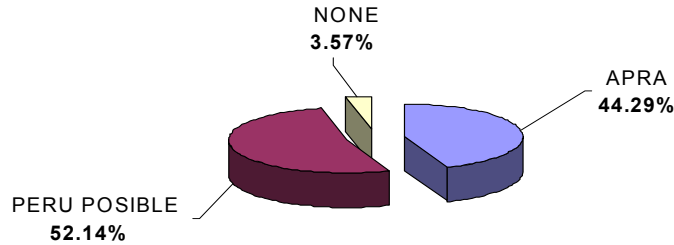
During the morning, the EOM gave high priority to media appearances, to transmit a reassuring message about a good start to the voting process. Six interviews were conducted at various national and international radio and television stations. The EOM Chief of Mission also granted interviews to the media during his tour of polling centers in the capital.

As in the first round, voter turnout was massive, ratifying the Peruvian people’s civic commitment to this historic election process.

The electoral organization managed the deployment of voting materials in a timely manner, with support from the Armed Forces and National Police.

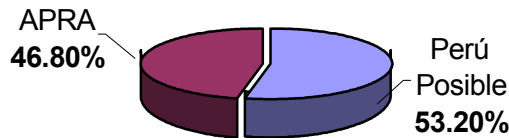
Polling station officials were observed to be considerably better trained, having participated in the first round. This facilitated the installation of polling stations at approximately 8:45 a.m.

Presence of representatives at the polling stations observed by the EOM



The presence of political party representatives was verified at nearly all of the polling stations where the EOM conducted observation activities. Observers visited an average of 10 polling centers each, with about 20 polling stations per center. Since the EOM employed 110 observers, this amounts to 2,200 polling stations observed, which represents 2.4% of all polling stations in the country. Because of the stratified distribution of observers over the national territory, for the rapid count, the sample can be regarded as representative for the purposes of confirming this assessment, as explained below.

**EOM rapid count
Percentage of votes cast in favor of
Peru Posible and Apra
(valid votes)**

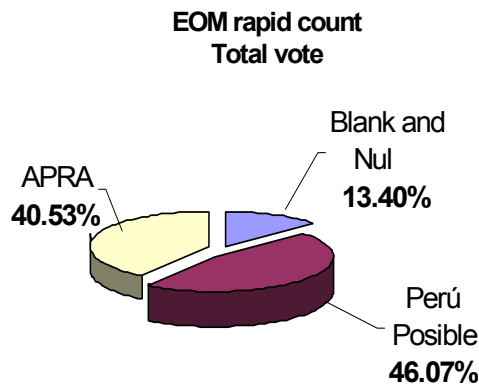


At 4:00 p.m. the polling stations were closed and the result of exit polls were disclosed, showing Dr. Alejandro Toledo to be the winner with a margin of 6.8%.^{18/}

^{18/} The results of this poll gave 53.4% of the vote to Dr. Alejandro Toledo and 46.6% to Dr. Alan García. This information came from the firm *Apoyo, Opinión y Mercado*, and was broadcast by *Panamericana Television*.

A few hours later, the EOM Chief of Mission, accompanied by the Ministers of Defense and the Interior, held a press conference to provide the Mission's assessment of election day in terms of public order, which was corroborated by the calm atmosphere that prevailed when the official results were subsequently issued by ONPE.

The EOM successfully completed its rapid count, obtaining the sample data and analyzing it by 6:00 p.m. on election day. As in the first round, the data were shared privately with the heads of the electoral agencies and the OAS Secretary General. The result of this rapid count exercise coincided almost exactly with that conducted by *Transparencia*, which used a sample of 1,466 polling stations, and more importantly, with the official data issued by ONPE. The EOM used a sample of 110 polling stations, with the percentages shown below:



At 7:00 p.m. on election day, ONPE issued its first report of second round results, covering 40% of the Statements of polls. This represented an historic record for the release of the official electoral data in the country. With that percentage of Statements of polls accounted for, the candidate for *Perú Posible* was shown to have 3.3 percent lead. During the next hour, the head of ONPE released results periodically, and by 8:00 p.m., 50 percent of the returns had been tallied. The trend observed at the start was maintained and accentuated, which led Alan García to concede the election in a speech stressing national unity, fulfilling his commitment to the EOM to respect the official results, whatever they might be.

On the day after the vote, as after the first round, the EOM met with Dr. Alejandro Toledo. That afternoon, the EOM Chief of Mission traveled to San José, Costa Rica, to deliver his report to the OAS Secretary General and to the Meeting of Foreign Ministers.

H. ROLE OF THE ARMED FORCES AND NATIONAL POLICE IN THE ELECTORAL PROCESS

The Armed Forces and National Police acted in strict conformity with the role assigned to it by electoral laws, which on election day is limited to the assignment of personnel necessary to ensure free exercise of the right to vote, protect electoral officials during the performance of their duties, and maintain the custody of materials, documents, and other elements used in connection with the election.

Given the important role played by the Armed Forces and the National Police, as protectors of public order and security during the electoral process, the EOM assigned great significance to the fact that the dissemination of videos linking both institutions with alleged constitutional transgressions, during the government of President Fujimori, was brought to justice. Given the perception at that time, and the conditions under which the alleged incidents occurred, the Peruvian people were able to perceive that the military principle of obedience had apparently been manipulated to subvert democratic institutional integrity. Decisive evidence of these corrupt acts led the current government to discharge and place in custody a large number of high-ranking officers of the Armed Forces.

The EOM observed with satisfaction the immediate action taken by the Executive Branch to address this matter, given the prospect that these revelations might distort the electoral process. The EOM, on the basis of concrete facts, was thus able to witness the commitment of the Armed Forces to restore military-civilian relations through a concrete commitment to democracy and democratic strengthening in the historic political transition observed by the EOM.

I. FINAL ASSESSMENT

This electoral process was conducted under particularly difficult conditions, given what took place in the presidential elections in 2000. The acts of corruption that were revealed to the public led to the fall of former President Fujimori's administration and to consternation and mistrust of Peru's political leadership.

In discharging the responsibilities entrusted to it, the OAS Mission conducted the observation of this process with the same rigor that characterized its involvement in the previous year's elections, performing its work with the same team of managers and specialists.

From a technical standpoint, as indicated in the conclusions of this report, this electoral process was conducted efficiently and in accordance with international standards, with the deployment of a system that now constitutes a reference point for the entire hemisphere.

ONPE made significant changes in the operations of the Technical Assistance and Support Center, significantly altering the reporting formats and forms used by the ODPE chiefs. The operations planning system was also redesigned and regulations were adapted to the reality of the electoral system. It can be confidently asserted that the system proved to be functional in terms of logistics, response time, efficiency, and effectiveness. Closer stakeholder involvement in the decision-making process was also observed. Recommendations with respect to deployment of the National Plan in the various regions were followed, and the Plan proved to be an effective instrument.

The coverage of training for polling station officials was considerably improved. Based on experience in the first round, a number of needs were identified. The results of this work were reflected in the performance of polling station officials on election day, June 3. While it is true that the vote counting and tallying processes were significantly simpler in this election, the level of training provided to polling station officials also helped to reduce the number of Statements of polls containing material errors to one-sixth the number observed during the first round.

In its field activities at its 13 offices throughout the country, the EOM observed 100 percent compliance with ONPE's timetable. ONPE also introduced activities for the disabled, the posting of signs to indicate polling centers, more participatory arrangements for polling station officials, the recruitment and selection of volunteers for voter orientation, the design of a rapid Statements of polls retrieval system (ACRA), and a simpler more effective system for the transmission of results. These measures undoubtedly helped to boost voter confidence.

The uncertainty generated by the vote-tallying system in the organization of electoral procedures in Peru was resolved once and for all during the second round of elections. ONPE's work with international and national advisers, and oversight by JNE and international auditors confirmed that technology is useful to the process provided it is simple, secure, and efficient for the political participants and the general public.

With respect to the media, the new regulations and accessibility of the media in terms of the electoral time slots paid for by the government allowed for continuously equitable campaign publicity. However, the predominance of personal attack campaigns did not represent the best use of that openness. It should be recalled that the EOM expressed its concern over the high percentage of voters intending to cast blank or invalidated votes during most of the second round. The candidates were called upon to keep the debate focused on the program issues above all else.

However, despite the dirty war that characterized the second round of elections, there was also a considerable amount of purposeful debate, especially on the issues of education and the economy, which were discussed during the presidential debate on May 18. In these discussions, the Secretaries General of the parties and their technical teams were able to explain their platforms to the voters, thus contributing to a reduction in the number of blank or invalidated votes cast on June 3.

The impressions received during the Peruvian general elections of 2001 were set forth in a document presented by the EOM Chief of Mission to the Secretary General during the Thirty-first session of the OAS General Assembly on June 4 in San Jose, Costa Rica. That document highlighted the performance of governmental and electoral authorities as well as the Peruvian people, who on June 3 gave a lesson to the world on civic and democratic commitment.

On June 4, 2001, JNE completed the issuance of credentials to the 120 congressional candidates elected during the vote on April 8 for the constitutional period 2001-2006, thus completing the activities in connection with the election of legislators, who took office on July 26, 2001.

At 12:56 P.M. on June 12, nine days after the election, the Chief of ONPE, Dr. Fernando Tuesta Soldevilla, issued the results of the voting based on 100 percent of the Statements of polls. According to the results, the candidate for *Partido Perú Posible* obtained 53.08 percent of the valid votes, while the candidate for *Partido Aprista Peruano* obtained 46.92 percent. Despite the blank/invalidated vote campaign conducted during the second round of elections, blank or invalidated ballots accounted for only 13.81% of all votes cast, consistent with historic levels in Peru. It should be recalled that the rapid count performed by the EOM produced similar figures (Toledo 53.2 percent; García 46.8 percent).

At the invitation of the Government of Peru, the EOM Chief of Mission and Deputy Chief accompanied the Secretary General of the OAS and the Chief of Cabinet to the inauguration of

President Alejandro Toledo on July 28 in Lima. At that time, the EOM Chief of Mission delivered the draft of this report to the Secretary General.

As its final act in connection with the general elections, in a public ceremony, JNE proclaimed the candidate for the party *Perú Posible*, Dr. Alejandro Toledo, President-elect for the constitutional period 2001-2006. It also issued the appropriate credentials to the President-elect and the two Vice Presidents, Raúl Diez Canseco and David Wasiman. JNE invited the EOM to attend this solemn event, held on June 13 in the central salon of the Museum of Art of Lima, before an audience of approximately 1,000 invited guests.

CHAPTER IV. GENERAL CONCLUSIONS

In the opinion of the EOM, the general elections took place in a free, fair, and transparent manner. The Transition Government fulfilled its commitment to neutrality and strict adherence to the law. The electoral authorities, for their part, fully performed their respective functions.

The Transition Government, headed by President Valentín Paniagua Corazao, waged a crusade to rebuild the confidence of the Peruvian people in their institutions, one of whose principal responsibilities is to support the proper conduct of general elections. The completion of the Peruvian electoral process in 2001 enabled the government to provide an example to its counterparts throughout the hemisphere of how, when faced with adversity, political reconstruction can be achieved through democratic means.

President-elect Alejandro Toledo, for his part, took office facing a Congress with no parliamentary majority among the parties represented. This situation represented a challenge for the new leader in terms of consensus building through dialogue as opposed to legislative confrontation. This consensus-building process also requires the development of national mechanisms for the establishment of dialogue between civil society and political groupings in addressing the most urgent issues on the incoming administration's immediate agenda.

In this regard, the various political forces have concurred on the need for institutional, constitutional, legal, and regulatory reform. For instance, some of the cases that arose during the electoral process indicate that the Elections Law should be analyzed with respect to such issues as: the preferential vote; provisions to regulate the role of the JEEs in resolving ballot return complaints; political parties and campaign expense reporting; the processing of election results certificates (the use of six original copies of the general election certificates, in the case of preferential votes, complicate the processes of vote-tallying and completion of the certificates and leads to material errors; and delinkage of the presidential and congressional elections in the areas of vote counting and complaints resolution.

In concluding this report, the EOM wishes to express its appreciation to the government and electoral authorities of Peru, the news media, the international community in Peru, national and international observation and technical assistance agencies, and in particular, the countries that contributed financially and performed work in support of the Mission's activities, with the participation of volunteer observers. These countries are Argentina, Brazil, Canada, Great Britain,

Japan, Norway, Sweden, and the United States. Above all, the EOM wishes to thank the people of Peru, who, through their civic commitment, openly supported the activities of this Mission.

CHAPTER V. FINANCIAL REPORT

ORGANIZATION OF AMERICAN STATES UNIT FOR THE PROMOTION OF DEMOCRACY



Electoral Observation Mission in Peru -2001

PRELIMINARY STATEMENT OF CHANGES IN FUND BALANCE from inception, January 22, 2001 to December 31, 2001

Increases

Contributions		1,075.127	
Argentina	25.000		
Brazil	30.000		
Canada	64.221		
United States	600.000		
Japan	264.095		
Sweden	29.311		
United Kingdom	37.500		
Norway	<u>25.000</u>		
Total Increases			\$ 1,075.127

Decreases

<i>Expenditures</i>		973.547	
Personnel	10.696		
Travel	277.180		
Documents	3.379		
Equipment & Supplies	83.939		
Building and Maintenance	32.127		
Performance Contracts	536.148		
Other expenses	<u>30.078</u>		
Obligations		<u>11.235</u>	
Total Decreases			984.782

Fund balance at end of period \$ 90.345

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