

EUROPEAN PARLIAMENT

**Account of the mission
to observe the parliamentary elections, and the first round of the presidential
elections, held in Peru
on
8 April 2001**

16 June 2001

INTRODUCTION

In response to a letter from Mr. Miranda, Chairman of the Committee on Development and Cooperation, the Conference of Presidents of the European Parliament at its meeting on 15 February 2001 decided to send a mission composed of 12 members of the European Parliament to observe the presidential and parliamentary elections to be held in Peru. The parliamentary elections and the first round of the presidential elections took place on 8 April 2001.

The Delegation that went to Peru consisted of Mr. Joaquim Miranda and Mr. Ignacio Salafranca Sánchez-Neyra, Co-Chairmen, Mr. John Corrie, Mrs. Karin Junker, Mr. Toine Manders, Mr. Emilio Menéndez del Valle, Mr. Javier Pomés Ruiz, Mrs. Encarnación Redondo Jiménez, Mr. Jannis Sakellariou, Mrs. Karin Scheele and Mr. Francesco Speroni. The twelfth place was not filled.

The Delegation was accompanied by Mrs. Caus and Mr. Rose of the European Parliament Secretariat, by Mr. Gutierrez de Quijano, Mrs. Pellny Hartung and Mrs. Sommermann, interpreters, by Mr. Soutullo, official of the EPP Group, and by Mrs. Mergulhao, official of the PSE Group.

The members of the Delegation arrived in Lima on 5 April 2001 apart from Mrs. Junker, who arrived on 6 April 2001.

PROGRAMME OF THE MISSION

Friday, 6 April 2001

Briefing Sessions for the European Parliament Delegation in the Hotel Del Pilar, Lima.

9.00 - Introductory Statement by Mrs. Eva Zetterberg, Head of the EU Election Observation Mission.

9.50 - Meeting with Mr. Celedonio Méndez Valdivida, Head of the Registro Nacional de Identificación y Estado Civil (RENIEC), which is responsible for drawing up the electoral registers and issuing the identity cards necessary for voting.

10.25 - Meeting, on multimedia coverage of the elections, with Mr. Augusto Alvarez, Managing Director of Apoyo Comunicaciones, a Peruvian organisation involved in monitoring the media coverage of the election campaign, 11.10 - Meeting with Mr. Fernando Tuesta Soldevilla, Head of the Oficina Nacional de Procesos Electorales (ONPE), which is responsible for the organisation of the elections, the design and printing of electoral documents and the organisation of the count.

11.45 - Meeting with Mr. Manuel Sánchez-Palacios Paiva, President of the Jurado Nacional de Elecciones (J.N.E.), which is responsible for supervising and verifying the elections, and for declaring the results.

12.20 - Meeting with Mr. Rafael Roncagliolo, Secretary General of Transparencia, an important Peruvian national NGO involved in civic education and election monitoring.

12.55 - Meeting with Mr. Adolfo Cayuso, Coordinator of Observers, EU Electoral Observation Mission Core Team, on the use of the observation forms and on practical aspects of the observation mission, including logistics and transmission of information.

14.10 - Meeting with Mr. Fernando Olivera, Presidential Candidate and Leader of the Frente Independiente Moralizador political party.

16.20 - Meeting with Mr. Carlos Ferrero Costa, President of the Congreso (Peruvian Parliament)

17.05 - Meeting with Mr. Valentín Paniagua Corazao, President of the Republic of Peru.

Reception hosted by Ambassador Jean-Michel Perille, Head of the EC Delegation in Peru.

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On Saturday, 7 April 2001, the Delegation divided into 3 groups, to observe the election in Lima, Ayacucho and Iquitos.

1) The Lima part of the delegation consisted of Mr. Salafranca, Co-Chairman, Mr. Manders, Mr. Menéndez del Valle, Mr. Pomés, Mrs. Redondo and Mr. Sakellariou. This group was accompanied by Mr. Soutullo of the EPP Group.

Programme for the Lima part of the delegation:

Saturday, 7 April 2001

10.30 - Meeting with Mr. Alan García, Presidential Candidate and Leader of the Aprista Party.

13.00 - Meeting with Mr. Alejandro Toledo, Presidential Candidate and Leader of the Peru Posible Party.

19.00 - Meeting with Mrs. Lourdes Flores, Presidential Candidate and Leader of the Unidad Nacional Party.

Sunday, 8 April 2001

The part of the delegation covering Lima divided into 3 groups, as follows:

- i) Mr Salafranca and Mr Pomes, accompanied by Mr Soutullo
- ii) Mr Menéndez del Valle and Mr Sakellariou
- iii) Mr Manders and Mrs Redondo

Each of these groups visited five Polling Centres (Colegios), covering ten polling stations (mesas) in different districts of Lima.

Each group observed the opening of a different polling station, and the closing of a different polling station.

Each of the groups reported back to the Lima LTO by mobile phone.

The groups went to the ONPE central counting centre for Lima, where they met Mr Tuesta Soldevilla, Head of ONPE.

Monday, 9 April 2001

Meeting with Mrs. Eva Zetterberg, Head of the EU-EOM, in order to inform Mrs. Zetterberg of the results of the EP's observation activities. Prior to this meeting Mr. Salafranca, Co-Chairman, had sounded out by telephone the views of the members of the delegations that had observed the elections in Ayacucho and Iquitos.

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2) The Ayacucho part of the delegation consisted of Mrs. Junker and Mr. Speroni, accompanied by Mrs. Caus of the EP Secretariat, Mrs. Pellny Hartung and Mrs. Sommermann, interpreters, and Mrs. Mergulhao of the PSE Group.

Programme for the Ayacucho part of the delegation:

Saturday, 7 April 2001

9.00 hrs - Meeting with Mr Pedro Lacunza and Mr Sikka Bruinsma, EU-EOM LTOs in the Ayacucho Plaza Hotel. Briefing on the situation in Ayacucho Department. Particular stress was put on the economic duality between rural and urban areas.

11.00 hrs - 18.00 hrs Familiarization tour of the area to be observed, meetings with electoral officials, identification and localisation of polling centres.

19.00 hrs - Working Dinner with the LTOs, exchange of information, updating of the situation, and final recommendations.

Sunday, 8 April 2001

Mrs Junker, accompanied by Mrs Mergulhao and Mrs Pellny Hartung (interpreter) observed elections in Huanta Province (1 hour by car from Ayacucho). Six polling centres were visited in Huanta, Luricocha and Macachacra districts.

Mr Speroni, accompanied by Mrs Sommermann (interpreter) visited six polling centres in Ayacucho city and the surrounding area (Carmen Alto, San Juan Bautista and Ciudad Universitaria districts).

Mrs Caus visited four polling stations in Ayacucho city, and attended the opening of the count in the counting centre where she met representatives of the political parties (personeros), the Supervisor (Fiscalizador) from the Jurado Electoral Especial (JEE), the Technical Supervisor from the Ombudsman's Office (Defensoria del Pueblo and the ONPE staff.

Mrs Caus observed the count in a mesa in the Centro Educative Las Maravillas.

The teams reported in to the LTOs at 15.30 hrs and again between 20 and 21 hrs.

Monday, 9 April 2001

Return to Lima on flight leaving Ayacucho at 6.00 hrs.

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3) The Iquitos part of the delegation consisted of Mr. Miranda, Co-Chairman, Mr. Corrie and Mrs. Scheele, accompanied by Mr Rose of the EP Secretariat and Mr. Gutierrez de Quijano, interpreter.

Programme for the Iquitos part of the delegation:

Saturday, 7 April 2001

11.00 - Meeting with Mr. Thomas Boserup and Mrs. Sonia Franco Alonso, EU-EOM long-term observers, at the Hotel El Dorado. Briefing on the situation in Loreto Department and, more particularly, in Iquitos City and region.

12.00 - Meeting with Mr. César Ygor Calvo, Oficina Decentralizada de Procesos Electorales (ODPE), Maynas Province, responsible for the organisation of the polling stations and of the organisation of the elections in Maynas Province.

12.25 - Meeting with Mr. Gabriel Cano, Defensor del Elector (electoral Ombudsman), Maynas Province, who would deal with any complaints.

12.45 - Meeting with Mr. Roger Cabrera, Jurado Electoral Especial de Maynas, representing the Jurado Nacional de Elecciones in Maynas Province.

13.20 - Meeting with Mr. Antonio Padilla Yepes, Prefect of Loreto Department.

13.45 - Meeting with Mr. Miguel Donayre, Defensoría del Pueblo for Loreto Department, who also would deal with complaints of irregularity by voters.

14.30 - Working luncheon with long term observers (LTOs), other short term observers (STOs) including a briefing by Father Joaquín García, vice-president of the Instituto de Investigaciones de la Amazonía Peruana.

16.00 - Familiarisation visit to Iquitos City and Belen.

19.00 - Second briefing with Mr. Thomas Boserup and Mrs. Sonia Franco Alonso, EU-EOM long-term observers.

Sunday, 8 April 2001

Mr. Miranda and Mrs. Scheele travelled by boat to Indiana, where they observed one polling center (colegio) and 26 polling stations (mesas), and to Mazan, where they observed 2 polling centers and 21 polling stations.

Mr. Corrie, accompanied by Mr. Rose and Mr. Gutierrez de Quijano, visited 12 polling centers containing in all 275 polling stations in Iquitos City and Belen.

They observed the count in mesa no. 026149 of colegio no. 67, Ruy L. Guzman School, Belen.

In the evening the members of the Delegation observed the collating of the results from the different polling stations in the central computer center, Iquitos.

Monday, 9 April 2001

10.30 - Return to Lima.

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Monday, 9 April 2001

The three parts of the delegation came together, exchanged results of their different experiences and, at 12.45h, attended the press conference given by the EU Election Observation Mission in the International Press Center, Lima. The statement on behalf of the EU Mission was made by Mrs. Zetterberg, Head of the mission. The Co-Chairmen of the EP Delegation, Mr. Miranda and Mr. Salafranca, also spoke at the press conference.

BACKGROUND TO THE ELECTIONS

Peru has had a chequered political history, characterised by political instability which included long periods of military rule. In 1985 Alan García, of the Aprista party (Socialist) was elected President in a democratic poll. His régime was tainted by corruption and economic mismanagement. In 1990 Alberto Fujimori defeated his principal opponent, Mario Vargas

Llosa, by a small margin. President Fujimori instituted economic reforms and put the Peruvian economy on a sounder footing. However, faced with terrorism from the Sendero Luminoso and other paramilitary organisations, a serious drug trafficking problem, and ongoing corruption, in 1992, acting totally unconstitutionally, Mr Fujimori dissolved Congress, convened a constitutional Assembly and drafted a new Constitution. In April 1995 Fujimori was reelected President with 64% of the votes, and his party obtained a majority in Congress. For the next five years Fujimori maintained complete control over Peruvian political life, with the support of the army. During that time he largely muzzled the media.

Fujimori's economic stabilisation programme, which eliminated most government subsidies, reduced the level of inflation. His market-orientated reforms included privatization of mining, electricity and telecommunications. As a result of important foreign inward investment, with the support of the IMF and the World Bank, growth was strong between 1994 and 1997. In 1998 and 1999 growth was undermined by factors such as the impact of El Nino, economic instability in Brazil, and the economic problems in Asia.

In the meantime the Fujimori government enjoyed considerable success in the fight against armed groups and terrorism. The Tupac Amaru Revolutionary Movement (MRTA) was greatly weakened by the arrest of its leader, Miguel Rincón Rincón, in 1995, though it did carry out the attack on the Japanese Ambassador's residence in Lima in 1996, when, following a four-month siege, military commandos stormed the residence, killed the rebels and freed the hostages. The other main rebel movement, Sendero Luminoso, was also effectively defeated. Its leader Abimael Guzmán, was captured in 1992, and its second in command, Oscar Ramírez Durand was taken into custody in 1999. This seriously affected the operational ability of the MRTA. As a result the country is now much more peaceful. However, the government forces, both army and police, frequently acted in a brutal manner, disregarding human rights.

Border disputes between Peru and Ecuador, which had led to armed conflicts in 1941, 1981 and 1995, were finally solved in 1998 by the negotiation of a settlement.

In the period after 1992, effective power was exercised by President Fujimori, his principal advisor Vladimiro Montesinos, head of the National Intelligence Service (SIN), and General

Hermoza, Commander in Chief of the Army. Montesinos became enormously powerful through his control of the SIN.

Despite a constitutional provision restricting the President to two terms of office, President Fujimori was able to run for a third term in the April 2000 elections. This was criticised by opposition parties who also brought a series of complaints regarding serious election irregularities to the National Electoral Commission. In the run-up to the elections President Fujimori greatly increased spending on social welfare programmes. By effectively buying votes in this manner, his popularity increased and he obtained the largest number of votes, though not an absolute majority. Because of electoral irregularities observed by independent Peruvian organisations including Transparencia, and international observers, Mr Fujimori's main rival, Alejandro Toledo, refused to take part in the second round of elections held on 28 May 2000. Despite complaints from several countries and organisations, including the EU, the second round of the elections went ahead. The EU decided not to send observers to the second round, which Mr Fujimori won in the absence of serious opposition.

Meanwhile, a major political scandal broke out. Vladimiro Montesinos had organised a widespread net of corruption that covered a gamut of illicit activities, including the bribing of politicians, senior businessmen and media figures. In September 2000 a video showing Congressman Alberto Kouri Bumachado receiving US\$ 15,000 from Montesinos was broadcast on television. This was the start of the "Vladivideos" scandal. It transpired that Montesinos had videotaped a large number of transactions in which senior figures accepted bribes. These videos were shown to the public following Montesinos flight to Panama on 23 September 2000. When Panama refused to grant political asylum, Montesinos returned to Peru on 23 October, and subsequently disappeared. Meanwhile the Swiss government agreed to freeze three Swiss bank accounts in Montesinos name, with deposits totalling US\$ 48 million. A subsequent investigation showed that other large sums had been deposited in various foreign banks.

As a result of these revelations, Mr Fujimori announced the reduction of his Presidential mandate and called for new elections to be held on 8 April 2001. He also disbanded the national intelligence service. As the crisis deepened Fujimori fled to Japan (it appears that he held dual Peruvian and Japanese nationality as his parents were Japanese). On 21 November 2000 he was impeached by Congress.

In the same month Mr Valentin Paniagua, President of Congress, was chosen by Congress as interim President. Mr Paniagua had no links with the Fujimori administration, and is believed to have no Presidential ambitions. As interim President Mr Paniagua chose an interim government to rule Peru until the new President and government will take over on 28 July 2001. The new Cabinet is a mixture of technocrats, experienced politicians and notable figures including the former UN Secretary General, Mr Javier Perez de Cuellar, who was appointed Prime Minister and Minister for Foreign Affairs.

The main objectives of the interim government are to organise free and fair presidential and congressional elections, to pursue as much political reform as possible and to maintain economic stability.

The Paniagua administration has made the electoral bodies more independent, and has renewed almost 80% of the staff of the ONPE. It has increased media freedom, and is in the process of purging the armed forces and the judiciary of elements known to be close to Mr Fujimori and Mr Montesinos. It is significant that the armed forces have reaffirmed their commitment to the political authorities.

ORGANISATION OF THE ELECTIONS

The Peruvian Constitution provides for a directly elected President who may be elected for two consecutive terms of office. The President appoints the Council of Ministers, directed by the Prime Minister, which is the principal executive body. There is a unicameral parliament, the Congreso, consisting of 120 members, which can be dissolved once during a Presidential term. Under the new Parliamentary system, the country is divided into 25 electoral districts, one for each department and one for the constitutional province of Callao. The 120 seats are distributed according to population. This replaces the former National List System, and is intended to make members of congress more responsible to the electorate.

All Peruvians between the ages of 18 and 70 are obliged to vote, and failure to do so results in a fine. Peruvians over 70 are entitled to vote if they wish to do so.

Elections in Peru are organised by three permanent electoral agencies:

- The Registro Nacional de Identificación y Estado Civil (Reniec) is responsible for preparing the register of electors, and issuing national identification cards, (and also for registering births, deaths and marriages).
- The Oficina Nacional de Procesos Electorales (ONPE) is responsible for organising and implementing the elections including preparing and distributing ballots and related voting materials, running the elections on polling day, and reporting the results of the counts.
- The Jurado Nacional de Elecciones (JNE) is responsible for overseeing the entire electoral process, including administering justice on electoral matters, maintaining the registry of political organisations, inscribing candidates and proclaiming the results.

Each polling centre (Colegio) is divided into a number of polling stations (Mesas), with not more than 200 voters for each mesa. Each mesa is run by a President, a Secretary and a third member of the mesa. These are selected by drawing lots from among the voters who have a certain minimum educational level. Three supplementary members of the mesa are also selected should the titular members not be able to fulfil their tasks.

Not more than one representative (personero) from each political party presenting a candidate may be present in each mesa during the proceedings and at the count.

Votes are counted in each mesa immediately after the close of voting, at 16.00 hrs.

The results are then entered on an "acta electoral" (electoral minutes). Six copies of this acta are made, signed and are sent to :

- the JNE
- the Jurado Electoral Especial (JEE)
- the Oficina Descentralizada de Procesos Electorales (ODPE)
- the ONPE
- the Armed Forces

- the public and political organisations (this copy is in fact kept for public inspection if necessary).

The large number of copies are intended to make falsification of the result more difficult, as each copy of the acta is signed by the members of the mesa and by the personeros (political party representatives) present.

The results are collated in each department (administrative unit), using a computerised system, and are then sent to a central computing centre in Lima.

If no candidate for the Presidency obtains more than 50% of the valid votes cast, there will be a second round of Presidential elections not more than 28 days after the formal announcement of the results of the first round.

There is only one round of voting for the Congreso.

CONDUCT OF THE ELECTIONS

All the parties signed a pact that committed themselves to mutual fair treatment, and to respecting the results of the elections. Despite different accusations by the parties as a result of relatively minor irregularities, the pact was generally respected and the electoral campaign passed off remarkably well.

There was no evidence of intimidation.

However, despite a legal obligation to do so, none of the political parties or presidential candidates provided information regarding the sources of their financing or of their campaign expenses. In this all the parties were united.

All parties had access to the electronic media. Under a system known as the Franja Electoral, approved by the JNE and published in the Gazeta Oficial of 19.1.2001, political groups have at

their disposal ten minutes each day of TV and radio channels, both private and state owned. This cost free space is available from 60 days before polling day to the day before polling. If a political group does not submit material for its allotted spot, the ONPE will use the space for voter education.

A serious controversy blew up in the weeks before the election concerning the publication of the results of exit polls. According to the law such results could not be published until 22 hrs on polling day (voting closes at 16.00 hrs). Finally a last minute decision by the Constitutional Court to revoke this clause enabled the rapid publication of exit polls and quick counts.

ATTITUDES OF THE PRESIDENTIAL CANDIDATES

Members of the delegation met with 4 of the Presidential candidates, Alejandro Toledo, Alan García, Lourdes Flores, and Fernando Olivera. The delegation noted that all the candidates had a positive attitude to the campaign and to the way in which the elections were being organized. The fact that all the candidates had signed the "pact" is regarded as a hopeful sign.

RESULTS OF THE ELECTIONS

According to figures published by the ONPE the final results of the Congressional elections were as follows :

- Spoiled votes 1352780
- Blank votes 1213152
- **Total valid votes 9421709**

<u>Party</u>	<u>No. of Valid Votes</u>	<u>% of valid votes</u>
Perú Posible	2477654	26.30
APRA	1857345	19.71
Unidad Nacional	1303998	13.84
FIM	1034722	10.98

Somos Perú	544193	5.78
Cambio 90 - Nueva Mayoría	452446	4.80
Acción Popular	393433	4.18
Unión por el Perú	390234	4.14
Solución Popular	336680	3.57
Todos por la Victoria	191185	2.03
FREPAP	156264	1.66
Proyecto País	155576	1.65
Renacimiento Andino	127707	1.36

PRESIDENTIAL ELECTIONS

- Spoiled votes 402 436
- Blank votes 1260193
- **Total valid votes 10601720**

<u>Candidate</u>	<u>Party</u>	<u>No. of Valid Votes</u>	<u>% of valid votes</u>
A. Toledo	Perú Posible	3871167	36.51
A. García	APRA	2732857	25.78
L. Flores	Unidad Nacional	2576653	24.30
F. Olivera	FIM	1044207	9.85
C Bolona	Solución Popular	179243	1.69
F. Galvez	Renacimiento Andino	85436	0.81
M. Arrunátegui	Proyecto País	79077	0.75
R Noriega	Todos por la Victoria	33080	0.31

The opinion polls before polling day had Alejandro Toledo ahead, with Lourdes Flores in second position, followed closely by Alan García. In the event, Garcia obtained 25.78% of the votes, and Flores 24.30%, meaning that the second round will be a run off between Toledo and García.

Of particular significance is the low score obtained by Carlos Boloña of the Fujimori Party, who only won 1.69% of the votes in the Presidential elections. In the Congreso election, his party, Solución Popular, received a mere 3.57% of the vote, coming in 9th position. This is evidence of the rejection of Fujimorismo by the Peruvian people.

CONCLUSIONS

The European Parliament delegation wishes to thank the election observation mission core team, and its leader Mrs Eva Zetterberg, for the valuable assistance provided. The briefing sessions were particularly useful. Sincere thanks are also due to Ambassador Perille, Head of the EC Delegation to Peru. The delegation also wishes to express its gratitude to the Peruvian authorities for the welcome offered and for the manner in which accreditation was accorded and the task of observers facilitated. Finally, the delegation thanks the consultants, AGRER and Instituto APOYO, for the most efficient and friendly manner in which logistic arrangements were organised.

The transitional government is to be congratulated on its neutrality and independence. It went to great lengths to ensure that the elections were carried out correctly, without government interference. By purging the electoral organisations of elements close to the former regime, they ensured much cleaner and more transparent elections than in the past.

In general, the Congressional election and the first round of the Presidential election were well conducted, free, and fair. Some problems were, however, encountered:

- Many mesas did not open on time. One reason for this, in certain regions including the Amazon, was the very heavy rain. Late opening may also have been due to the way in which mesa officials were selected, on a lottery basis. Particularly in poor areas, some selected officials did not turn up on the day, preferring to pay the fine, as they felt incapable of fulfilling the obligations imposed on them. This was particularly true of less educated mesa Presidents and Secretaries. In some areas more than half the selected presidents and secretaries failed to appear and had to be replaced by deputizing members

(suplentes) or, where these were not available, by people chosen at random from the voters queue. Here some irregularities were observed when, on occasions, political party representatives (personeros) were co-opted as mesa staff, mainly because they knew how the system worked. This appears to have been an ad hoc solution to an immediate problem rather than an intentional violation of the neutrality of polling station officials. As no more than 200 persons voted in any one mesa, late opening did not prevent the public from being able to cast their votes.

- The general level of training of mesa staff was inadequate. Many did not really know how to conduct operations. While those observed by the delegation were well-intentioned, and were even-handed in their approach to the different political parties, many were not fully familiar with the complex procedures, notably regarding the count. The Congressional count was particularly complicated (see below), and more intensive training for all involved would have been required.
- The delegation feels that the system of preferences for candidates for the Congreso was excessively complicated. It is significant that there were 1.29 million spoiled votes in the Congressional elections, while with roughly the same number of voters there were only 396,000 spoiled votes in the Presidential elections in which voters simply placed an X or cross on the symbol of the candidate of their choice. A simpler system would lead to less confusion, and would facilitate the count.
- There was some evidence in certain provincial areas of attempts to "buy votes". Observers saw persons being brought in from outlying areas by lorry, and then given meal tickets which could be exchanged for food at certain local restaurants. On these tickets was publicity for one particular party and candidate. While this does not necessarily ensure that the recipients of the tickets will vote for the candidate in question, it is nevertheless at variance with the electoral law.
- Some delays were encountered by people trying to find their names on the Electoral Registers pinned up outside polling stations, as these were listed according to identity

card number rather than in alphabetical order. This is a small point, but alphabetical order could speed up procedures.

- Women were reasonably well represented. All parties were meant to have at least 30% of women on their lists. This was generally respected.
- Special attention was paid to handicapped voters. Cards printed in Braille were available for placing over ballot papers to assist the blind, and persons in wheelchairs were carried to polling stations by the police. However, as some mesas were on the upper floors of schools, this caused problems for the police.
- Media coverage was generally fair and free.
- Some department central counting centres experienced computer problems, but these were overcome.
- All the election material was entirely in Spanish. In some more remote areas many of the population spoke local languages, and had difficulty in understanding the instructions. Similarly, in the case of illiterate voters, the absolute secrecy of the ballot could not be insured. However these are problems encountered in almost all elections in developing countries.
- The general conclusion of the European Parliament delegation is that both the congressional election and the first round of the presidential election were well conducted in a manner that corresponds to recognised democratic norms.