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OEA/Ser.G
CP/doc.3816/03
19 December 2003
Original: Spanish

REPORT ON THE ELECTORAL OBSERVATION MISSION FOR
REGIONAL AND MUNICIPAL ELECTIONS, PERU 2002

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17th and Constitution Ave., N.W. • Washington, D.C. 20006

SG/UPD-1101/03

December 19, 2003

Excellency:

I have the honor to address Your Excellency to transmit to you, for appropriate action, the final report of the Electoral Observation Mission in Peru in 2002.

Accept, Excellency, the renewed assurances of my highest consideration.

Luigi Einaudi
in charge of the General Secretariat

His Excellency
Salvador E. Rodezno Fuentes
Ambassador, Permanent Representative of Honduras
Chair of the Permanent Council of the
Organization of American States
Washington, D.C.

ORGANIZATION OF AMERICAN STATES

**ELECTORAL OBSERVATION MISSION
REGIONAL AND MUNICIPAL ELECTIONS, PERU 2002**

Unit for the Promotion of Democracy

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Subject to Revision and not for Release to General Public Pending Consideration by Permanent Council

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INTRODUCTION

The regional and municipal elections held on November 17, 2002 in Peru enabled the Organization of American States (OAS) to bring to a close a cycle of electoral observation, which monitored a political process that took the country from authoritarianism to the restoration of democracy.

The fact is that the Peruvian people, with a clear sense of democratic values and principles, sided with democracy and emerged the victors in an unimaginably short period of time.

With the most genuine concern and encouragement, the hemispheric community, represented by the OAS, under the leadership of the Secretary General and with the historic efforts of the Electoral Observation Mission led by Eduardo Stein, witnessed that momentous political episode and its prompt solution. This episode spanned the severe institutional crisis of 2000 and the radical change that occurred under the transition government of former-president Valentín Paniagua and led to the holding of clean and fair elections in 2001.

In light of the foregoing, the regional and municipal elections mark a forward stride for democracy and constitute the genesis of a gradual and transparent process of decentralization and local governance strengthening in Peru. By allowing the citizenry directly to establish regional governments, the President of the Republic, Alejandro Toledo, kept an important campaign promises.

The interest of the international community and of the General Secretariat of the OAS in monitoring the electoral process that we have recently witnessed, as well as the efforts in the area of cooperation and of democratic institution building that have arisen on the basis thereof¹, are in keeping with the country's aim to consolidate itself as a bastion of representative and participatory democracy in the region, in spite of the obstacles and challenges it still faces.

As a paradigm, Peru reveals paths toward the solution of many of the obstacles to the full realization of democracy in the framework of the Inter-American Democratic Charter. The recent example of Peru shows that these paths appear when there is a genuine institution-building effort firm public support and, at the same time, political leadership that stands steadfastly by its democratic principles and duties.

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1. The President of the Republic, Alejandro Toledo and the then-Prime Minister, Luis Solari, requested the UPD/OAS, through the Observation Mission, to embark, immediately the election process was over, on further efforts to secure assistance for institution building in Peru, this time with a view to stimulating the creation of mechanisms designed to promote capacity building in the areas of political management and leadership for newly elected regional council members and to strengthen the regional, local, and central government coordination system. With the approval of the Prime Minister, Beatriz Merino, the relevant project was launched in October 2003.

CHAPTER I. THE OBSERVATION MISSION (EOM)

For the 2002 elections, in the framework of the provisions on electoral observation contained in the Inter-American Democratic Charter and other mechanisms provided in this area by the inter-American system and the General Secretariat of the OAS, the Secretary General replied to the invitation extended by the Government of Peru and appointed essentially the same team that made up the Electoral Observation Missions for the 2000 and 2001 general elections. It fell to Diego Paz

Bustamante, Principal Specialist of the OAS Unit for the Promotion of Democracy (UPD) and Deputy Chief of the 2000 and 2001 OAS EOMs, to head the mission. This circumstance, made it possible to harness the accumulated experience and expertise of the OAS EOM team on the political and institutional situation in the country, as well as to contrast and appreciate the dramatic change in conditions for holding the elections between the 2000 and 2001 electoral processes. It was clear to the Mission members that, despite the short time that elapsed between the two processes, there were significant improvements once democracy was restored thanks to the efforts of the government, the new electoral authorities, political leaders, and the citizenry at large.

As in the previous elections, the EOM pursued an agenda that would address the preparations for the elections and permanently monitor events, in order to provide information and make proposals based on the results of its observation. The focus of its activities was to put forward suggestions, implement facilitation measures with the appropriate authorities, and provide information on the citizenry in the progress reports it issued.

The EOM fielded a team of 26 observers whom the OAS retained through the UPD thanks to financing provided by the Governments of Brazil and the United States. The group of observers, who were from Argentina, Brazil, Colombia, South Korea, Chile, Guatemala, Mexico, Panama, Paraguay, United States, and Uruguay, was distributed among eight regional observation headquarters situated across the country: Lima-Callao, Piura, Trujillo, Iquitos, Huancayo, Ayacucho, Cuzco, and Arequipa.

Also taking part in the Mission were 31 volunteer observers from some of the diplomatic missions accredited in the country, specifically the Embassies of Canada, Colombia, the European Union, Great Britain, and United States; there was also an expert from the International Foundation for Election Systems (IFES). With them the number of observers with the EOM on the ground on election day came to 57, which enabled timely collection of relevant information on the polling places selected for observation.

Comment [SW1]: OK

It should be recalled that the Mission arrived in Peru on Monday, November 4 and established a core team at its central headquarters in Lima. On Tuesday, November 12, the entire team of observers received instruction and training on observation of the elections and immediately began to be deployed among the regional headquarters.

After the polls closed on November 17 the Mission initiated follow-up on the vote-tallying process and the adjudication of the elections. These tasks, performed by the National Elections Procedures Office (ONPE) and the National Elections Panel (JNE), respectively, concluded with the award of credentials to the newly elected regional authorities at ceremonies held by the JNE on December 17, which the Chief of the EOM attended by invitation. Furthermore, on March 4 and 18, 2003, the EOM, in conjunction with officials from the electoral authorities and the Congress,

conducted follow-up on the EOM's recommendations in the framework of the electoral reform being processed by the Peruvian legislature as part of the constitutional reform process.

As mentioned, the financing that made this Mission possible was contributed by the Governments of Brazil and the United States. The Mission also received cooperation from the Government of South Korea, which paid for the participation of an observer from that country and of an expert from the International Foundation for Election Systems (IFES).

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.

a National Elections Panel

Among other functions, the JNE is responsible for overseeing the legality of the voting process, administering justice on electoral matters, and officially proclaiming candidatures. The highest electoral authority, the 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.

b. 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.

c. *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 a shortlist of three candidates proposed by RENIEC's own Advisory Committee for a renewable term of four years.

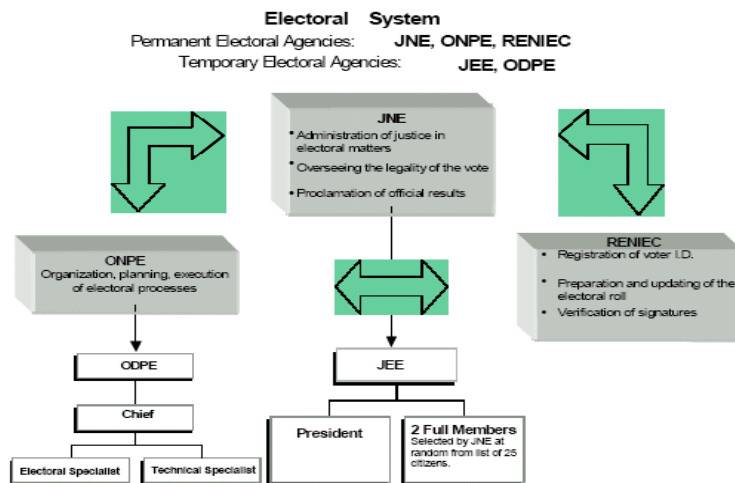
d. *Special Electoral Panels (JEEs)*

Among other functions, JEEs supervise the voting process in their respective jurisdictions. Their functions are set out at 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.

e. *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 holding elections in accordance with directives from ONPE.

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



B. CONSTITUTIONAL REFORM

With a view to restoring the democratic order, in July 2001 President Valentín Paniagua appointed a Constitutional Reform Review Commission, the purpose of which was to put forward proposed reforms to the 1993 Constitution for possible implementation under the next government. In this way the provisional government examined the requirements for a new constitutional framework consistent with the democratic process of reconstruction of the rule of law.

For its part, the government of President Alejandro Toledo embarked on a partial reform of the Constitution designed to reinstitute a decentralized political framework through the creation of regional governments. Indeed, following the the constitutional reform procedure set down at Article 206 of the 1993 Constitution, in March 2001 the Congress, by absolute majority at two sessions of the legislature, passed Law 27.680, which reformed Chapter XIV of Title IV, Decentralization. Congress later passed the Regional Elections Law [*Ley de Elecciones Regionales*] and the Decentralization Basis Law [*Ley de Bases de la Regionalización*] for the creation of regional governments in each department of the country, whose representatives were selected in the elections of November 17, 2002.

C. LEGAL AND POLITICAL CONTEXT

From the outset the EOM proceeded to collect all the information that would enable it to determine if the guarantees were in place for the elections to proceed under normal conditions. To that end it held meetings with the President of the Republic, the President of the Cabinet, the President and Members of the National Elections Panel and its Special Electoral Panels, the Chief of the National Elections Procedures Office and its Decentralized Offices, the Chief of the National Registry of Identification and Marital Status (RENIEC), representatives of political parties, church leaders, the Ombudsman, representatives of Peruvian and international NGOs, as well as the candidates representing the main political groups in the country.

The fact that the polls of November 17, 2002 included regional, and not only municipal, elections marked a new departure. Some considered that the holding of these elections was precipitated, despite the fact that provision is made for them in the Peruvian Constitution. Indeed, the Constitution, as amended by Law 27680 of March 7, 2002, provides at Article 188 that “Decentralization is a democratic form or organization and constitutes a standing state policy of a compulsory nature, the fundamental objective of which is the integral development of the country. The decentralization process is carried out by stages in a progressive and orderly manner, according to criteria that enable an appropriate allotment of competencies and transfer of resources from the national government to regional and local governments.”

For its part, the second paragraph of Article 190 of the Constitution adds that, “The decentralization process starts with the election of governments in the current departments and in the Constitutional Province of Callao. These governments are regional governments.”

Based on the foregoing, the clear constitutional mandate that supports the holding of these elections dispels the doubts with respect to their timing. However, it cannot be overlooked that the development of the institutions that will govern the decentralization process has not yet concluded, as

reflected by the fact that the Congress only approved the Organic Law of Regional Governments nine days before these elections were held and that the President promulgated the law on the night before the elections; furthermore, at the same time the Executive submitted a bill to correct certain omissions in that legal text.

However, in the case of the municipal elections, local governments at the provincial and district level were due for renewal.

Thus, at the regional level it was necessary to elect a President and a Vice President, in addition to Regional Council Members, for each of the 24 Departments in the country and the Constitutional Province of Callao. At the municipal level, a Mayor and Alderpersons were elected for each of the 194 provinces, together with a Mayor and Alderpersons for each of the 1,618 districts in the country.

It is worth noting that these elections, along with the general elections held the previous year, were held under a completely legitimate legal framework characterized by:

The legitimacy and independence of the branches of government and by the will of the latter to create the conditions for the current electoral process to be free, fair and transparent;
The functioning of the Constitutional Tribunal and the National Council of Magistrates;
The independence and professional competency of the electoral system.

D. ATTITUDE OF THE GOVERNMENT TOWARD THE ELECTORAL PROCESS

The Mission did not come across any situations that suggested an intention to interfere in the election process. It noted a constructive and positive attitude on the part of the Government of Peru to furnish the electoral authorities with the resources necessary to carry out their functions, and to respect the independence of these agencies.

However, the Law is confusing and imprecise about the activities of government officials in the framework of an election. As a result, on the arrival of the EOM in Peru, several political groups expressed to it their concern regarding electioneering by the President on behalf of the candidates of his political party, *Perú Posible*, alleged to have occurred on reiterated trips he made to the interior of the country to inaugurate public works. Some of these complaints had already been brought to the attention of the Special Electoral Panels (JEE) and were being processed through the normal channels.

For its part, the JNE ruled on two petitions lodged by *Alianza Electoral Unidad Nacional* and the Peruvian APRA Party, and requested “the President of the Republic to desist from electioneering on behalf of his party and to suspend the public inauguration and inspection of public works” as he had been doing. The JNE also publicly admonished *Peru Posible* and ordered the appropriate JEEs to report the incidents to the Attorney General’s Office, mentioning in the whereas clauses of its ruling “that the electoral process must provide a level playing field for candidates and that the neutrality required of political authorities and public officials compels them not to use the influence of their offices or the resources conferred on them by the state to engage in propaganda or campaign activities”. What the Mission found positive in this instance was the promptness with which the JNE moved to impart electoral justice.

The foregoing notwithstanding, the Chief of the EOM had a personal meeting with the President to bring this concern to his attention; at the meeting he noted the will of the government to maintain the appropriate impartiality in the electoral process.

Furthermore, in its press release of November 14, 2002, three days before the elections, the EOM called on the authorities to ensure the impartiality of Transitory Regional Administration Council (CTAR) officials, and to prevent electioneering because it considered that essential to ensure the transparency of the process.

E. INSTITUTIONAL PLAYERS IN THE ELECTORAL PROCESS

The 1993 Constitution divides responsibility for electoral matters among three separate autonomous entities that coordinate with each other in accordance with their functions:

The National Elections Panel (JNE) administers justice in electoral matters and supervises the legality of the process. This body is the only one with the power to propose new laws. The National Elections Procedures Office (ONPE) organizes and stages the election, and counts the votes;

The National Registry of Identification and Marital Status (RENIEC) keeps the civil registry, issues identity documents, and prepares the electoral roll.

Article 177 of the Constitution provides that these three bodies “are autonomous organizations that coordinate with each other in accordance with their functions”, which are defined by Articles 178, 182, 183, 184 and 186 of the Constitution.

For its part, in accordance with Law 27600, the Committee on the Constitution and on Constitutional Regulation and Accusations, conducted a thorough review of the Constitution in force, and submitted to the plenary of the Congress a bill that proposed a sweeping reform of the Constitution. For this task it examined all past Peruvian constitutions, in particular the text of the 1979 Constitution.

The Report of the above Committee regulates the electoral agencies in Chapter XVI, and in Article 233, proposes a new structure for the organization of the electoral system: “There are two electoral agencies: the National Elections Panel, which administers electoral justice; and the National Elections Procedures Office (ONPE) which organizes and directs electoral processes and popular consultations. They coordinate with each other in accordance with their functions. An organic law sets out their organization, functions and competencies”.

The EOM particularly took note of the will of the JNE and the ONPE to work together to ensure the success of the elections, and determined that they have managed to create a unique dynamic between them that has enabled them to overcome the omissions still present in Peru’s laws on the competencies of the electoral agencies. This was clear from the coordination meetings between the JNE and the ONPE, the first of which was on November 8, when, at a joint ceremony attended by the highest-ranking officials of the JNE and the ONPE, agreements were signed on the procedure for OAS electoral observation activities. Those coordination meetings enabled both the JNE and the

ONPE to resolve important issues, such as differences over the process for digitalization of statements of poll and the location of JNE supervisors stationed at ONPE vote-tallying centers.

The Chief of the ONPE informed the Mission of his determination to begin releasing the official results of the elections at 19:00 on election day. Given the complexity of these elections, due to the large number of lists vying for regional and municipal government posts and the tight schedule for their preparation, this was the most significant announcement confirming the progress that the ONPE has been making in terms of technology and election organization.

Furthermore, the President of the JNE informed the Mission that it was the aim of the agency over which he presides to award the regional presidents elected their credentials on December 17, 2002. The EOM regarded this intention as very positive, inasmuch as it helped to strengthen the faith of the public in the ability of the electoral authorities to promptly arrange and bring to a satisfactory conclusion an election rendered complex, as mentioned, by demanding organizational and logistical needs.

F. THE ROLE OF THE ARMED FORCES AND THE POLICE IN THE ELECTORAL PROCESS

The Armed Forces and the National Police acted in a manner consistent with the electoral laws, which was simply to place at the disposal of the ONPE the personnel necessary to ensure free exercise of the right of suffrage, the protection of electoral officials in the performance of their duties, and the safekeeping of the materials, documents and other items used to hold the election.

CHAPTER II. OBJECTIVES OF THE MISSION

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 that the conditions were in place for citizens to vote in a climate of freedom and democracy.

The specific objectives of the EOM were as follows:

- To help, through its observation activities, to strengthen an atmosphere of public confidence and thereby encourage citizen participation.
- To make itself available to participants in the process to help ensure compliance with the procedures established by the country's legal rules and to help ensure the use of these procedures for the resolution of conflicts.
- To display the international support that exists for the electoral process; and
- To formulate conclusions and recommendations to help improve the electoral system.

With these objectives in mind, the EOM deemed it necessary that its observation of the electoral process should encompass the areas of logistical organization; election day from the opening of the polls to the transfer of the statements of poll to the vote-tallying centers; and aspects relating to training, information technology, use of electoral media time slots by political parties, and electoral complaints. Each of these areas was headed by an expert in the field in question.

A. TECHNICAL OBSERVATION OF THE PROCESS

On Saturday, November 9, the core team of the EOM paid a visit to the facilities of the ONPE, where it noted the agency's great progress in the logistical organization of the elections and the performance of the various functions which that entails, in particular as regards preparation, assembly and distribution of election materials, as well as selection and training of electoral officials, planning, and security systems.

It is worth drawing attention to the complexity of the organization of these polls, which involved regional and municipal elections and, therefore, required the ONPE to prepare 30 million ballot papers: 1,828 different types for the municipal elections and 25 different types for the regional polls.

On November 11, the ONPE reported that it had printed 100% of the ballot papers for the municipal and regional elections and 100% of the voter lists and tally sheets; assembled 91% of the ballot boxes for the country overall; and deployed 65.4 percent of the election materials nationwide.

B. ELECTORAL TRAINING

The objectives of electoral training, as well as the powers of the agencies entrusted with imparting it, are contained in the Organic Law of the National Elections Panel and in the Organic Law of the National Elections Procedures Office.

The JNE designed and implemented the training programs for electoral system officials, while the task of providing training to polling station officials fell to the ONPE, the functions of which include to prepare and execute the necessary operative programs to that end. The JNE and the ONPE share responsibility for citizen training and develop and carry out electoral education programs to stimulate civic awareness. To that end these authorities are empowered to enter into agreements with, schools, universities, and media organizations.

By the time the EOM arrived in the country, the JNE Training and Education Department and the ONPE Electoral Information and Education Department had both virtually completed their respective training plans. However, concern remained regarding training for polling station officials since at that time, despite the efforts of the ONPE, a low proportion of them had taken part in training activities.

According to data provided by the JNE, in the 2001 general elections, objections were presented in respect of 25,457 statements of poll, which had to be transferred to JEEs for a decision on their validity. The number of statements of poll objected to represented 28.2% of the number of polling stations in the country overall. The rapidity with which electoral results can be obtained is in direct relation to the number of statements that might be objected to. Accordingly, it is vitally important for polling station officials to be properly trained in order for the day of the polls to proceed successfully.

The ONPE employed various strategies to carry out its duty to provide training for the polling station officials selected for this process: personalized training; on-site training workshops; delivery of information at stations located in high-turnout polling places; mass training days; voting simulations; interactive training courses on the ONPE web site; advertising via different print, television, and radio media outlets; audiovisual and graphic materials; and information by telephone.

One of the audiovisual mechanisms used for the training was a video directed at polling station officials in which the actors were popular personalities well-known to the Peruvian public. The video began to be broadcast by 50 local television stations on November 2, covering geographical areas under the jurisdiction of 86 ODPEs. The video was produced in Spanish and dubbed in five native languages: Quechua (in its three linguistic variants), Aymará, Shipibo, Asháninka, and Aguaruna. Furthermore, five-minute radio programs targeting polling station officials in urban and rural areas were also produced in Spanish and in the five native languages mentioned above.

As to graphic materials, the instructions card for polling station officials was simple and helpful. In addition to reproduction in Spanish, these materials were also published in three native languages: Aguaruna, Huanbiza and Asháninka (spoken in jungle areas of northern and central Peru). For Quechua and Aymará, which are not written languages, it was decided to disseminate the messages via radio broadcasts and audiovisually as mentioned above.

The on-site training activities also made use of educational games, while voting simulations used ballot boxes that contained all the same materials that polling station officials would have to handle on election day.

In the opinion of the EOM, the ONPE has made great progress in training methodologies and in the quality and diversity of the training materials used.^{2/} However, in light of the delay in the

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2. The following is a list of the materials produced by the ONPE for electoral training:
- Posters: *¿Cómo votar?* [How to vote?]- Province of Lima; *“Los 7 pasos del elector”* [Seven steps for voters] – Province of Lima; *“Tareas del Miembro de Mesa”* [The Polling Station Official’s Tasks] – Province of Lima; *“Los 7 pasos del elector”* [Seven steps for voters] – Regional and Municipal Elections; *“Nosotras decidimos”* [We decide] – Urban zones; *“Nosotras decidimos”* [We decide] – Rural zones; *“Todos Juntos vamos a votar el 17 de noviembre”* [Let’s all vote together on November 17].
 - Instructions cards for polling station officials: one for the Province of Lima; another for the regional and municipal elections
 - Instructions card for Polling Station Representatives
 - Instructions card for the Armed Forces and Police
 - Instructions card in Braille *“Los 7 pasos del elector”* [Seven steps for voters] – Province of Lima
 - Pamphlet on Decentralization
 - Electoral Education Manual for Voters and Polling Station Officials
 - Modules: “Social Skills”, “Financial Administration”, “Electoral Management”, “Electoral Education”, “Electoral Laws and Procedures”
 - Instructions Pamphlet for Voters, one for the Province of Lima and another for regional and municipal elections
 - Manual for Polling Station Representatives
 - Vota Barrio*, weekly published by the newspapers *El Bocón* and *Ojo*
 - The materials specially designed for rural areas were as follows:
 - Electoral Education Manual for Voters in Rural Areas and Other Electoral Players
 - Posters *“Todos en la Fiesta Electoral”* [All Together in the Election Festival]- Jungle zones, *“Todos en la Fiesta Electoral”* [Altogether in the Election Festival] – Highland zones
 - CD with songs *“Cantando en Democracia”* [Singing in Democracy]
 - Educational Prints in Shipibo and Quechua
 - Video for Polling station officials and Voters

installation of polling stations on election day and of the sluggishness of the poll-closing and vote-counting process observed by the Mission, the OAS considers that a large percentage of polling station officials did not receive appropriate training to carry out their duties. Therefore, it would be desirable to continue with a citizen orientation and motivation campaign that underscores the need for polling station officials to take seriously the civic commitment that these processes deserve, and to take advantage of the progress in the Peruvian electoral system and the training opportunities offered them by the electoral organs.

C. INFORMATION TECHNOLOGY

1. Vote-tallying system

As in the 2001 general elections, the ONPE decided to outsource the development of a new vote-tallying system for the 2002 elections. The result consisted of a modular software package with Visual Basic components; certain modules at least of this software are intended for reuse in future elections. The software is divided into separate pre-election, election and post-election programs, which contain the following components:

- *Pre-election programs*: Selection by lots of polling station officials, warehouse control, production and dispatch
- *Election programs*: Regional tally, Municipal tally, Presentation of Results (intranet)
- *Post-election programs*: Digitalization of statements of poll, detection of non-voters

The alpha, beta, and final versions of this software were given to the technical representatives of each party a week before the elections. The ONPE set up a test laboratory for the use of technical representatives, which included the standard configuration of a vote-tallying center with the latest version of the pre-election software. The pre-election vote-tallying programs were put through their paces at the simulation on November 7, 2002 and no modifications were necessary.

There were 125 ODPEs and 133 vote-tallying centers in operation for these elections (each of the four ODPEs for Lima central had three vote-tallying centers). It was intended to create one ODPE for each province in the country (194); however, in some places one ODPE covered more than one province.

Under this new setup there were four types of vote-tallying centers that differed according to their processing capacities:

Type	Quantity	Operators	Polling stations served
1	50	Up to 24 persons 1 supervisor 1 assistant digitizers	More than 300
2	22	3 to 4 persons 1 supervisor 2 to 3 digitizers	More than 300
2	39	2 operators	Up to 300
4	22	1 operator	Up to 300
Total: 133			

As to communication facilities, 46 vote-tallying centers have dedicated 128 kbps access, 65 have 64 kbps commuted access, and 23 have to record results on a CD and then take it to another vote-tallying center for transmission.

The 46 vote-tallying centers with dedicated access also have a backup analogue line. We noted huge progress compared with the organization of the 2001 presidential elections, for which 59 ODPEs and their respective vote-tallying centers were created.

2. Processes and Procedures

The ONPE has more clearly determined the organization charts, schedules and work flows needed for the correct planning, control and execution of the 2002 electoral process. This was verified from our observation of the measures adopted in preparation for the process, such as, for example, implementation of training plans, preparation of material and their distribution right to polling stations, definition of the functions of the agents involved, etc. The management of the process, therefore, was more responsive and efficient. ONPE also included specialized working units or groups subdivided under their respective management departments, which allowed for a better use of the available resources.

However, there were still a number of organizational or managerial shortcomings that stem from the formal structure of the ONPE, as well as budgetary and functional constraints imposed by the organic law that governs how it operates. These problems, which we noted in the course of our observations, are closely connected with the policies or solutions of the information technology area, in particular with respect to the vote-tallying system, the contingency plan, data transmission, security, and disclosure of the results.

With a few days to go before the elections there were a number of administrative (or ONPE internal policy) decisions outstanding that concerned issues which to our mind should already have been finalized, in order to provide an even more trouble-free environment for all, given that they were not connected with any technical shortcomings or constraints.

3. Advance Operation of the Vote-Tallying System

The EOM technical team was present at the simulation of November 7 and took part in meetings with the ONPE technical staff to discuss progress, difficulties, and solution alternatives. The discussion covered two main areas: 1) technology; and, 2) operation and processes.

In the area of technology there were three points that needed to be examined and promptly dealt with:

- Performance and improvement of MQ series software: During the simulation problems were detected in the functionality of the MQ Series, which was supposed to manage or monitor transmission of digitized statements of poll from the vote-tallying centers to the consolidation servers. The ONPE and the Consortium identified solutions to improve the performance of the MQ Series.
- Contingency plan: The need was determined to create and test contingency plans at the national level in readiness for a possible transmission system failure. Two alternative plans were developed and tested after the November 7 simulation. There was confidence that these plans would ensure that the system would work because they had the necessary built-in security safeguards to protect the integrity of the information transmitted, including firewalls to keep out hackers.
- Incompatibility in server identification: It was found that the identifications (names) assigned by *Telefónica* to the vote-tallying centers (specifically the servers) differed from those assigned by the ONPE. This incompatibility meant that a reference to a given server at a vote-tallying center would be incorrect, which would result in delays and time wastage when a server with problems had to be found. ONPE technical staff worked with *Telefónica* to correct this incompatibility in server identification.

In the area of operation and processes the EOM detected a number of discrepancies between the JNE and the ONPE, which were resolved through direct negotiations between the two electoral agencies. One of these discrepancies came to light in the digitization of statements of poll, which the JNE required for its supervision process. This requirement includes a physical count of statements to be tallied (ONPE statement), their digitization, and comparison of results. The EOM met with ONPE representatives to find possible solutions (examination of advantages and drawbacks), and the relevant recommendations were made. Ultimately, the ONPE and the JNE agreed that digitization or scanning of statements should be performed by JNE operators in the area assigned for digitization and verification or the vote-tallying zone.

4. Operation of the Vote-Tallying System on Election Day

The vote-tallying centers functioned normally on election day. The statements of poll were processed normally at each vote-tallying center: first they were sorted into lots, then digitized, verified, and corrected in the event of a discrepancy. Digitization was carried out jointly with the JNE. There were no problems in the transmission of results from the vote-tallying centers to the central consolidation servers.

5. Conclusion

The vote-tallying system function adequately on the day of the polls. However, it would be as well to make some recommendations designed to improve aspects relating to cost-benefit, ease of operation, ease of viewing results, etc:

- *Vote-tallying centers:* Quick ballot returns boost confidence in and the prestige of the electoral authorities. The possibility should not be ruled out, however, of setting up vote-tallying centers equipped with the basic material resources at polling places in remote and hard-to-reach areas, such as those unable to get the statements of poll to their ODPEs on the same day as the polls, with the attendant delay in their digitization. Polling places such as this could be set up provided there is a telephone line available. If these polling places are schools, they would benefit from the subsequent use of the computer equipment supplied for the election.
- *Contingency Plans should be tested:* In the case of advance verification of the operability of vote-tallying centers, backup or contingency plans are frequently included that are not tested in time. It is normal to conduct a test of the backup server at each vote-tallying center to ensure it can handle the load, as well as of the contingency plan against failures in lines of communication or in the communications software that manages those communications. It would be advisable, then, to introduce the requirement that these tests be performed in simulations at least at a give number of vote-tallying centers. A simulation may proceed flawlessly because there were no failures in any lines of communication, but no one will have been trained for possible failures on the day of the polls when the load on lines of communication tends to be greatest.
- *System monitoring:* The procedure for using the equipment allocated at ODPEs to enable representatives and observers to follow the results is made complicated because representatives of political parties or movements are each assigned their own password. As a result it is necessary to enter in a table each person's National Identity Document (DNI) number and generate a password for them. The need to enter a new password each time the screen is accessed creates a distraction for the system supervisor or their assistant. Accordingly, access ought to be simplified, particularly since this is a consultation screen located in a restricted area. In practice, when representatives gain access they leave the consultation screen open for anyone else to use.

On the consultation screen some windows were not used to full advantage. In this case, although there was space on the screen, the window needlessly restricted the number of parties that could be viewed simultaneously. For example, if one consulted the results for the regions, then pressed the option 'progress', and then the option 'by polling station' only four lines were displayed showing the results for each party or movement. As a result, the possibility of a more complete visualization was lost, and it was necessary to scroll through the list to see other parties. Under the section displaying the results for parties and movements was the section showing the number of blank, null, objected to, and total votes, which is always on top.

D. REGIONAL ELECTIONS MEDIA TIME SLOTS

1. Context

With respect to media coverage of the candidates taking part in the 2002 regional and municipal elections in Peru, one point to which the OAS EOM gave particular attention concerned regional elections media time slots, which was a subject of much discussion and debate in the elections.

The purpose of media time slots is to provide guaranteed free media access for the political organizations taking part in the elections, so that the public can be informed about their different regional government proposals and programs.

Under the Regional Elections Law, Law 27683 (Resolution 643-2002-JNE) media time-slot broadcasts are supposed to commence 15 days before the date set for the elections. However, with very little time to go before the elections it was not clear if the media time slots would be available or not, since the Ministry of Economy and Finance had announced that the Treasury lacked the funds to finance them.

In the face of this demand on the part of political parties for these time slots and the controversy generated by the issue, on Wednesday, November 6, a Supreme Court decision approved the transfer of funds from the JNE to finance the media time slots. This financing was not without controversy, since making the available the 10 million soles that had been provided for entailed a redistribution of ministerial funds, and many claimed that resources from the contingency fund would be used.

Furthermore, in light of the proximity of the elections a number of amendments were made that concerned the following aspects of the Law.

- *Duration of the media time slot:* as mentioned, the Law provides that the broadcasting of media time slots should begin 15 days before the date set for the elections. However, in this case it started just seven days before: from Saturday, November 9 to Friday, November 15.
- *Deadline for delivery of material by political organizations:* The deadline set for the delivery of recordings to the media was Friday, November 8, that is one day before the time-slot broadcasts started, not three days before as the Law requires. In addition to this was the fact that political movements delivered their material with something of a delay, which meant that there was not enough time to review the material as the Law stipulates. As a result some recordings were edited or taken off the air after being broadcast for failure to comply with technical requirements and restrictions.
- *Administration of media time slots:* In contrast to 2001, the JNE, not the ONPE, was in charge of media time slot administration.

Media time slots were broadcast by all public and private television networks and radio stations with both national and regional coverage³ in the 25 departments of Peru (in the case of Lima the Callao time slot was used) at the following times:

Television

19.00, 20.00, 21.00, and 22.00 hours

Two candidates per hour: 1 minute per candidate.

Total time per day: 8 minutes

Radio

07.00, 07.30, 08.00, 08.30 hours

Two candidates every half hour: 1 minute per candidate.

Total time per day: 8 minutes

The Law provides that media time slots not used by political organizations, as well as surplus time slots, should be used to broadcast electoral information connected with the process proposed by the JNE.

2. Implementation of Regional Elections Media Time Slots

Political organizations failed to make the best possible use of the regional elections media time slots in the following ways:

- *Delivery of material:* a large number of political movements delivered their material late or incomplete, which meant that they were unable to take full advantage of their allotted time slots. Some political parties never delivered their video and audio recordings; this mainly occurred in departments in the interior of the country.
- *Nature of the material delivered:* the vast majority of material were publicity-type recordings in which no particular priority was given to the propagation and explanation of regional government proposals and programs (as the Law requires), which, ultimately, is the main contribution of the media time slot for ensuring that voters cast their ballot in an informed and responsible manner.
- *Prohibition on use of regional elections media time slots for municipal electoral propaganda:* The Law provides that the media time slot is only to be used on a regional level. Despite that, there were instances in which political movements engaged in municipal electioneering. As a result, the JNE issued an official communiqué dated November 12 ordering all inappropriate broadcasts to be removed or edited.

The ONPE brought up the issue of the use of time slots not used by political parties or which were left free in order to ensure balanced publicity for the various competing factions. It did so because until November 12 all of these time slots were used by the JNE to broadcast television and

3. This time slot was broadcast on a total of 548 media outlets: 160 television stations and 388 radio stations at the national and local level. Source: Media Check.

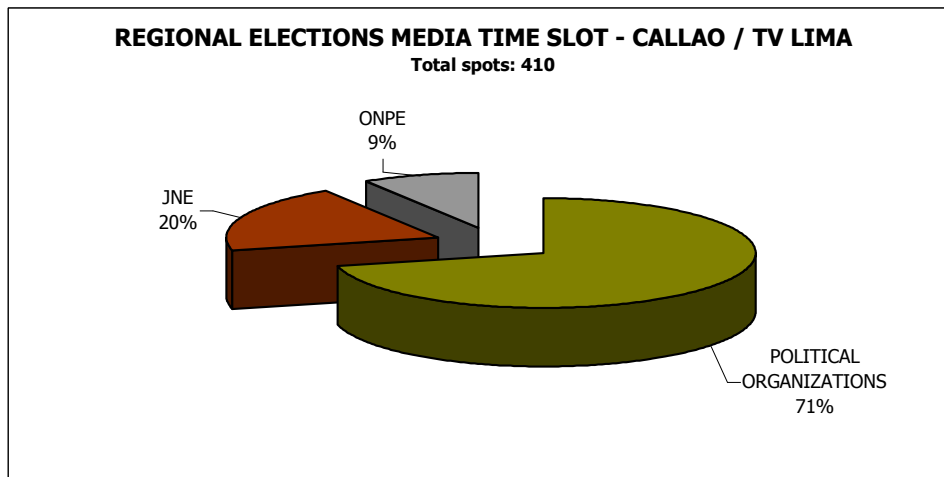
radio spots to further voter education, which is a function that only the ONPE is empowered to perform during electoral processes⁴. On Wednesday, November 13, the JNE withdrew this material and used these slots to transmit the message that the President of the JNE is required to deliver before any election process. As a result, time slots for the ONPE to broadcast its electoral training material only became available in the Lima media on Thursday 14.

3. Measurement of Regional Elections Media Time Slots

In accordance with the Law the JNE is required to retain the services of a company to monitor electoral time slots and measure the times used by the various political movements. The company retained was Media Check, which provided this information to the OAS EOM.

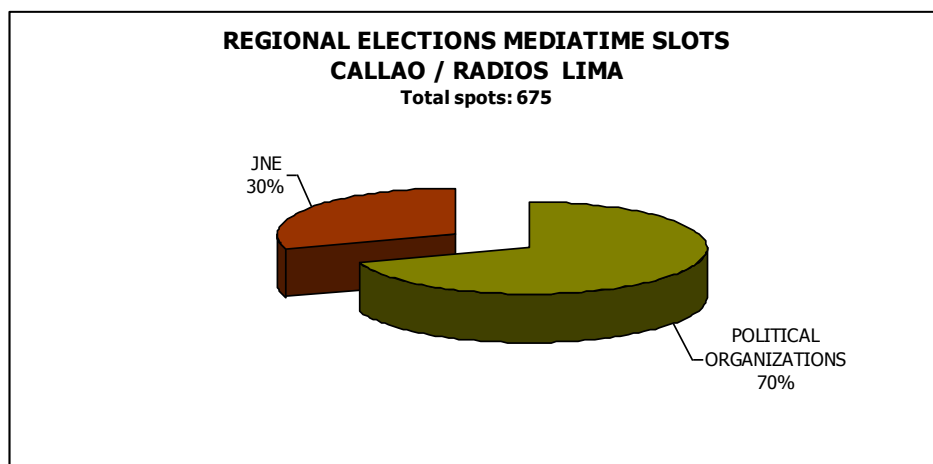
Owing to the characteristics of these elections, which, being regional, entailed a separate election in each department, we only have available quantitative information for the time slot for the Department of Callao. However, that information was also transmitted in the entire Metropolitan Lima area, because the television and radio networks broadcast on the same frequency. For that reason, at the beginning of the broadcast of each regional elections time there was a reminder that the time slot was only valid for the Department of Callao.

The composition of this time slot was as shown in the graphs below:



SOURCE: MEDIA CHECK
DESIGN: OAS EOM

4. Article 5 (x) of Law No. 26486 (Organic Law of the National Elections Panel) empowers the JNE to implement voter education programs to raise civic awareness but stipulates that it shall not perform this function during electoral processes.
Article 5 (ñ) of Law No. 26487 (Organic Law of the National Elections Procedures Office) provides that one of the functions of this institution is to design and implement operational training program for polling station officials and the general public during electoral processes.



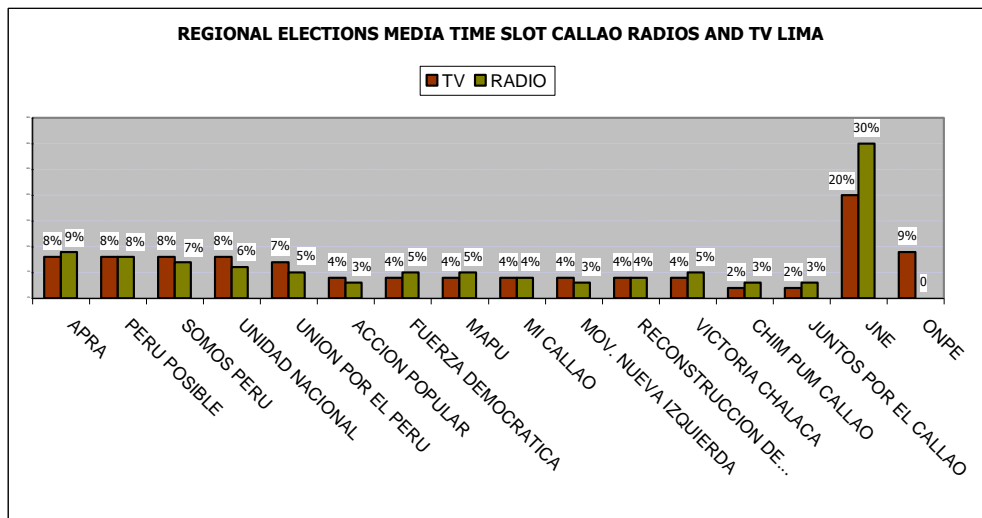
SOURCE: MEDIA CHECK
DESIGN: OAS EOM

Media Check also furnished the following information on the departments in the interior of the country:

	TOTAL CANDIDATES	MATERIAL NOT DELIVERED
AMAZONAS	7	- (information not available)
ANCASH	8	0
APURIMAC	7	1
AREQUIPA	10	1
AYACUCHO	12	3
CAJAMARCA	9	1 TV / 2 radio
CUSCO	13	5
HUANCANELICA	10	3
HUANUCO	10	0
ICA	6	1
JUNIN	11	1
LA LIBERTAD	8	0
LAMBAYEQUE	9	1
LORETO	6	1
MADRE DE DIOS	7	3
MOQUEGUA	10	2
PASCO	5	0
PIURA	9	2
PUNO	7	2
SAN MARTIN	7	0
TACNA	8	0
TUMBES	11	3
UCAYALI	12	1

The table shows that despite the problems detected, principally regarding delays in the delivery of material by the vast majority of political movements, approximately 87 percent of parties made use of their allotted time slots, which reflects the interest in and the need to have them. The reasons given by the parties that did not make use of the time slots were mainly to do with lack of time and resources.

The time slots not used by political movements were all used to broadcast JNE recordings.



4. Final Comments

With respect to the 2002 regional elections media time slot, it is important to underscore the need, when faced with a new election process, to act in a more timely fashion to make available these time slots to the different political movements involved, in order to ensure the intended objectives are met, and so that the cost of making these slots available is put to fitting use.

The foregoing makes it necessary to determine in advance what resources the state has available to implement the time slots, in order fix, on that basis, the deadlines and requirements necessary to ensure their smooth development, and so that parties can prepare their materials in good time.

In turn, this entails more precision in the regulations governing the use of time slots, to ensure strict compliance with what the Law intends, which is to broadcast and explain regional government proposals and programs and not just transmit publicity spots.

CHAPTER III: ELECTION DAY

A. OBSERVATION HEADQUARTERS AND TEAMS

On polling day a total of 15,298,237 voters distributed among 94,755 polling stations were supposed to elect 278 regional officials and 12,138 municipal officials.

The Chief of the EOM began the day's observation activities in the Constitutional Province of Callao before moving on to the city of Arequipa, where he observed polling activities and shared with the press his overall assessment at the midpoint of election day and at the close of the polls.

On election day, the observers located at eight EOM regional headquarters visited an average of 10 polling places each to view the conditions in which the voting proceeded. The main items for observation were the opening of the polls and installation of polling stations; the progress of the voting; ballot counting and poll closing procedures; withdrawal of election materials; and, throughout the day, receipt of complaints.

B. PROCESSES OBSERVED

Broadly speaking the polls opened normally, although there were some difficulties caused by the late arrival or non-appearance of polling station officials, which meant that at 10:00 hours approximately 15% of polling stations were not installed. In some instances, the failure of polling station officials to attend the training activities programmed by the ONPE showed in the slowness of the installation process and further contributed to the delay. Nevertheless, by 11:15, at the polling places observed by the Mission, 100% of the polling stations were properly installed and open to voters.

The logistical problems that arose in some parts of the country, in particular with respect to posters displaying lists of candidates that had been left out of ballot boxes were duly resolved by the ONPE delegates at the polling places.

The EOM noted a considerable presence of party representatives. Indeed representatives of political parties were on hand at most of polling stations observed.

The Mission also noted the presence of delegates of the National Elections Panel and representatives of the Ombudsman.

All the observers around the country agreed that the armed forces and the police helped to maintain order and security at polling places. It should be mentioned that the call for an "armed strike" made by the Shining Path subversive organization in the departments of Junín, Huancavelica and Ayacucho was not heeded by the public and, therefore, there were no disturbances attributable to this announcement that impeded the normal progress of the elections.

Voters began to go to the polls early and in large numbers, in an atmosphere that was calm and orderly overall and, in keeping with the electoral laws, at 16:00 the polls closed and the counting of the ballots started.

Generally speaking the vote counting process watched by the observers proceeded without any difficulties, with representatives of the competing political groups in attendance. Once again, however, the slowness and lack of training of polling station officials was apparent.

At the close of the polls the overall assessment was that the elections had proceeded normally in circumstances that enabled the electorate freely to exercise their right to vote. The Mission also observed that polling station officials kept their duty to ensure the confidentiality of the results contained in the statements of poll.

3. Observation findings

At 18:30 on November 17 the EOM offered its overall assessment on the day of elections and drew attention to the following:

- The voting proceeded in a climate of complete normality in circumstances that enabled the Peruvian electorate to exercise their right to vote in a free expression of the will of the citizenry.
- The OAS noted that the ONPE strove to ensure that all the necessary logistical elements were ready on the day and that the National Elections Panel imparted electoral justice in all the cases that were brought to its attention.
- In the course of the day the EOM listened to the pronouncements of several political leaders, who expressed their opinions on the decentralization process set in motion with these elections. In the view of the EOM this is positive, as it is an indication of the day's good civic atmosphere. The participation of the citizenry and the guarantees with respect to the organization of the elections and electoral justice supplied a fitting context for reflection on the political consequences of the elections.
- That said, in light of the delay in the installation of polling stations, the OAS considers that it would be desirable to continue with a citizen orientation and motivation campaign that underscores the need for polling station officials to undertake their functions with the civic commitment that these processes deserve, in order to match the progress made by the electoral agencies.

CHAPTER IV. POST-ELECTORAL STAGE

By and large the transfer of statements of poll to the vote-tallying centers was carried out normally, except in some parts of the country where incidents were reported. The most serious incidents occurred in a number of districts in the Department of Cajamarca, with a total of eight acts of violence against the electoral process; as well as in the Department of Loreto. Groups of people who disagreed with the outcome proceeded to lay siege to some ODPEs and to intercept the vessels that were carrying the statements of poll. This made the intervention of the police necessary with the regrettable result that two people were killed.

The EOM was informed of incidents in at least 56 districts in the country, where different types of disturbances occurred. This prompted the EOM to issue a press release on November 20 in which it expressed its concern at these events, which undermined the normal progress of the activities of the Decentralized Elections Procedures Offices (ODPEs) concerned and of a number of Special Electoral Panels (JEEs). The Mission particularly regrets the loss of human life, as well as the considerable material damages caused by acts of vandalism that are at variance with the innate civism of the Peruvian citizenry, fully corroborated at critical moments for the recovery of their democracy.

However, the OAS EOM has reached the conclusion that these vandalistic acts did not compromise the vote-tallying processes, the delivery of returns, and the adjudication of the elections in districts of the Peruvian interior because the relevant information was already in Lima in the possession of the JNE and the ONPE.

By the same token the commitment of political leaders, coupled with resolve of Peru's institutions and citizenry to preserve and strengthen democracy, indicate to the OAS Electoral Observation Mission that, generally speaking, these acts of violence have not sullied or compromised the normal progress of an electoral process that enjoyed every guarantee in its preparation and execution.

Furthermore, the OAS EOM supports the firm resolve of the JNE and the ONPE to institute proceedings, in coordination with the Office of the Prosecutor General, with a view to ensuring that these regrettable incidents do not go unpunished.

Some of the incidents reported were as follows:

Loreto:

District of Fernando Lores: Two deaths; attempted theft of ballot boxes

Cajamarca:

District of Santo Domingo de la Capilla: Burning of election materials

District of Sorochuco: Burning of election materials

District of Namora: Burning of election materials

District of Eduardo Villanueva: Burning of election materials

District of Llacanora: Burning of election materials

District of Santa Cruz: Burning of offices of electoral authorities

District of Baños del Inca: Takeover of polling place

District of San Juan: Attempted theft of statements of poll

San Martín:

District of El Eslabón: Burning of election materials

La Libertad:

District of Trujillo: Rioting

Ancash:

District of Carhuaz: Rioting

Pasco:

District of Villa Rica: Rioting

Lima:

District of Ihuari: Takeover of polling place

Cusco:

District of Anta: Rioting

Ica:

District of Guadalupe: Burning of polling place

Puno:

District of Paica: Hostage taking

District of Huayrapata: Rioting

District of Llave: Burning of election materials

Tacna:

District of Locumba: Prevented delivery of election materials

District of Maman: Prevented delivery of election materials

A. ELECTORAL COMPLAINTS

Difficulties arose at some ODPEs during the vote-tallying process, mainly because of the slim margin of difference in votes for some candidates. The EOM monitored how the electoral justice system or the ordinary courts, as appropriate, dealt with these cases. The most significant cases, due to their impact on public opinion, included the following:

CALLAO

Alleged tampering with statements of poll in the regional presidential election denounced as fraud by the Apra Party in the Constitutional Province of El Callao.

ANCASH

The Office of the Fifth Public Prosecutor in and for the Province of Santa opened an investigation against the Regional President-elect of Ancash, Freddy Ghilardi Alvarez (APRA Party) for alleged attempted bribery of technical staff of the ODPE for Huaraz and Huari in order to favor him in the final vote count.

CUZCO

The independent movement UPP (*Union por el Perú*) demanded the partial annulment of the regional elections in the Province of Espinar, Cusco, due to a series of irregularities in the process, in order to demonstrate fraud committed by the electoral authorities to the detriment of their candidate to the presidency of the region, Hugo González Sayán. They allege the responsibility of Manuel Cuaresma Urquiza, President of the JEE of the Espinar Province and brother of the candidate for the political movement *Frente Independiente Moralizador* (FIM), Carlos Cuaresma. In response to the complaint the Ombudsman said that kinship is not illegal even if it is not ethical.

On the day of the polls observers received a number of complaints, which they brought to the attention of the electoral authorities stationed at polling places, thereby seeking the prompt resolution of the matter.

The main complaints received during the electoral process were in connection with:

- Alleged electioneering by mayors and public officials belonging to the CTAR (Transitory Regional Administration Council).
- Alleged use of state funds for electioneering purposes;
- Mass registration of voters at the same address in a given jurisdiction;
- Disqualification of candidates who met the legal requirements;
- Display of political propaganda at a number of polling places by party representatives and supporters, who, after being prevented from doing so, ceased their propaganda activities;
- Problems with the accreditation of some party representatives, which were resolved by the relevant JEE;
- Post-election riots in different districts of the country, which affected the offices of electoral authorities.

B. EVALUATION OF THE ELECTORAL PROCESS WITH NATIONAL AUTHORITIES

On the day after the elections the Chief of the EOM, accompanied by the Director of the Office of the General Secretariat of the OAS in Peru, visited the President of the Republic in order to evaluate how the day of the elections had proceeded. The President underscored before the press the significance for the country of the election of regional and municipal authorities, its implications in terms of the consolidation of the system of democracy, and, in particular, because it marks the start of an important decentralization process. President Toledo remarked that the start of this gradual but sure decentralization process is consistent with the will of his government. In keeping with the foregoing and to help enhance its progress, the President requested that the core team of the OAS Mission accompany the institution building process needed to strengthen local governance in Peru.

In the post-election period the Mission also had meetings with the top-ranking officials of the JNE and the ONPE, at which it reached a positive assessment of the way the election day had proceeded and requested information on the vote-tallying process and judicial processing of the complaints that have arisen. It is worth mentioning the invitation from the President of the JNE to the Chief of the EOM to the credentials award ceremony for regional presidents on December 17, 2002. Also, at the request of the ONPE, the EOM conducted on-site follow-up on the recommendations made and on the progress of the electoral reform underway. By the same token, in December 2002, at the invitation of the President of the Republic, the EOM attended the ceremony to extend the National Accord to include the elected regional governments. In this way, the Mission fulfilled its purpose to monitor every stage of the electoral process, including the proclamation of the candidates elected.

CHAPTER V. CONCLUSIONS

Based on the reports of the coordinators at each of its offices, the EOM made an assessment of the main issues addressed in the observation of the regional elections process. It reached the following conclusions:

- In the area of logistics, all the activities on the electoral schedule were completed and a process was ensured in which the problems that arose were dealt with through the timely intervention of the electoral and government authorities, which provided the citizenry with a calm and law-abiding atmosphere. The voting proceeded in a climate of complete normality in circumstances that enabled the Peruvian electorate to exercise their right to vote in a free expression of the will of the citizenry.
- As mentioned, in the opinion of the OAS EOM the incidents that occurred after the polls closed did not compromise the vote-tallying processes, the delivery of returns, and the adjudication of the elections in districts of the Peruvian interior because the relevant information was already in Lima and in the possession of the National Elections Panel (JNE) and the National Elections Procedures Office (ONPE) when the events occurred.
- As regards training, the Mission noted the great progress made by the ONPE in training methodologies and in the quality and diversity of the training materials used. However, in light of the delay in the installation of polling stations on election day and of the sluggishness of the poll-closing and vote-counting process observed by the Mission, the OAS considers that a large percentage of polling station officials did not receive appropriate training to carry out their duties. Therefore, it would be desirable to continue with a citizen orientation and motivation campaign that underscores the need for polling station officials to take seriously the civic commitment that these processes deserve and to take advantage of the progress in the Peruvian electoral system and the training opportunities offered them by the electoral organs.
- The EOM technical team used every opportunity provided by the ONPE to observe and evaluate the reliability of the vote-tallying system that would be used for these elections. The vote-tallying centers functioned normally on election day. The statements of poll were processed normally at each vote-tallying center: first they were sorted into lots, then digitized, verified, and corrected in the event of a discrepancy. Digitization was carried out jointly with the JNE. There were no problems in the transmission of results from the vote-tallying centers to the central consolidation servers. The vote-tallying *software*, which had been the cause of so much concern and mistrust in the 2000 elections was no longer an issue in the regional and municipal elections. In spite of the foregoing, this report contains recommendations designed to improve aspects of the system relating to cost-benefit, ease of operation, and ease of viewing results.

- With respect to the regional elections media time slot, despite the financing problems that delayed its availability, approximately 87 percent of parties made use of their allotted time slots, which reflect the interest in and the need to have them.

As in the 2001 elections, the EOM noted the balance that exists between the branches of government and that there was full respect for civil liberties. The Mission also took note of the effort made by the electoral agencies to organize in a limited time elections made complex by their dual (regional and the municipal) nature, and to provide guarantees for the competing political factions and the citizenry.

In sum, based on its evaluation of all the stages of the process, the EOM concluded that the framework is predominantly composed of strengths, which enables it, as mentioned, to class these elections as free and fair. However, the aforesaid conclusion should not lead the authorities to overlook the need to review those areas where shortcomings were detected, with a view to making improvements for future elections and strengthening the democratic system in Peru.

Accordingly it would be timely, taking advantage of the current break in the electoral calendar and bearing in mind the Report of the Congressional Committee on the Constitution and on Constitutional Regulation and Accusations, to work out a reform that allows the electoral laws to define clearly the competencies of the agencies of the electoral system. Peru, with the support of the international community, has invested in 2001 and 2002 in the construction of an electoral system that has proved itself credible and able to organize honest elections. Peruvians have become accustomed after the 2001 and 2002 elections to the image of the National Elections Panel and the ONPE working toward a common goal for the benefit of the country's institutions. For that reason, it is worth supporting the enhancement of that image.

The commitment of the Peruvian people to contributing to the consolidation of democracy in the country and their confidence in the current electoral system is reflected in the undeniably noteworthy turnout at these elections of over 80%. That percentage surpasses even the turnout at the last general elections. The EOM monitored the interest of the citizenry and followed up on every stage of the electoral process, including the progress of the recommendations made; the foregoing is desirable for all OAS electoral observation missions but is almost always limited for budgetary reasons.

Finally, the EOM would like to express its acknowledgement and gratitude to the citizens of Peru, the media, the electoral authorities and the Government, the political parties, *Transparencia* and other civil society organizations, the Ombudsman, the diplomatic corps represented by the Embassies and international agencies that supported it, and, most particularly, Ambassadors Eduardo Ferrero and Roger Noriega, Permanent Representatives to the OAS of the Governments of Peru and the United States, respectively, whose efforts were decisive in making it possible to secure financing for the Mission. We recognize the valuable support provided to the EOM by the Embassies in Peru of the Governments of the United States, Brazil, South Korea, Canada, the United Kingdom, the European Union, and Colombia; the assistance provided by experts of the Electoral Service of Chile, the International Republican Institute (IRI), the National Democratic Institute (NDI) and the International Foundation for Election Systems (IFES).

Comment [SW2]: The Spanish has “ de la corrección de los mismos” tagged on the end of the sentence. It is not clear how it fits with the rest.

The EOM also wishes to mention for the record the invaluable support provided to the Mission by the Director and staff of the Office of the General Secretariat of the OAS in Peru, including the staff of the OAS/UPD Demining Program.

Finally, we would like to recall every single member of the EOM that monitored the electoral processes in Peru from 2000 to 2002. They are basically the same group of people as those who comprised EOM/PERU/2002; all professional men and women who represent the aspirations and possibilities of our countries in the Americas, and who, with the greatest possible sense of responsibility, take electoral observation beyond the performance of the task itself and make it possible to mentor the process of institution and democracy building that starts with elections, in keeping with the spirit of the Inter-American Democratic Charter.

CHAPTER VI: FINANCIAL REPORT

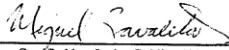
ORGANIZATION OF AMERICAN STATES UNIT FOR THE PROMOTION OF DEMOCRACY



CONTRIBUTION OF UNITED STATES Electoral Observation Mission in Peru - 2002

STATEMENT OF CHANGES IN FUND BALANCE From Inception (October 24, 2002) to March 31, 2003

Increases		
<i>Contribution</i>	\$ 143,617	
Total Increases		\$ 143,617
Decreases		
<i>Transfer to OAS-DEMOC</i>	23,638	
<i>Expenditures</i>		
Travel	28,450	
Equipment, Supplies and Maintenance	15,077	
Building and Maintenance	43	
Performance Contracts	57,286	
Other Expenses	5,566	
Total Decreases		<u>130,060</u>
Net change during period		13,557
Unliquidated Obligations		<u>109</u>
Fund balance at end of period		<u>\$ 13,448</u>
<i>Obligations Pending Approval</i>		<u>10,000 ⁽¹⁾</u>
<i>Adjusted Fund Balance</i>		<u>\$ 3,448</u>


Certified by: Javier Goldin, Chief
Financial Reporting and Policy Division
Department of Financial Services

Project UPD-EOM/021
Award USDEP99/22

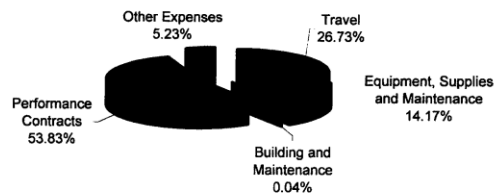
(1) Obligations in the process to be approved. In case Obligations are not approved, fund balance will remain as shown above.

ORGANIZATION OF AMERICAN STATES



CONTRIBUTION OF UNITED STATES
Electoral Observation Mission in Peru - 2002
From Inception (October 24, 2002) to March 31, 2003

Expenditure Composition by Object of Expense



DESCRIPTION OF OBJECTS OF EXPENDITURE

National and International Travel - This category includes expenditures related to travel and per diem expenses for international supervision, control administration, as well as local travel and contracted personnel for internal program administration.

Equipment, Supplies and Maintenance - This category includes: a) fuel, lubricant, insurance, and vehicle maintenance; b) helicopter services related costs; c) field equipment, and supplies.

Building & Maintenance - Includes repairs and maintenance for fixed installations of the office, as well as rent and service payments such as water, electricity and communication costs.

Performance Contracts - This category includes: a) local contracts for administrative, security, drivers personnel, and translation services; b) international contracts in the field and at headquarters-OAS; c) life and health insurance for both international and national personnel.

Other Expenses - Shipping costs, customs fees, petty cash, advances, exchange rate difference and miscellaneous expenses.

APPENDIX I.
PRESS RELEASES

**ELECTORAL OBSERVATION MISSION
REGIONAL AND MUNICIPAL ELECTIONS 2002**

Lima, November 11, 2002

The Organization of American States' (OAS) Electoral Observation Mission (EOM) to Peru today begins its most intensive stage, with the arrival of the rest of the international team that will observe the November 17 regional and municipal elections. The OAS/EOM will be made up of 24 observers from 10 countries in the hemisphere, who will be joined on election day by some 20 volunteers from different embassies and international organizations accredited in the country. It is worth noting that as most of the OAS observers were also present last year during Peru's presidential elections, they are already familiar with the country's electoral system and are prepared to follow the process in detail.

The Inter-American Democratic Charter, which came about thanks to a Peruvian initiative, underscores the importance of the promotion of a democratic culture, and the observation of elections is one important tool in this process. In these elections, the OAS/EOM has a special interest in the regional elections being held for the first time in Peru. These elections represent a key step in the decentralization process and the strengthening of local governance in Peru. Citizens' trust in the electoral results, both regional and municipal, will be essential for the development of a gradual and transparent decentralization process. The international community follows with interest this step in the consolidation of Peruvian democracy.

During the past week, the Chief of the Electoral Observation Mission, Diego Paz, the Director of the OAS General Secretariat's National Office in Peru, Ronalth Ochaeta, and members of the mission met with the highest authorities of the electoral bodies, with Peruvian President Alejandro Toledo and government officials, with political party leaders and civil society representatives, as well as with diplomats from various cooperating countries. The meetings with political parties will continue this week.

In this last stage of the electoral process, the OAS/EOM notes the willingness of the electoral authorities, the Jurado Nacional de Elecciones (JNE) and the Oficina Nacional de Procesos Electorales (ONPE) to work together to ensure the normal development of the process. This was evident in the coordination meeting last Friday between the two electoral bodies, which signed an agreement on electoral observation procedures with the OAS General Secretariat. These electoral bodies reportedly will hold further working sessions to continue addressing matters of interest for the electoral process to run smoothly. This positive attitude is essential to overcome the legislative gaps that persist regarding the tasks of the different Peruvian electoral bodies.

Yesterday, representatives of the OAS/EOM observed the simulation of the voting and tabulation process, noting a high degree of participation of election poll workers on a national level. The test of the software system showed that it was able to handle the load, transmit data and tabulate votes.

These regional and municipal elections will use a new computer system that was developed and tested under ONPE guidance, with no complaints regarding its performance reported by the technical representatives of political parties. The definitive version of the software has been given to all the party technical representatives. The ONPE has established 133 vote tabulation centers; each of them has the equipment necessary to digitize and transmit electoral data. The work procedures have been defined and made known to the political party technical representatives and the JNE auditors. To date,

the OAS/MOE has identified a discrepancy regarding the digitalization of the ballots, but is confident that an agreement on this matter will be reached in the coming days.

In the next few days, OAS observers will be distributed to subregional headquarters in Arequipa, Cuzco, Huancayo, Ayacucho, Iquitos, Trujillo and Piura. They will also be present in the Department of Apurímac. On election day, observers will make surprise visits to the polls and to tabulation centers. The mission will remain in Peru through the vote count and the announcement of results. The OAS/EOM to Peru is being financed by the governments of the United States and Brazil.

In its activities to date, the OAS/EOM has been able to observe the widespread civic commitment to stay informed and participate in the electoral process. As the OAS was able to attest in the 2001 elections, Peru has a strong sense of democratic values. The electoral process now underway points to a confirmation of those values, to the benefit of democratic governance in Peru.

ELECTORAL OBSERVATION MISSION REGIONAL AND MUNICIPAL ELECTIONS 2002

Lima, 14 de Noviembre de 2002

El Jefe de la Misión de Observación Electoral de la Organización de los Estados Americanos (MOE-OEA), Diego Paz, se reunió hoy con el Jurado Nacional de Elecciones (JNE) y la Oficina Nacional de Procesos Electorales (ONPE). Como conclusión de las mismas y a dos días de los comicios, comparte las siguientes apreciaciones:

La MOE-OEA constató que los entes electorales han creado una dinámica propia que ha permitido superar los vacíos que exhibe la legislación peruana respecto a las competencias de los organismos del sistema electoral. Esto se evidenció en las reuniones de trabajo realizadas entre estos organismos para resolver temas de importancia.

Como resultado de lo anterior, el JNE y la ONPE compartieron con la Misión que llegaron a un acuerdo sobre cómo resolver la discrepancia en cuanto al proceso de digitalización de las actas electorales, señalada en el comunicado anterior de la MOE-OEA. Igualmente, el Presidente del JNE comunicó a la MOE que, tal como fue solicitado por la ONPE, se proporcionó el directorio de los fiscalizadores asignados a los centros de cómputo.

El Presidente del JNE tuvo a bien compartir con la Misión que es voluntad del organismo que preside, entregar las credenciales el día 12 de diciembre a las autoridades que resulten electas. La MOE-OEA considera positiva esta voluntad, por cuanto contribuye a fortalecer la eficiencia del sistema electoral.

Por su parte, el Jefe de la ONPE le informó a la Misión su determinación de iniciar la presentación de los resultados oficiales de las elecciones a partir de las 19:00 horas del día de los comicios. Dada la complejidad de estas elecciones, por la gran cantidad de listas que disputan los cargos regionales y municipales, este anuncio resulta de la mayor trascendencia para confirmar los avances que en materia técnica y en organización de elecciones viene experimentando la ONPE.

Considerando los avances registrados, la MOE-OEA, luego de su reunión de la fecha con el Jefe de la ONPE, confía en que se resolverán en tiempo y forma los aspectos técnicos referidos a la gestión informática del proceso, que en este momento son materia de pruebas internas para confirmar la optimización del uso del software que regula el tráfico de información hacia el centro de cómputo central, y las pruebas relacionadas con el plan de contingencia de transmisión de datos y del sistema de digitalización de las actas.

En otro aspecto, resulta fundamental para la transparencia del proceso que las autoridades garanticen la imparcialidad de los funcionarios que conforman los Consejos Transitorios de Administración Regional (CTAR), evitando las actividades de proselitismo político.

La Misión confía en que la presencia del Estado, y la determinación de la ciudadanía, conjurarán cualquier amenaza a la normal realización del proceso que grupos al margen de la ley intenten en algunos lugares aislados del país.

El Jefe de la Misión invoca a todos los ciudadanos, a los miembros de mesa y los demás actores del proceso electoral a participar con entusiasmo en los comicios del próximo domingo, aprovechando la organización proporcionada por la ONPE y la fiscalización del JNE, de manera de preservar el tejido democrático y profundizar los enormes logros que el Perú ha alcanzado en el corto tiempo transcurrido desde la recuperación de la democracia.

ELECTORAL OBSERVATION MISSION REGIONAL AND MUNICIPAL ELECTIONS 2002

Lima, 17 de noviembre de 2002, 18:30 horas.

Habiéndose cerrado la votación a las 16:00 horas, de acuerdo a lo dispuesto en la legislación electoral y una vez iniciado el escrutinio de resultados, la Misión de Observación Electoral de la Organización de los Estados Americanos (MOE/OEA) presenta su apreciación sobre la jornada electoral:

1. El proceso de votación se realizó en un clima de completa normalidad, bajo condiciones que permitieron al electorado peruano ejercer su derecho al voto como libre expresión de la voluntad ciudadana.
2. En este sentido, la OEA ha podido constatar el funcionamiento de un sistema electoral, en el que la ONPE se empeñó en poner a punto los elementos logísticos necesarios para el desarrollo de la jornada y en el que el Jurado Nacional de Elecciones ha impartido justicia electoral en todos los casos que le fueron presentados.
3. Sin perjuicio de lo anterior, en virtud del retraso producido en el proceso de instalación de las mesas de sufragio, la OEA considera que sería deseable continuar con una campaña de orientación y motivación ciudadana que resalte la necesidad de que los miembros de mesa asuman sus funciones con el compromiso cívico que estos procesos merecen, aprovechando de este modo los avances del sistema electoral peruano.

4. Durante la jornada, la MOE conoció el pronunciamiento de varios líderes políticos que expresaron su compromiso con el proceso de descentralización que se inicia a partir de estas elecciones. Para la MOE, esto resulta positivo, puesto que nos indica como Misión Observadora Electoral que: a) existe un compromiso real de todas las fuerzas políticas del país por apoyar la descentralización, entendiéndola como la llave hacia una integración con desarrollo; y b) que el buen clima de la jornada y las garantías en organización y justicia electoral permitieron espacio de reflexión.

5. La voluntad del Jurado Nacional de Elecciones de entregar credenciales el día 12 de diciembre próximo resulta de la mayor trascendencia para concluir un proceso electoral que en su desarrollo nos permite confirmar unas elecciones limpias y transparentes.

6. Con la observación de esta elección, la Organización de los Estados Americanos (OEA) ha sellado un ciclo de acompañamiento de los procesos electorales en el Perú, desde el año 2000 en la etapa más crítica de la democracia peruana en épocas recientes, luego en la reconstrucción democrática emprendida por el gobierno de transición del ex Presidente Valentín Paniagua, que se concreta en elecciones limpias y transparentes el año 2001, y en la confirmación de ese esfuerzo peruano en la celebración de las elecciones regionales y municipales del día de hoy.

7. Nuestro pleno reconocimiento al Jurado Nacional de Elecciones y Jurados Electorales Especiales, a la Oficina Nacional de Procesos Electorales y sus oficinas descentralizadas, al Gobierno, a la Defensoría del Pueblo, a los partidos políticos, a Transparencia y demás organizaciones de la sociedad civil, a la Conferencia Episcopal del Perú y a los medios de prensa por las facilidades que le proporcionaron a esta MOE para realizar su tarea de observación electoral.

8. Finalmente, la Misión reitera su reconocimiento a la ciudadanía peruana por el civismo que demostró al acudir a las urnas y ejercer su voto en un ambiente donde prevaleció el orden y el compromiso democrático.

APPENDIX II.

**NOTES OF ACKNOWLEDGEMENT FOR THE WORK OF THE EOM FROM
THE GOVERNMENT OF PERU**



*Secretaría General de la
Presidencia de la República
Palacio de Gobierno*

"Año de la Verdad y la Reconciliación Nacional"

Lima, 16 DIC. 2002

CARTA N° 0030-2002-SGPR

Señor Embajador
Ronalth Ochaeta Arqueta
Director de la Organización de los Estados Americanos - Perú
Ciudad.-

Tengo el agrado de dirigirme a usted, por encargo del Secretario General de la Presidencia de la República, a fin de transmitirle la invitación del señor Presidente de la República a la Ceremonia de Suscripción del Acuerdo Nacional por los Presidentes Regionales, y posterior almuerzo, a realizarse en Palacio de Gobierno el día miércoles 18 de diciembre de 2002 a las 12:30 horas. La referida invitación ha sido hecha extensiva a los doctores Diego Paz Bustamante, Especialista Principal UPD/OEA y Jefe MOE-OEA-Perú-2002, y Raúl Martínez Bernal, Asesor Jurídico de la MOE-OEA-Perú-2002

Al respecto, mucho se agradecerá tener en cuenta que el ingreso tendrá lugar por la Puerta de Honor a las 12:15 horas.

Atentamente,

LUIS CHUQUIHUARA CHIL
Subsecretario General de la
Presidencia de la República

Presidencia del Consejo de Ministros
Despacho Ministerial

Miraflores, 16 DIC 2002

CARTA No. 1445 -2002-PCM/DM

Excelentísimo Señor
CÉSAR GAVIRIA
Secretario General
Organización de los Estados Americanos - OEA
Washington D.C. - USA

De mi mayor consideración y estima personal:

Tengo el alto honor de dirigirme a usted, en nombre del gobierno, a fin de hacerle llegar los saludos y agradecimientos del Señor Presidente Constitucional de la República del Perú, doctor Alejandro Toledo Manrique, a la Organización que usted dirige, con ocasión del arduo y gran trabajo realizado por la Misión de Observación Electoral en el Proceso de Elecciones Regionales y Municipales 2003 llevado a cabo en el Perú.

Las presentes líneas son muy breves y no podrían detallar el trabajo realizado por el personal de observación que la OEA envió al Perú. Cada funcionario y servidor público, desde las jerarquías más altas del Gobierno Peruano y Organismos Electorales Autónomos, han podido observar *in situ* la labor de la Organización, la cual ha asegurado el fortalecimiento de la democracia en la región americana.

Una vez más, la Organización de los Estados Americanos ha apoyado a los peruanos a cimentar los principios y valores democráticos, los cuales, como son de público conocimiento, fueron afectados anteriormente y gracias a su ayuda en los años 2000 y 2001 se han podido reestablecer. Es por ello que el Gobierno Peruano consideró necesaria la participación de la OEA, teniendo en cuenta que la democracia peruana enfrentaba el desafío de la descentralización regional.

Al haber concluido el reciente proceso electoral y estando por iniciarse un gran cambio en el proceso democrático, constituido por la regionalización/descentralización, nuevos mecanismos de ejecución del gasto público y modificación de la estructura económico-productiva, se hace necesario contar con nuevos instrumentos de gobernabilidad que permitan el reencuentro de la democracia con la justicia social.

Así, sería de gran valor para el proceso social, que la Organización de los Estados Americanos pudiese apoyar nuestros procesos, contribuyendo a la formación en gestión de gobierno para los nuevos funcionarios de los Gobiernos Regionales y Locales. Hemos adelantado conversaciones en tal sentido con el doctor Diego Paz y confiamos en contar con su apoyo y colaboración en este objetivo trascendental.

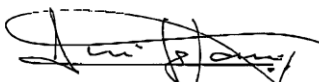
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N2921 P.4/6

Presidencia del Consejo de Ministros
Despacho Ministerial

Aprovecho la oportunidad para expresarle los sentimientos de mi especial consideración así como a la Organización de los Estados Americanos.

Muy atentamente,



LUIS SOLARI DE LA FUENTE
Presidente del Consejo de Ministros

DIC. 10. 2003

2:23PM

O.E.A. DEL PERU

Nº921

P.5/6



Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des États américains
Organization of American States

17th and Constitution Ave., N.W. • Washington, D.C. 20006

27 de enero de 2003
SG/UPD-111/03

Ref. Carta No. 1445-2002-PCM/DM
Oficio No. 1470-2002-PCM/DM

Señor Primer Ministro:

En nombre del Secretario General, César Gaviria, y en el mío propio, tengo el honor de dirigirme a Vuestra Excelencia para dar respuesta a su atenta comunicación del 16 de diciembre pasado, y agradecerle sus valiosos y elogiosos conceptos que a nombre del gobierno que encabeza el Señor Presidente Constitucional de la República del Perú, doctor Alejandro Toledo Manrique, tiene usted a bien manifestarme sobre el desempeño cumplido por la Misión de Observación Electoral que la Secretaría General envió al Perú con motivo del Proceso de Elecciones Regionales y Municipales celebradas el pasado 17 de noviembre de 2002.

Desco igualmente destacar de manera muy especial la labor adelantada por Vuestra Excelencia en las delicadas y trascendentales labores que le ocupan como Presidente del Consejo de Ministros del Gobierno de la República del Perú, condición a partir de la cual tuvo a bien propiciar la invitación para que la Organización de los Estados Americanos (OEA) concluyera un ciclo de apoyo al Perú en materia de observaciones electorales, que como usted muy bien conoce se inició en la crucial coyuntura del año 2000. De igual manera, en consecuencia con el trabajo cumplido por la OEA en las pasadas elecciones de 2002, solicitar el apoyo de la Organización en materias relacionadas con la descentralización regional, dentro del programa que adelanta su Despacho denominado "Gobernabilidad e Institucionalización del Diálogo y Consenso por el Desarrollo Social del Perú".

Al considerar que el mencionado Programa a cargo de su Despacho se constituirá indudablemente en el punto de encuentro para los gobiernos regionales recién instalados en el Perú, en su labor de fortalecer el debate y el intercambio de experiencias hacia su consolidación orgánica me

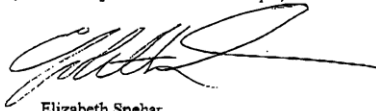
Excelentísimo señor
Luis Solari De La Fuente
Presidente del Consejo de Ministros
Gobierno de la República del Perú
Lima, Perú

DIC.10.2003 2:23PM O.E.A. DEL PERU

Nº921 P.6/6

complace informarle al señor Ministro que he designado al Dr. Diego Paz Bustamante, de la Unidad para la Promoción de la Democracia de la OEA, para que continúe adelantando en coordinación con usted, las acciones necesarias que permitan atender el apoyo solicitado por el Gobierno del Perú.

Aprovecho la oportunidad para reiterarle a Vuestra Excelencia y por su digno conducto al Señor Presidente Constitucional de la República del Perú, doctor Alejandro Toledo Manrique, las seguridades de mi mayor consideración y aprecio.



Elizabeth Spehar
Coordinadora Ejecutiva
Unidad para la Promoción de la Democracia

APPENDIX III
EOM ORGANIZATIONAL STRUCTURE CHART

**MOE OEA PERU 2002
ORGANIGRAMA**

