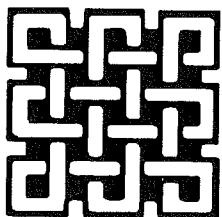

THE 1995 ELECTORAL PROCESS IN PERU

A DELEGATION REPORT OF THE
LATIN AMERICAN STUDIES ASSOCIATION

March 1995



Latin
American
Studies
Association



North-South Center
UNIVERSITY OF MIAMI

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ACKNOWLEDGEMENTS

On behalf of the Latin American Studies Association delegation, we want to express our profound gratitude to Federico Velarde of *Transparencia* for providing invaluable logistical support to our delegation during our stay in Peru, to *Transparencia* for providing a comfortable place for the delegation to meet and work, and to Carlos Monge of the *Centro Peruano de Estudios Sociales-CEPES*, for serving as liaison and general trouble-shooter.

This report was a team effort in the best sense of the word; every delegation member contributed some of the words that appear here. We would like, however, to express special thanks to three colleagues who read multiple drafts and contributed to the writing and editing process. They are Catherine Conaghan, Cynthia McClintock and David Scott Palmer. All members of the delegation received the final draft of the report and approved it. Any caveats are mentioned at the end.

Finally, we would like to thank the institutions from which the delegates came for providing the necessary financial support for travel to Peru. LASA greatly appreciates the resources provided by the North-South Center at the University of Miami, which included the delegation coordination effort of Steve Stein, the editorial direction of Tommie Sue Montgomery, the report's layout design by Eugenia Becerra, and copy editing by Ruth Reitan.

Cynthia McClintock, President
LASA

Tommie Sue Montgomery
Report Editor

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TABLE OF CONTENTS

Acknowledgements	
Executive Summary	
Introduction	1
Criteria for Evaluating the Electoral Process	2
Context	3
Peru's Political History, 1968-1992	4
The Autogolpe and its Aftermath	6
The Military	9
Electoral Procedures and Organization	11
The Special Problem of Presidential Re-Election	15
The Media, Campaign Finance, and the Polls: A Level Playing Field?	16
The Media	17
Campaign Finance	18
Polls and Public Opinion	19
Conclusions	20
Regional Reports	23
Piura	23
Trujillo	25
Ayacucho	27
Cusco	29
Puno	31
The <i>Pueblos Jovenes</i> of Lima	33
Interviews in Lima	

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EXECUTIVE SUMMARY

Between February 19 and 26 fourteen members of the Latin American Studies Association, an interdisciplinary organization with over 3,500 members, visited Peru. The purpose of the trip was to observe the electoral process at this stage in order to make an assessment of the extent to which that process is free and fair. While in the country, interviews in Lima and the provinces were facilitated by *Transparencia* (Transparency), a Peruvian non-governmental organization that is preparing to observe the national elections in April.

Within the limitations that confront any project of this kind, the delegation found that the following contextual and procedural conditions favor open, free and transparent elections scheduled for April 9:

1. Confidence in the autonomy and integrity of the National Electoral Board.
2. Generally open opportunities for opposition parties and politicians to enter and participate in the electoral process.
3. Accreditation and participation of independent election observers.
4. Changes in the Electoral Code that are intended to strengthen the role of civilians in supervising the electoral process and in transporting the official tally.
5. A general decline in levels of political violence and a corresponding lessening of its potential for disrupting the elections in comparison with years past.

At the same time, the delegation has a number of concerns about potential constraints on free, fair and representative elections. They include:

1. Retention of emergency zone status, which in most cases subordinates civilian authority to the military, in about one-fourth of Peru's provinces even though levels of violence have declined significantly. This is at odds with the development of democratic norms and processes and may have a deleterious impact on the elections themselves.
2. Concern about possible vote manipulation on April 9 in the light of opposition parties' charges that irregularities occurred in the unexpectedly close vote in favor of the government-supported 1993 constitution; in nine of twenty-four departments, the margin of difference was less than two percent.
3. An outdated voter registration list, last vetted in 1985.

4. The narrow scope and weak enforcement of rules designed to distinguish between the legitimate use of state resources versus their employment for specific campaign purposes in the context of an unprecedented presidential reelection campaign.
5. The creation of a single national electoral district that is likely to reduce regional and local representation and accountability as well as to further centralize power.

Given these concerns, the delegation believes that rigorous, independent scrutiny of the elections is crucial. The delegation is pleased that independent election observers have been accredited by the Peruvian government. Given the logistical problems of election observation in Peru, however, the delegation believes that an even greater effort should be made to insure an effective, independent monitoring presence throughout the country.

THE 1995 ELECTORAL PROCESS IN PERU

A DELEGATION REPORT OF THE LATIN AMERICAN STUDIES ASSOCIATION

INTRODUCTION

Between February 19 and 27 a fourteen-person delegation of the Latin American Studies Association (LASA) visited Peru. The purpose of the visit was to assess the conditions for national elections in April. The delegation had been proposed by the LASA Task Force on Human Rights and Academic Freedom¹ and approved in a December 1994 facsimile ballot by the Executive Council, which noted that various aspects of the 1995 Peruvian elections warranted international attention. LASA is an interdisciplinary, international organization of over 3,500 specialists in Latin American studies. In recent years LASA delegations have observed electoral processes in several Latin American countries, including Paraguay, Chile, and Nicaragua. The trip to Peru continues an established LASA practice of bringing area specialists together to assess a current political situation that is of concern to its members, policy makers, and non-governmental organizations (NGOs).

The delegation, which included political scientists, historians, sociologists and an anthropologist, collectively share some 165 years of research on Peru.² While in the country interviews in Lima and the provinces were facilitated by *Transparencia*, a Peruvian non-governmental organization that is preparing to observe the national elections in April. The LASA group met in Lima on February 19 and spent the next three days interviewing government officials, presidential candidates, political party representatives and NGO members. The delegation then dispersed to visit six areas of the country: Piura and Trujillo on the north coast, Ayacucho and Cusco in the central highlands, Puno in the southern highlands, and shanty towns in the outskirts of Lima. In each of these places the teams talked with local officials, NGOs, rural organizations, political parties, and average citizens. Over the weekend the delegation gathered once again in Lima to pool and analyze the information that had been collected and to write its report.

¹ The co-chairs of the task force are John Gitlitz and Kevin Middlebrook.

² The delegation included: Eugenia Becerra, graduate student in International Studies, University of Miami; Catherine Conaghan, Political Science, Queen's University, Canada; John Gitlitz, Political Science, SUNY-Purchase; Anthony Johnston, Ph.D. candidate in History, University of Miami; Bruce Kay, Ph.D. candidate in Political Science, UNC-Chapel Hill; Cynthia McClintock, Political Science, George Washington University and President of LASA; Tommie Sue Montgomery, Senior Research Associate, North-South Center, University of Miami; David Scott Palmer, International Relations, Boston University; Leda Pérez, Ph.D. candidate in International Studies, University of Miami; José Luis Rénique, History, Lehman College-CUNY, served as a special consultant; Irene Silverblatt, Anthropology, Duke University; Steve Stein, History, University of Miami, Senior Research Associate, North-South Center and delegation coordinator; Susan Stokes, Political Science, University of Chicago; and, George Vickers, Executive Director, Washington Office on Latin America.

One of the reasons LASA decided that a delegation to observe the Peruvian electoral process would be appropriate is the absence of other high-level delegations. For many institutions, the fact that President Fujimori enjoys high approval ratings and appears to be well placed to win a plurality in the first round of 1995 presidential election. This vitiates in their minds the need for scrutiny of the electoral process. The delegation was, however, in part a response to the volatility of Peruvian public opinion in recent years. For example, public opinion polls indicated that the 1993 referendum would produce a lopsided result in favor of the constitution. The actual outcome, however, was much closer (a 4 percent margin). This sparked charges of election-day fraud by members of the opposition. In another example, public opinion polls in February gave President Fujimori a majority of the votes in the 1995 contest, concerns about immediate reelection and the border conflict with Ecuador could shift support before April 9. As a result, Peruvian opposition groups believed that President Fujimori's desire to win in the first round and to gain as many seats as possible in the new congress for his supporters could lead to fraud.

Moreover, even an election in which ballots are cast and counted without major irregularities does not equal democracy. The history in Latin America and elsewhere of the use or misuse of elections by authoritarian and totalitarian regimes to legitimate their rule demonstrates that elections are a necessary but insufficient condition for democratic governance. Accordingly, the delegation came to view Peru's electoral process seven weeks before the vote in order to make an assessment as to whether or not it appeared free and fair for all groups, and to what extent conditions exist for the consolidation of effective democratic governance.

CRITERIA FOR EVALUATING THE ELECTORAL PROCESS

Democracy requires that channels be available through which citizens can participate in the decisions that affect their lives. While the nature of these channels and institutions varies from one political system to another, there are common prerequisites for democracy that, at a minimum, include: the rule of law; the right to participate in the regularized, periodic selection of governmental leaders; stable and shared rules of the political game; and the existence of political institutions that are responsive to citizens' demands as expressed through civic organizations, interest groups, and elections. In such a context, elections can further the cause of democracy by providing a means for citizens to confirm or change their leaders and to express themselves on specific policy issues. Elections rarely promote democracy when they are used by groups or institutions such as oligarchies and the military simply as mechanisms to perpetuate their rule.

There are several criteria for free and fair elections (all of which are also prerequisites for democracy) that the LASA delegation believes are universal. While choosing these criteria, the delegation recognizes that democracy does not have one meaning and that, therefore, outside observers of electoral processes must take care not to impose absolute standards for judging fairness. For example, there is no electoral system that insures equal funding or that negates the advantages of incumbency for all parties and candidates. Outside observers, therefore, must not impose

standards that established democracies do not meet. With this caveat, the delegation set forth the following criteria:

- freedom of speech
- freedom of the media
- freedom of organization for civil society
- freedom of party organization, the ability to field candidates and effect widespread dissemination of political platforms
- an absence of fear among and coercion of the population
- an absence of state-sponsored terror
- civilian control over the military and its absence from civil society
- an open, accessible voter registration process
- civilian control and oversight of the electoral process³

CONTEXT

Peru's 1995 national elections are taking place in a context of widespread and significant political, economic and social changes whose full effects will likely have an impact long after the results are posted. Some of these changes are salutary, helping to advance the universally desirable objective of open, free and fair elections, which are an indispensable condition of democratic governance. Other conditions are more troubling, especially when viewed in terms of their overall impact on the consolidation of democracy. The fact that presidential elections are being held at all must be considered a step forward, especially since three years ago elected president of Peru, Alberto Fujimori announced the suspension of constitutional rule and dissolution of congress. Furthermore, key changes in electoral laws should ensure that the procedures governing the actual voting, transportation and counting of ballots, and the communication of official tallies will constitute a marked improvement over previous elections.

Despite these positive changes, however, there are several areas that are of concern to the delegation. Among the more disturbing aspects of the current electoral context is, first, the progressive concentration of power in the office of the President of the Republic at the expense of the legislative and judicial branches of government, and the centralization of authority in the national government at the expense of regional and local governments. Compounding this centralizing tendency is, second, the weakening of autonomous political institutions -- from the congress and judiciary to established political parties and civic organizations -- whose strength and independence is at the core of consolidated democracy.

³ Several of these criteria were laid out in Edward S. Herman and Frank Brodhead's study, *Demonstration Elections: U.S.-Staged Elections in the Dominican Republic, Vietnam and El Salvador*. Boston: South End Press, 1984.

While these institutions can be and have been undermined by design and deliberate executive policy, it is also true that these same institutions have had a hand in their own undoing. The present crisis of confidence in which Peru's political institutions find themselves is in large part a result of years of political and economic mismanagement, ineptitude and corruption, compounded by a series of challenges and pressures that would have placed enormous strains on even the most competent of regimes.

A third alarming trend is the progressive politicization of the military. The subordination of civilian to military rule goes back to efforts to deal with the mounting epidemic of political violence in the 1980s. But the trend has undeniably accelerated since the April 5, 1992 *autogolpe* (self-administered coup d'etat). These three trends shape the contemporary Peruvian political arena and explain the distinctive characteristics of the 1995 pre-election scenario.

Peru's Political History, 1968-1992

In Peru's recent political history, the legacy of the Revolutionary Military Government (1968-1980) is a decisive contributor to these trends. This regime's political, economic and social reforms, most notable during General Juan Velasco Alvarado's regime (1968-1975), had numerous intended and unintended consequences. Perhaps most significantly, the military government sought with some success to undermine the legitimacy of Peru's traditional civilian political elites, certain sectors of which already found themselves in a weakened position at the outset of military rule.

By the late 1970s, the second military administration (under Francisco Morales Bermúdez, 1975-1980) was widely repudiated and Peruvians looked forward to a return to constitutional democracy. In 1978, a Constituent Assembly was elected and drafted a new constitution. Elections, widely perceived as free and fair, were celebrated in 1980; the very man whom the military had ousted in 1968, Fernando Belaúnde Terry, won a solid plurality and returned to the presidency for a second term. The presidential elections of 1985, which Alan García Pérez won handily, were also perceived as free and fair by all parties.

These free and fair elections, however, produced leaders whose governments were widely considered failures. The parties that supported both presidents, *Acción Popular* (AP), and *Partido Popular Cristiano* (PPC) for Belaúnde and *Alianza Popular Revolucionaria Americana* (APRA) for García, held congressional majorities but did not respond effectively to an array of citizen needs. Alan García, in particular, sought to concentrate power in the person of the president to the detriment of his political party and other political institutions. The seriousness of Peru's problems, combined with the government's inability to respond effectively to them, accelerated the process of undermining established political institutions and, at the same time, greatly diminished the public's confidence in them.

A further element that contributed to this institutional decline was the unexpected threat posed by the emergence of the *Sendero Luminoso* (Shining Path) guerrilla campaign. The

insurgency threw into sharp relief the inability of these duly elected regimes to perform what are among the most basic tasks of all governments: maintaining an effective presence throughout the national territory and protecting the citizenry. By 1990 political violence had accounted for over 20,000 deaths and disappearances and US\$14 billion in property damage. Guerrilla groups, primarily *Sendero* but also the *Movimiento Revolucionario Tupac Amaru (MRTA)*, were operating with increasing effectiveness around Peru and were believed to exercise at least sporadic control over 10 to 20 percent of the country. These conditions created human displacement of significant proportions; by 1990 at least 200,000 internal refugees had fled political violence and emigration was occurring at rates of over 150,000 per year. Furthermore, the judicial system, never strong, was totally overwhelmed by the generalization of violence; less than 10 percent of those arrested for alleged acts of political violence were brought to trial within four years.

At the same time, Peru's economy spiraled out of control. President García implemented an economic policy that contributed to historically unprecedented hyperinflation (1,722 percent in 1988; 2,706 percent in 1989), sharp economic deterioration (over 20 percent from 1988 through 1990), under- and unemployment (some estimates as high as 80 percent by the end of his term), and a cutoff of international credit (due to non-payment of obligations on a foreign debt of over \$23 billion among principal, interest and arrears by 1990). The result was to place both government and society in a dramatic and unprecedented state of crisis. By 1990, the Peruvian state had shrunk to less than half its 1985 economic capacity even as political patronage was contributing to a 40 percent rise in government employment.

These elements combined to weaken severely the public's faith in Peru's democratic institutions, politicians, and processes. Presidential candidate Mario Vargas Llosa did not help his campaign by roundly proclaiming policies that were much more conservative than most Peruvians wanted: economic shock treatment, no free education, et al. This was well exploited on television by *APRA*, many of whose supporters, as well as President García, threw their support to Fujimori. It should come as no surprise, then, that Peru's beleaguered voting public, feeling betrayed by the performance of its previous choices once in office, would turn away from the political establishment in the 1990 elections. And so it did, selecting as president engineer Alberto Fujimori, a political newcomer with a minimal party organization and no prior national political trajectory.

As the first of Peru's post-1980 governments without either a majority in Congress or an established political party as its institutional base of support, Fujimori relied much more heavily on the military for policy advice and institutional backing than had his predecessors. The increased power of the military was immediately evident in the decision to give the armed forces and police virtual *carte blanche* to combat terrorism, a growing problem evidenced by steady guerrilla advances and the acutely embarrassing escape of imprisoned MRTA leaders at the end of García's term. Meanwhile, in an emasculated judicial system impunity reigned while due process was ignored.

The Autogolpe and its Aftermath

On April 5, 1992, President Alberto Fujimori announced his decision to disband the national congress, dismiss the judiciary, close Peru's equivalent of the General Accounting Office, and suspend the 1979 constitution. The origins of the *autogolpe* are still the subject of debate in Peru. Executive-legislative conflicts over anti-terrorist legislation and economic policies preceded the event. President Fujimori justified his decision by arguing that congress, political parties and a corrupt judiciary were the source of Peru's catastrophic crisis of governability. Opposition party leaders offer differing explanations of the coup; some argue that Fujimori and the military had longstanding plans to shut down the congress. Other explanations have focused on the administration's desire to short circuit an investigation of the corruption charges made by First Lady Susana Higuchi.

In the first weeks after the coup, the administration did not put forward any plans for a return to electoral democracy. Opposition leaders from the disbanded congress condemned the coup. Pressures from the international community, especially from the Organization of American States (OAS), to reinstall "democratic institutionalism" grew. After floating the idea of a plebiscite asking voters to approve or disapprove the coup, then discarding it in the face of continuing international pressure, Fujimori finally proposed the election of a constituent assembly (CCD) to author a new constitution that would be subject to a national referendum.

Although the outcome of the November 13, 1992 elections was not a foregone conclusion, the president's high popularity combined with the government's calculated delays over a date for the elections, as well as the general weakness of opposition parties, virtually ensured that the president would receive a majority (forty-four of eighty seats) in the new constitutional congress. The restoration of the electoral process was sufficient to restore international aid and credit flows.

In the constitutional referendum a year later, as in the CCD election, the Fujimori administration retained tight control over decisions governing the scheduling and format. The referendum was designed as a single question in which voters were asked to approve or disapprove the constitution in its entirety with a "Yes" or "No" vote. Opposition parties and a number of grassroots organizations campaigned actively in favor of the "No." President Fujimori and his administration were equally active in urging an affirmative vote. During the two-month referendum campaign, opposition forces complained frequently about public officials' misuse of public resources in campaigning on behalf of the "Yes."

The results of the October 31 referendum were profoundly surprising. A mere five days before the referendum, seventeen to thirty point spreads between the "Yes" and "No" votes were predicted by major polling agencies. On the night of the referendum, however, the public opinion agency *Apoyo* projected 52.9 percent for the "Yes" and 47.1 percent for the "No," with tendencies for higher projections for the "No" in various outlying departments as the vote from rural areas

arrived.⁴ The opposition's immediate reaction was delight that it had done so well, rather than concern that the "No" might have actually won. Gradually, however, more serious charges of fraud were raised. Six weeks elapsed between the referendum and the announcement of the official results, sparking charges that tallies were manipulated by pro-government actors during this period.⁵ When the official results were finally announced, one member of the JNE, Juan Chávez Molina, denounced the result as fraudulent. Many skeptics' attention focused on the results from departments where some provinces were under state-of-emergency regulations and/or where *Apoyo* had projected 10 percentage points or more for the "No" vote than appeared in official results.⁶

In any case, in the fifteen months since the referendum, President Fujimori approval rating has remained close to or above the 50 percent level of his first years in office. One of the most often cited reasons for such support is the increased sense of personal security produced by the dramatic decline in political violence (1994 levels were less than one-sixth the 1990 figures). A key factor in this changed perception was the capture of *Sendero* leader Abimael Guzmán Reynoso in September 1992 and the subsequent dismantling by military and police of much of his organization. A second reason is the restoration of economic stability after the chaos left by Fujimori's predecessor, Alan García. Under heavy pressure from international financial institutions and foreign governments, Fujimori abandoned his campaign promise of pursuing gradual stabilization policies in favor of a harsh fiscal adjustment and neoliberal reforms. As a result, relative price stability has replaced hyperinflation; in 1994 inflation was 13 percent compared to 1990's 7,650 percent. In addition, Fujimori has been able to take credit for substantial economic growth, particularly during the past two years (over 7 percent in 1993 and about 11 percent in 1994). Third, the established political parties remain in crisis. Discredited for past mistakes, these parties have continued to weaken themselves by their own self-destructive tendencies to bicker and divide. They have been debilitated further by several factors: electoral laws encouraging a flood of independent candidacies; the adroit use of the office of the presidency to implement small, high impact assistance programs at the local level; the use of the media for advancing the official view; and by an array of civic action programs by the military.

Fujimori's own popularity and the legal restructuring that accompanied the *autogolpe* allowed the administration to proceed with policies that altered the tenor of intergovernmental relations. The net result of the shifts has been in the direction of increasing power in the executive branch of government. Some of the most significant examples of this shift are:

⁴ All data from *Caretas* (Lima), November 4, 1993, pp. 14, 17.

⁵ Interview of LASA Delegation with Javier Díez Canseco, February 20, 1995, in Lima. See also implications in *Debate*, December 1993-January 1994, p. 41 and *Perupaz*, December 1993, p. 5.

⁶ Compare *Apoyo* projections in *Caretas*, November 4, 1993, p. 17 to official results in Fernando Tuesta Soldevilla, *Perú Política en Cifras* (Lima: Fundación Friedrich Ebert, 1994), p. 129. Amazonas, Huancavelica, and Pasco were the departments in question. To the delegation's knowledge, however, there has been no formal investigation of these charges by independent analysts. Complaints against voting-day procedures were lodged from six departments, but apparently none were accepted by the JNE. See *Perupaz*, December 1993, p. 5.

□ Legislative Decree 776 on municipal taxes, which has severely reduced some municipal government budgets, such as Lima's, and has provided others with new resources, and has had the effect of contributing to centralized decision-making over appropriations.

□ An interruption in the process of implementing autonomous Regional Governments as stipulated in the Constitution of 1979 and begun during the García administration.

□ A dramatic expansion in the size, scope and economic resources of the Ministry of the Presidency that affords the president the opportunity to greatly increase his personal impact at the local level. An important manifestation of this is the creation of a series of organizations, including FONCODES and PRONAA, that in some areas compete with and/or replace a rich variety of pre-existing grassroots organizations, many of which were autonomous citizen responses to the profound political and economic crises of the 1980s.

□ The *distrito electoral único* (National Unitary Electoral District), established as a temporary measure for the 1995 elections, requires each political party or group to form a single national list of 120 candidates for the unicameral National Legislature. The effect of this is to funnel citizen votes toward national political figures, thereby lowering the incentives for local candidates to run on platforms that focus on local issues; to give nationally known candidates a disproportionate advantage over regional candidates; and to give Lima, where 30 percent of the voting population lives a decisive voice in these elections.

Given Peru's recent political history, it is perhaps not surprising that the confidence of many Peruvians in the existing political institutions to solve Peru's most basic problems was at an all time low by the early 1990s. After more than a decade of social, political and economic debacle, Peru by April 1992 had a democracy that very few Peruvians cared about preserving. As a result, most Peruvians welcome the political order and the macroeconomic stability that has emerged in the last three years. Fujimori's reelection campaign is likely to be the beneficiary.

The campaign for the 1995 elections got underway in the second half of 1994. The main opposition presidential candidates are: Javier Pérez de Cuéllar, the former United Nations Secretary General (*Unión por el Perú*); Alejandro Toledo (*País Posible* and *Convergencia Democrática-CODE*); Mercedes Cabanillas (*APRA*); Raúl Diez Canseco (*Acción Popular*), Ricardo Belmont (*Obras*), and Augustín Haya de la Torre (*Izquierda Unida*). To date, public interest and enthusiasm in the campaign has been less than in the 1980, 1985 and 1990 contests. One reason is Fujimori's lead in the opinion polls. Another reason is the war between Ecuador and Peru that broke out in late January. This border conflict diverted the attention of both government and citizenry and paralyzed the campaign for several weeks.

There has been considerable debate between the government and the opposition about the fairness of the electoral process to date. In particular, although the opposition's charges of fraud in the 1993 referendum were not highly salient at the time, gradually opposition leaders have become more vocal on this score. In delegation interviews, Javier Pérez de Cuéllar, *APRA's* Javier

Tantaleán Arbulu, and *Izquierda Unida's* Javier Diez Canseco all noted extensive irregularities that might have changed the outcome. Virtually all major opposition candidates, including Pérez de Cuéllar, have voiced serious concerns about the conduct of the electoral campaign to date.⁷ The government suggests that these charges are sour grapes, expressed by candidates trailing badly in the polls. Meanwhile, Peruvians have expressed themselves on this issue; in a January 1995 *Apoyo* poll, 41 percent of the respondents who expressed an opinion did not have confidence that the elections would be "clean and just" (*limpieza y justeza*). The delegation hopes that the presence of additional independent monitors for the 1995 contest will enable a more rigorous scrutiny of the process, and in particular a more rigorous scrutiny of any complaints of irregularities that are filed. Assuming minimal irregularities on April 9, such scrutiny may restore the opposition's confidence in the electoral process.

The Military

Civilian control over the military is necessary for the consolidation of democracy. In Peru, such control over the last decade has been elusive. The Peruvian military has been seriously divided on the question of its relationship with the Fujimori government. A significant sector of the military has opposed the close relationship between the President and the current military commanders. Led by retired General Jaime Salinas Sedó, this faction led a counter-coup against the Fujimori government in November 1992. The counter-coup failed, Salinas Sedó was imprisoned, and several respected officers fled Peru into exile. These officers charge that Fujimori and his national security adviser, Vladimiro Montesinos, are flagrantly politicizing the military institution and violating constitutional norms.

Despite this rebellion, after fifteen years of political violence and recurring economic crises in which political institutions have been severely eroded and stripped of their effectiveness, the Peruvian armed forces have come to assume a greater role in government, political life, and civil society. These are processes that antedate but that were accelerated by the *autogolpe* of April 1992. The growing role of the military continues to raise serious questions about the consolidation of democratic institutions. It may also raise doubts about the openness, freeness, and fairness of the elections.

Military presence in civil life does not, however, necessarily preclude political debate or imply that the elections will not reflect popular opinion, even in the emergency zones. In a close electoral outcome, however, that presence could provide opportunities for manipulation and lead to the perception that the elections are illegitimate. The problems inherent in the role of the military in Peruvian political life are hardly limited to the emergency zones and other rural areas. Nevertheless, it is in these areas that the problems are most acute, and it is therefore in these areas that the delegation chose to focus.

⁷ *Latin American Weekly Report*, November 17, 1994, p. 527; November 24, 1994, p. 533; December 15, 1994, p. 574; December 22, 1994, p. 586; January 19, 1995, p. 20.

State of emergency decrees are not conducive to the full exercise of democratic rights necessary for free and fair elections. Not only are important constitutional rights circumscribed, but institutional protections for remaining rights are limited. The delegation members heard repeated charges of direct military or police involvement in the current campaign, as well as testimony describing specific examples. There were numerous instances during the 1993 constitutional referendum and the 1992 Congressional elections in which members of the armed forces put up posters on behalf the government and were present on election day, not simply to guarantee order but to influence the choices of voters at the voting booth. For example, the delegation was given a copy of an order from the head of the National Police for Region 4 to the head of the National Police in Sicuani instructing him to investigate the political backgrounds of all members of the *jurados provinciales*. In another instance, citizens described *acción cívica* (civic action) in which soldiers distributing food said, "This food is from the government, vote for Fujimori."

In light of the above, the continued existence of areas under a state of emergency and of regions in which states of emergency have recently been imposed without clear or obvious justification are sources of serious concern. Members of the delegation visited a number of areas and talked with residents who do not believe that there is a level of political violence sufficient to justify a state of emergency. (See Cusco report.) Whether states of emergency are justified or not, there is no question that military authorities operating in emergency zones exercise an inordinate degree of control over civilian life, and that the military presence in emergency zones is related to a higher incidence of human rights violations, supplanting of civilian authorities and the weakening of grassroots organizations. Fully transparent elections require that every effort be made to lift emergency restrictions. Given the history of violence and the fear that violence has engendered, the state has the obligation to do everything possible to build confidence in the electoral process.

CONTROL OF CIVILIAN ACTIVITIES: There were credible reports of communities in the high provinces of Cusco where peasants are required to report to military commanders before leaving the area and to check in upon return. In virtually every peasant community in the Department of Ayacucho, a civil defense committee exists whose commander reports directly to the local military chief. In the Piura *sierra*, delegation members were told that military forces had become the maximum authority in the zone. "They impose and decide," said one citizen.

VIOLATIONS OF HUMAN RIGHTS: The group heard testimony and received copies of *denuncias* (complaints) of abuses ranging from murder, to attempted rape, physical abuse, threats of retaliation, confiscation of property, and corruption.

UNDERMINING GRASS ROOTS ORGANIZATIONS: There were repeated accusations that emergency powers were being used to circumscribe or undermine existing civilian organizations. Some of those with whom the delegation spoke told of harassment of local leaders by military and police personnel and by armed civil defense committees. Citizens also described the creation of parallel organizations, armed self-defense committees and *clubes de madres* (mothers' clubs), that by-pass and hence weaken existing structures. In the Piura *sierra*, delegation members were informed that peasant *rondas* (community organizations) were being infiltrated by the *Servicio de*

Inteligencia Nacional-SIN (National Intelligence Service) and that self-defense committees were being created by the government as parallel organizations to the *rondas*.

CLIMATE OF FEAR: The political violence of recent years created an environment in which the control of civilian activities, human rights violations, and the undermining of grass roots organizations by government and guerrillas alike combined to perpetuate a climate of fear that makes free political debate difficult even today in some areas. Such fear was palpable in areas such as Cusco, while in Ayacucho the absence of *Sendero* actually reduced the level of fear and contributed to an overall sense of security in comparison with the 1990 election. Significantly, human rights violations declined sharply at the national level in 1994.

ARMED SELF-DEFENSE COMMITTEES: Of special concern are the so-called "Armed Self-Defense Committees." Of course, the committees respond to a wide range of experiences and have elicited a variety of responses among the peasantry. In areas such as Ayacucho, where *Sendero Luminoso* was a major presence in the countryside, the Committees appear to enjoy broad support among rural populations. In some other areas, however, where terrorist activity is low, Committees appear to be more a means to control the local population than an institution for self-defense. Testimony from Cusco and Piura, for example, suggests that the Self-Defense Committees, organized by the military, are being used to undermine existing autonomous peasant organizations. The Cusco delegation heard testimony that the Committees were imposed on unwilling populations and were being forced to carry arms. Headed by officials chosen by and responsible to local military commanders, these Committees were often named as a source of continued abuse.

Some of the problems found in emergency zones also may be present to some degree outside areas under direct military control. Members of the team received testimony concerning efforts by the subdirector of PRONAA in Huancavelica to use the distribution of food to undermine existing peasant organizations and to build parallel ones. The teams in Piura and Trujillo found similar efforts to use government resources to create a parallel organization of *clubes de madres*. In Puno the prominent role played by military officers in the allocation of public monies through FONCODES could have a bearing upon electoral outcomes. The conclusion is that some military-run civic action programs go far beyond simply providing assistance. They actively seek to represent civil society, which contributes to the weakening of independent organizations.

ELECTORAL PROCEDURES AND ORGANIZATION

On August 9, 1994, the *Congreso Constituyente Democrático--CCD* (Democratic Constituent Congress) enacted an electoral law governing the conduct of the presidential and congressional elections of 1995. Many of the features of the new law are similar to those that prevailed in the 1980-1992 period. However, there were also significant modifications in past practices. Some of those changes represent an important step forward in assuring a transparent process, especially when compared with the balloting procedures used in the 1992 constituent

assembly election and the 1993 constitutional referendum. Nevertheless, important questions remain about the electoral framework and prospective problems of implementation on election day.

The border conflict with Ecuador could have an impact on the conduct of the election. For example, there were concerns expressed by local authorities in Ayacucho that the withdrawal of military forces from that department would leave the electoral tables undermanned and place a greater burden on the local police. Others suggested that the absence of military forces on election day might reduce the perception that the vote could be manipulated by the military.

The entity charged with overseeing all aspects of the election is the *Jurado Nacional de Elecciones*--JNE. Thus far, the JNE is perceived by a broad segment of Peruvians as having exercised a measurable degree of autonomy from the executive branch. Nonetheless, it is important to note that the JNE's powers in reference to the electoral law itself are circumscribed by the CCD; the CCD is the final arbiter of the electoral law and has the power to modify any proposals put forth by the JNE in reference to that law. The pro-government majority in the CCD has used this power to alter substantially some of the regulatory framework proposed by the JNE to govern the behavior of candidates and parties.

The JNE board is composed of five members. JNE President, Ricardo Nugent, was elected by the Supreme Court from among its retired and active justices. In addition, one member of the JNE was elected by Supreme Court prosecutors, another was selected by the Lima Bar Association, one was elected by deans of the law schools of the national universities, and the final member was selected by the deans of law schools of private universities.

In contrast to the 1992 CCD election, the electoral framework in 1995 has been perceived as sufficiently fair to warrant the participation of all opposition parties. Presidential and vice-presidential candidates were obliged to register their candidacies by October 11, 1994. Twenty-six presidential candidates presented their petitions to participate. Of the twenty-six presidential tickets, fourteen were accepted while the remainder were rejected by virtue of falling short of the 100,000 valid petition signatures necessary to achieve legal status. Parties were obliged to register their congressional lists in January 1995. Of the twenty-three parties that sought to do so, three were eliminated.

The most controversial aspect of the registration process involved decisions regarding the political status of President Alberto Fujimori's spouse, Susana Higuchi. In August 1994, the Congress approved a provision to the electoral law that explicitly barred members of the president's family from running for president or vice-president. Higuchi protested this ban as unconstitutional but to no avail. She then sought to run for Congress, but her petition (presented on the final day of registration) was rejected by the JNE on the grounds that the slate was incomplete because names were duplicated on the list. Higuchi protested the ruling with a brief hunger strike, but the JNE did not reconsider its ruling. In February, the Inter-American Commission on Human Rights urged the JNE to certify her candidacy, but the request was refused.

Concerns about the role played by the military on voting days in the 1992 CCD election and the 1993 constitutional referendum led to modifications in the new electoral law that are designed to increase civilian control over the process. Civilian registrars are charged with maintaining physical control of the *actas* (the official record of the vote count that takes place at each voting table) during their transportation. The military may, upon request of the civilian registrars, facilitate transport of the *actas* to the provincial offices of the JNE. How effective this new procedure will be remains unclear. To date, the process for selection of the civilian registrars has not been fully delineated.

For the first time in Peruvian electoral history, the reporting of results will be done through a nationwide computer network. Regional offices of the JNE have been equipped with computers for this purpose. The contract to provide the computer services for the vote count was awarded to OTEPSA, a private firm. As this is Peru's first experience with computerized vote reporting, there is no way to predict how the system will fare on election night.

A factor that may assure confidence in the fairness of the elections is the accreditation of national and international observers by the JNE. The most comprehensive monitoring effort is being mounted by *Transparencia*, an independent civic group organized for these purposes. *Transparencia* expects to have observers present at between 1,500 and 5,000 of the approximately 70,000 voting tables nationwide. With the assistance of the National Democratic Institute, *Transparencia* will conduct a quick count of the results for both the presidential and congressional elections. A simulation of the quick-count process is planned for mid-March. In addition, the Organization of American States (OAS) has an electoral observation team in country and will be bringing in more observers every week up to the April 9 election when it expects to have seventy international observers in place throughout the country.

Despite these various steps, there remain several areas of concern about the electoral process. The voter registration list has not been updated comprehensively since prior to the 1985 election, and most experts agree that it contains inaccuracies that could facilitate abuse. One specific example was the revelation that, despite the prohibition on voting by the Armed Forces, voter registration cards had been issued to tens of thousands of military personnel. The Armed Forces acknowledged the problem and provided the JNE with an active-duty roster. On the basis of this information, the JNE removed the names of 51,506 military personnel from the voter registration list.

Another problem with the registration list is the status of *desplazados*, people displaced from their homes by the political violence of the counterinsurgency war against *Sendero*. It is estimated that as many as 600,000 people are registered in their home towns but now live elsewhere.⁸ Since it is unlikely that many of these displaced persons will return home to vote, the presence of thousands of their names on the registration lists could facilitate an attempt at fraud in the rural areas where they are absent. Moreover, thousands of displaced persons will be disenfranchised on

⁸ *Informe sobre la situación de los derechos humanos en el Perú en 1994*. Lima: Coordinador Nacional de Derechos Humanos, 1995, p. 50.

election day because there has been no concerted effort to re-register this population, most of whom is concentrated in the *pueblos jóvenes* (shanty towns) of Lima.

Also troublesome is the lack of voter list updating, which means that a large proportion of the approximately 1.6 million Peruvians who have died since 1985 remains registered. Adding the deceased to the *desplazados* figures gives a maximum possible error rate of 18 percent of the approximately 12 million names on the 1995 voting list.

Opposition candidates have also expressed unhappiness with inadequacies in the process for adjudicating complaints regarding violations of the electoral law with the JNE. They complain that reports of infractions are not investigated vigorously and that the legal cases are not processed in a timely manner by the Attorney General's office.

Regulations regarding campaign finance and media access are weak in scope. Although this is not a departure from previous electoral rules, the absence of strong comprehensive regulations can have a deleterious effect on the capacity of all candidates to compete fairly (See below).

Representatives in the 120 member unicameral Congress will be elected using a proportional representation formula from a *distrito electoral único*. Voters will cast a single vote for a party list and also have the option of casting two preferential votes for candidates within that list. There is considerable dissatisfaction with this electoral formula, particularly among party leaders and citizens outside of Lima. The formula is seen as one that encourages political parties to load their congressional lists disproportionately with candidates from Lima where one-third of the electorate lives. Candidates from Lima also have an advantage insofar as they are more likely to be able to launch national campaigns to win the preferential vote than are candidates from the provinces. Thus, the *distrito único* formula is seen as one that privileges Lima-based interests and denies the provinces any significant prospects for meaningful representation in the legislature. The problems of representation and accountability that are implicit in the *distrito único* formula may contribute an erosion of the legitimacy of congress in the public's view.

The 1993 Constitution maintains the practice prescribed in the 1979 Constitution that provides for a run-off among the two top vote winners in the presidential race, should no single candidate win an absolute majority of the popular vote. The vote totals for each candidate in the first round will be calculated as a percentage of all **valid** votes, i.e., null and blank votes will be excluded from the calculations. This is a departure from the previous practice in presidential elections of including **all** votes in the calculation. The use of the valid rather than the total vote as the basis for calculating candidate vote percentages enables candidates to get a larger percentage of the vote with a lower actual vote. This favors the most popular candidate, President Fujimori. The difference could be enough to boost his total above 50 percent, thereby giving him a first round victory.

The Special Problem Of Presidential Re-Election

In recent history, presidents were barred constitutionally from seeking consecutive re-election. This prohibition was eliminated in the 1993 Constitution. This unprecedented reform stirred strong protest by opposition leaders who fear that, within the Peruvian context, the incumbent's access to state resources vitiates the possibilities of fair competition.

To establish effective regulations barring the flow of state resources to incumbents' campaigns, the JNE sent a proposal to the Congress in November that included amendments to the electoral law placing restrictions on the behavior of the president in the ninety days prior to the election. Among the restrictions proposed by the JNE was a ban on the inauguration of public works by the president and a prohibition on presidential remarks in reference to opposition candidates. These restrictions were also extended to cover the conduct of incumbent congressional members. The proposal also endowed the JNE with the right to remove candidates from the ballot if they were found to be in violation of the restrictions for a third time. While the proposal was under discussion in the CCD, President Fujimori voiced his adamant opposition and continued to inaugurate public works. In early January the CCD passed a substantially watered down version of the JNE's original proposal. In the modification, approved by the government majority of the CCD, the president was permitted to continue inaugurating public works, but prohibited from making direct references to his campaign or the opposition during such events. The provision allowing the JNE to remove from the ballot candidates found violating the electoral law was also eliminated.

Along with its modification to the original JNE proposal, the CCD issued a new provision as part of its January addendum to the Electoral Law that is considered to be highly advantageous to President Fujimori: the inclusion of photographs of presidential candidates on the ballot. This represents an unprecedented departure from previous ballot designs, which only included party symbols. Since 1992, the government has been engaged in an extensive distribution of "*Fujialmanagues*," calendars bearing the photo of President Fujimori, especially in rural areas and border zones. Government officials have justified their distribution as merely an effort to combat *Sendero* propaganda in remote areas and as a way of developing greater national consciousness along Peru's frontiers.

In addition, the Electoral Law specifically forbids all public officials from using public funds for campaign purposes. Notwithstanding this ban, a number of incidents involving political proselytizing by local officials have been denounced by the opposition as violations of the law. The president of the region of Loreto, Tomás González Reátegui, admitted using public funds to print and distribute thousands of "*Fujicuadernos*," school notebooks bearing the photograph of the president, to school children in his district. González denied, however, that this was a campaign ploy and insisted that it was rather part of the government's longstanding effort to disseminate civic education materials to populations in border areas. An official complaint regarding the "*Fujicuadernos*" was lodged with the JNE by the presidential candidate of *Acción Popular*, Raúl Diez Canseco, in January. Whatever the motivations behind the original decision to distribute such materials, it is clear that the possible use of public resources for such efforts as well as the eleventh

hour changes to the electoral law that put photographs on the ballot work to the advantage of the incumbent.

Another concern that has emerged regarding the advantages of incumbency is related to the possible participation of local and regional officials in the administration's reelection campaign. Several regional officials emphasized to members of the delegation that, under Peruvian law, they cannot use their offices for partisan political purposes. Government officials at the national level insist that local officials are not being pressured to work on behalf of the reelection campaign or use public funds for those purposes. Apart from elected mayors and municipal councilmen, an array of local, regional and departmental officials are appointed directly by President Fujimori; many of these officials are serving in a "provisional" capacity and are still awaiting confirmation of permanent appointments. Opposition leaders fear that local officials will, nonetheless, feel obliged to use their offices for the reelection efforts in order to retain their appointments. Nonetheless, in January a prefect of the region of Cáceres, Juan Gil Ruíz, was removed by the government from his position after the press revealed the text of a memorandum circulated by Gil to lieutenant governors in Huanuco. The memorandum instructed the local officials to undertake an organized effort in their districts to assure the reelection of Fujimori.

One of the most serious concerns voiced by the opposition regarding the resources at the disposal of the president focuses on the activities of the intelligence agency, the *Servicio de Inteligencia Nacional*-SIN (National Intelligence Service). During the Fujimori administration, the SIN has become an important agency within the central government. *The Perú Report*, an English-language journal published in Lima, estimates that the SIN has 700 full-time employees. It is reportedly involved in much of the public opinion polling and focus group work that the President uses to plan campaign strategy.

In December 1994 both Javier Pérez de Cuellar and Alejandro Toledo, the two leading opposition candidates, charged that the SIN was involved in various "dirty tricks" directed against their respective campaigns. The alleged incidents included anonymous threatening phone calls, planting false or misleading stories in the media, and disruptions of campaign appearances by the candidates.

THE MEDIA, CAMPAIGN FINANCE, AND THE POLLS: A LEVEL PLAYING FIELD?

In many democracies, there is an effort to assure a reasonably level playing field via government regulations about media access, campaign finance, and polling. In some countries, for example, some free air time is mandated for all parties even on private media outlets. Overall, in Peru, regulations on these issues are inadequate. Although this was also the case in previous elections, the implications appear more serious now that the incumbent president is seeking reelection.

The Media

The delegation evaluated the role of the media in terms of three criteria: degrees of access ("equal time"), rules regulating access, and the degree of "reach."

The only regulation of the media contained in the Electoral Law pertains to the behavior of the state-owned media. The state-owned outlets are the newspaper, *El Peruano*, the television station Channel 7, the radio station *Radio Nacional*, and the official news service *Agencia Andina*. According to the Electoral Law, all state-controlled media outlets are banned from engaging in political propaganda on behalf of any candidate. In December, the JNE issued an admonition to *El Peruano*, requesting that it refrain from editorial commentary and news coverage that could be interpreted as favoring President Fujimori. *El Peruano* complied. The JNE had not found any admonitions necessary to Channel 7 nor to *Radio Nacional*.

The electoral law mandates that Channel 7, *Radio Nacional*, and *El Peruano* must provide free air time to all inscribed political parties in the thirty-day period prior to the April 9 election. A JNE commission is charged with making the final decisions on this score. At the time of this report, it was expected that these directives would be duly issued by the commission and implemented by the news directors.

In contrast to the state-owned media, however, the privately-owned media are not adequately regulated. There are no "equal time" provisions that would obligate them to provide compensatory time to opposing candidates in the event that their own programming decisions were skewed in favor of a particular candidate.

In August 1994, virtually all major media outlets signed an agreement with the government to settle a longstanding tax problem. For many years, most media outlets had fallen behind in their tax payments. If forced to pay these back taxes, many of the outlets would simply go bankrupt. The agreement struck in August between the government and debtor firms provides for the payment of back taxes to the government through the provision of print space or air time to government entities for public service announcements. The agreement includes a specific provision which prohibits the government from using the advertising space for explicit campaign purposes. Some opposition critics, especially Ricardo Belmont (a major stockholder in Channel 11, one of the few outlets that did not owe back taxes and did not benefit from the agreement) charged that the media were being "bought off" by the government via this arrangement. It is important to note that opposition media such as the magazine *Caretas* accepted the terms of the agreement; *Caretas* editor, Enrique Zileri, publicly defended the agreement as the only way to avoid bankruptcy. The agreement itself does not seem to have produced any major change in the editorial position of the opposition media outlets that benefited from it. The actual extent to which the public service advertisements of government agencies constitute a direct benefit to the Fujimori campaign is unclear, although the ads do help project an overall positive image of government activity.

At least three of Lima's five top television stations are considered to be outlets that take a pro-government tilt. One of Lima's major dailies, *Expreso*, is unambiguously supportive of the government as is Lima's largest tabloid paper, *Ojo*. Two of Lima's television stations are considered to be sympathetic to opposition candidates as are several of Lima's major newspaper as well as the weekly magazines, *Caretas* and *Oiga*. Overall, a comparison of television ratings and print sales figures indicates that the total audience "reach" of the pro-opposition media is probably less extensive than that of the pro-government media.

The leading presidential opposition candidates, Javier Pérez de Cuéllar and Alejandro Toledo, have not complained of problems regarding their access to the media. But, presidential and congressional candidates from other parties do feel that their access to media is limited and that this is a product of a conscious decision by pro-government television stations. Alejandro Toledo charged that he was targeted for unfavorable publicity by the media in December when a number of stories surfaced that questioned his academic credentials and allegedly tied him to an ongoing financial scandal. Toledo's suspicions are that these stories were fed to the media by SIN in order to halt his ascent in public opinion polls.

Media exposure of the candidates and overall coverage of the campaign itself was affected greatly by the 1995 Peru-Ecuador border dispute. All candidates called a temporary halt to their respective campaigns during the conflict, and media attention shifted almost exclusively to war coverage. President Fujimori's presence at the front put him in the media spotlight while the only other presidential candidate to be interviewed regularly was former UN Secretary General Pérez de Cuéllar.

In sum, the delegation concluded that there is unequal access for opposition candidates, inadequate rules regulating private sector media, and media "reach" and exposure that disproportionately favors the incumbent.

Campaign Finance

In many democracies, there is an effort to assure a reasonably level playing field via campaign finance laws. In some countries, some free air time is mandated for all parties even on private media outlets, for example. In the case of Peru, the only current campaign finance requirement is the reporting of campaign spending by candidates after the April 9 election. The JNE had proposed that all public and private media outlets be obligated to disclose the amounts spent by candidates on advertising, but the proposal was rejected by the CCD. Also, an honor code, called the Pact of San Marcos, was discussed; it would require all presidential and vice-presidential candidates to provide *Transparencia* with information regarding their personal incomes and property-holdings. Javier Pérez de Cuéllar, Alejandro Toledo, and Ricardo Belmont signed the pact, but Fujimori's *Cambio '95*, *Nueva Mayoría*, *Acción Popular*, *APRA*, and *Izquierda Unida* did not.

In any event, to date the advertising campaigns of all the leading candidates have been relatively modest. This is the case for various reasons, including the perception of popular backlash against the Vargas Llosa campaign in 1990, and fund raising problems faced by all candidates. To the extent that opposition candidates do not or cannot broadcast their messages, the question of the government's capacity to utilize public resources for its campaign purposes becomes more important.

Polls and Public Opinion

Polling is a customary and, for the most part, welcome custom in democracies. To the extent, however, that the polls in a country are inaccurate for any reason, and to the extent that these polls lead to a bandwagon effect for the front runner, the level playing field for candidates is again endangered.

During the 1995 campaign, all the major polling firms (*Apoyo*, CPI, *Imasen*, *Datum*) have reported President Fujimori leading the presidential race handily. Support for his candidacy in the polls has fluctuated between about 44 percent and slightly under 55 percent. Javier Pérez de Cuéllar has consistently held second place, fluctuating between 17 and 29 percent. Trailing behind is Alejandro Toledo, who has registered between 4 and 11 percent support at different times during the campaign. The principal remaining presidential candidates lag far behind, each registering less than 5 percent in most surveys. The standard margin of error in these polls is estimated at 5 percent.

It is important to recognize, however, that public opinion polls in Peru have inaccurately predicted important recent contests. In the first and second rounds of the 1990 presidential race, polls missed the wide gap between Mario Vargas Llosa and Fujimori, erring by 15 to 22 points.⁹ In the 1993 referendum on the constitution, polling agencies were predicting at least 59 percent for the "Yes" versus 41 percent for the "No" only five days before the contest; The official result, however, was 52 percent for the "Yes" vote versus 48 percent for the "No."¹⁰

These inaccurate predictions apparently occur for various reasons. First, polls in Peru cannot be done by telephone. Since all polling must be done by on-site interviewers, inaccessible rural areas are almost never included in surveys. Second, Lima and Peru's other major cities include large numbers of low-income groups living at the city outskirts; these areas are difficult to map. Critics of Peruvian polls argue that the lowest income groups are chronically underrepresented in surveys. Third, high refusal rates may also contribute to some inaccuracies.

⁹ *Caretas* (Lima), September 22, 1994.

¹⁰ Fernando Tuesta Soldevilla, *Perú político en cifras*, segunda edición. Lima: Fundación Friedrich Ebert, 1994, p. 129.

Perhaps the most important reason for the inaccuracies, however, is that Peruvian public opinion has been volatile. Important shifts within the electorate have occurred in the final days of campaigns. Hence, the outcome on April 9 could be affected by the last minute decision of undecided voters who, by some estimates, comprise between 10 and 16 percent of the electorate. In Peru, the publication of poll results is prohibited by law in the fifteen days prior to an election; thus the firms are not permitted to disseminate fully their final predictions.

CONCLUSIONS

In terms of the criteria for evaluating the electoral process, the following observations summarize the delegation's findings:

Freedom of speech exists in Peru, but it is limited in some areas by a legacy of a decade or more of violence from both *Sendero Luminoso* and the armed forces.

There is freedom of the media, but that freedom is circumscribed to a degree by a television establishment from which most Peruvians get their information about issues and candidates that is largely pro-government and is under no legal obligation to provide equal time. An important segment of the print media, on the other hand, tends to be quite critical of the government and of Fujimori but reaches a much smaller segment of the population.

Freedom of organization for civil society is evident, but government policy sometimes has the effect of undermining non-governmental, grassroots organizations in some parts of the country through the creation of parallel organizations that receive state largesse. Public works and reconstruction efforts in devastated areas are a legitimate function of government, but there are some instances in which the use of state resources constitutes an abuse (i.e., distributing goods purchased with public monies in the service of the electoral campaign) and/or constitutes a deliberate effort to weaken civil society.

Freedom of party organization, the ability to field candidates, and disseminate political platforms exist, but are constrained by extremely disproportionate access to the media and to state resources for campaign purposes by government candidates.

Civilians have control and oversight of the electoral process under the law, but concerns have arisen about the extent to which political preferences could be overridden by military personnel protecting the polling places. There are also concerns about the extent to which designated civilian overseers will be effective. For these reasons, a substantial presence of independent observers who must be able to play an effective role in the monitoring and transmission of complaints, especially in remote areas of the country, is needed.

There is, formally, an open, accessible voter registration process. The most serious problem with voter registration, however, is the fact that the voting list has not been updated in ten years and

thus contains substantial error from deceased still on the list and from displaced citizens who are registered in one place and living in another. This introduces an opportunity for vote manipulation by authorities.

State-sponsored terror is absent; however, the mere presence of the military or military-sponsored defense committees is having a chilling effect on local political organizations and activities in some areas.

The terrorism of *Sendero Luminoso* is, for the most part, only a painful memory in Peru; 1994 incidents and deaths were about one-sixth the 1990 figures. *Sendero's* continued presence in some parts of the country, however, contributes to the political fear of local populations.

Finally, civilians exercise nominal control over the military, but that institution is clearly not absent from civil society. Indeed, in many rural areas the military is the only coherent and therefore dominant institution. At the time of the delegation's visit, fifty-six provinces in Peru -- about one-quarter of all provinces -- were under emergency regulations that subordinate civilian to military authority there, except for Lima and Callao. These regulations are inappropriate in a country where the insurgency has been largely defeated.

At the time of its visit, the delegation did not find evidence that the first-round election on April 9 would be fraudulent. If the incumbent administration were to attempt fraud on April 9, however, there are various ways in which it could do so. The most feasible include military pressure and manipulation of voting results and initiatives to take advantage of inaccuracies in the voter registration lists. Given the potential for abuse -- within a context of opposition parties' accusations of government manipulation of the 1993 referendum results -- the delegation believes that rigorous scrutiny of this election by independent monitors is crucial.

A free and fair election is a necessary but insufficient condition for democracy. The delegation determined that Peruvian democracy is a fragile enterprise, and that overall the central government is not acting to fully strengthen the freedoms and civilian institutions that are the essential conditions of democracy.

If Peru is to move beyond electoral process to a more consolidated democracy, a number of challenges must be overcome. First, freedoms and civilian powers must be fully established. Second, the judiciary, still in the process of reorganization, should demonstrate its capacity to function efficiently under a rule of law. Third, since 1993 the capacity of municipal governments to carry out local programs has been reduced, and mechanisms to restore their effectiveness should be found. Fourth, responsiveness to regional and local concerns is unlikely to result from the single electoral district congress, and this limitation on political representation should be addressed in future electoral legislation. Fifth, Peru's political parties need to regroup, reorganize, and rediscover their capacity to act as effective channels of popular concerns in ways that complement the work of NGOs in addressing fundamental needs and in training a new leadership.

These challenges are formidable. Unlike 1990, however, Peru is no longer fighting for its very survival. The country now has both the political and economic space to meet these challenges of democratic consolidation. The next five years will provide clear indications as to whether or not Peru's leadership has the political will to do so.

REGIONAL REPORTS

PIURA

Two members of the LASA delegation, Leda Pérez and Steve Stein, traveled to Piura February 22-24. The purpose of the visit, coordinated by *Transparencia* in Lima and the *Centro de Investigación y Promoción del Campesinado* (CIPCA) in Piura, was to examine local conditions with respect to the fairness and transparency of the electoral process as well as to determine, from the standpoint of the citizenry in the area of the Department of Piura, the extent to which the current election is conducive to democracy. While in Piura, members of the LASA team met with the mayors of Piura and Morropón; the local Secretary General of the *Partido Popular Cristiano*; the departmental and provincial coordinators of the national teachers' union SUTEP; the director of the *Deaconía*, a Catholic Church-sponsored organization concerned with human rights issues; the head of the Piura bureau of *Radio Programas del Perú*; and CEPESER, a non-governmental organization involved with community development, particularly in the highland areas of the Department. The team also spent a morning in Morropón, approximately 75 kilometers from Piura, where they interviewed the coordinator of Mothers' Clubs for the District of Morropón and the head of the Morropón banana producers' organization.

Nearly all the people interviewed expressed certain common concerns regarding both the electoral process itself and the long-term implications of the government's actions since the *autogolpe* and particularly during the electoral campaign. The most frequently voiced concerns focused on three central issues: first, informants noted, and were in varying degrees critical of, the increasing centralization of power in the Ministry of the Presidency. Second, especially since the beginning of the electoral process, they noted an increase and/or strengthening of parallel government organizations vis-à-vis long-established civic/grassroots organizations. Finally, fear of repression was still an issue, particularly in the highland areas of the Department.

The mushrooming power of the Ministry of the Presidency, combined with the growth in power of the Regional Government (appointed by the presidency of the Republic), and the high visibility of both through specific public works and food donations was a common theme in the interviews. The two mayors and the Secretary General of the PPC expressed particular consternation about Legislative Decree 776, which cuts deeply into the budgets of provincial governments by redirecting municipal funds to the centrally appointed (not elected) regional governments. Consequently, it has become increasingly difficult for municipal governments to perform routine tasks, particularly in the area of maintenance and construction, leading to the undermining of their credibility and legitimacy in the eyes of the local population. One of those interviewed depicted this legislation as "pure sabotage," a "divide and conquer strategy." Local government officials affirmed that the control of the majority of funds for projects within the Department by the Ministry of the Presidency means that all requests must go directly through them. As a consequence, one said, "We are being choked."

It was also suggested to the delegation that the *Controlaría de la República* (Government Accounting Office) is being utilized to intimidate and thereby weaken local governments. The fear among municipal governments of being audited is prevalent. It was affirmed that although most of those governments that have been audited have come out of the process well, nevertheless, the very existence of an audit tends to raise questions about honesty and proper use of funds. This, in turn, leads to a delegitimizing of local officials who are responsible to their immediate constituencies and not to the central government.

Another concern associated with the centralization issue is the *distrito electoral único*. Local officials and politicians feel that by having all candidates for the unicameral congress chosen from party lists that lack an explicit place for local representation, local candidates have been strongly discouraged from running; the ultimate effect is seen to be the creation of a clear advantage for national over local politicians and the resulting intense centralization of political power in Lima.

A related issue and concern is the apparent "non-campaign" some six weeks before the April 9th election. Traditional campaigns with posters, speeches and mass demonstrations appear to have been supplanted by government public works programs. This effort is highly visible in Piura and neighboring provinces, especially rural areas (i.e., Catacaos and Morropón), where the government has erected prominent billboards painted in the orange color of the official party, stating that the Ministry of the Presidency is constructing roads and schools, etc. The LASA team was told that these works and their billboards have served to generate a mood of "pragmatism over politics, that what counts are deeds and not words."

In the context of the centralization and personalization of the electoral process, the delegation detected a strong tendency to place a minor or negative value on politics, politicians, and democratic values in general, particularly when contrasted with the perceived practical authoritarianism of Fujimori. On numerous occasions the team heard that the President's public works projects, or his lowering of the inflation rate, or his victory over *Sendero Luminoso* had made people's lives more stable than before. Typical were comments such as, "What has democracy done for us anyway?"; or "It doesn't matter who wins, I still have to work to eat"; "People just want to believe in Fujimori." In sum, these attitudes suggest a much greater concern with the economic and security issues of daily survival than with political participation or civil society organization.

Nevertheless, some of these same individuals expressed concern about the enhanced and/or strengthened role of government organizations that have been recently created, some explicitly during the campaign, which parallel previously existing grassroots local groups, particularly in the area of "survival strategy" issues. People from a variety of sectors in Piura cited, for example, PRONAA, a government social welfare organization that directly challenged and had begun to undermine local mothers' clubs by distributing free food to the local population. The local coordinators of SUTEP described the threats to their organizational survival posed by the appointment of Regional Education Directors by the government. They claim that these Directors have directly threatened union members in an attempt to restructure power relations within the provincial educational establishment. Moreover, they explain that SUTEP's license has been revoked which makes it impossible for them to continue to collect union dues. In their mind, the rules of the game were changed deliberately to destroy SUTEP.

In the case of certain peasant and farmers' organizations, the team was told that these groups' existence is being threatened by government-installed *Comites Agrícolas* that have undermined their access to and use of agricultural credit. They claimed that their weakened state has created a grave credibility crisis for their membership. As one person said: "We are tired of protesting. At this point we just want to make the committees disappear. In a subtle way, they are killing us."

A final issue that surfaced is a continued fear of political violence and repression, particularly in -- but not limited to -- the emergency zone of the *sierra* of Piura. Traumatized by the violence and disorder of the past decade-and-a-half, there appears to be a strong desire for stability, by whatever means. Political expressions of this trauma run from full-fledged support of the Fujimori government to simple non-participation. In addition, there appears to be a fairly widespread sense of a military presence in politics in

general as well as specifically in the electoral campaign. One example of this phenomenon was the statement of SUTEP members that any form of dissent by the teachers might be interpreted as support for *Sendero*; they therefore have become very cautious about statements or actions that might appear "controversial." As one person noted, the SIN "makes its presence felt." On another level, the delegation was told of how the military conducted direct material patronage campaigns in the emergency zone through the distribution of toys with the inscription, "*Viva la paz!*" (Long live peace!) and sneakers with President Fujimori's name on the soles.

In sum, while in Piura the team found no direct examples of concrete political coercion directly related to the electoral process itself, the playing field appears to be clearly tilted in favor of the incumbent. This has a variety of manifestations, from the massive construction of and publicity for public works and social welfare projects during the period of the campaign, to the clearly perceived pro-Fujimori pressures of the military. These pressures are felt both by the inhabitants of the emergency zone and by those organizations -- the SUTEP being the most prominent example -- perceived to oppose Fujimori.

TRUJILLO

Between February 22-24, Cynthia McClintock visited the city of Trujillo and the Virú agricultural area (about 45 minutes south of Trujillo). Both the city of Trujillo and the Virú are located in the province of Trujillo, in the department of La Libertad.¹¹ This area was significant for several reasons. First, it seemed important that the delegation travel to at least two areas outside of Lima that were not under emergency zone provisions. Second, the department of La Libertad is a traditional stronghold of the APRA party; how were political attitudes evolving in such an area?¹² Third, these sites were areas of McClintock's longstanding research, where she felt confident of ready access to citizens.

During her visit, McClintock interviewed a high-ranking *Aprista* leader; the director of the leading newspaper in the area, *La Industria*; two officials at the Trujillo *Jurado Provincial*; an official at the Virú municipality; and the mayor of the "Estrella" community.¹³ She also asked approximately ten individuals both in the city of Trujillo and in the agricultural community of "Estrella" their views about Peruvian electoral processes in the 1990s.

Overall, even in this traditionally *Aprista* area, approval of President Fujimori's record was considerable. Virtually everyone believed that the APRA party remained in disarray and that its chances to win in 1995 were nil. There was no groundswell of support, at least at that time, for another opposition

¹¹ Formerly a municipality, Virú is in the process of becoming a province in its own right.

¹² In the 1993 municipal elections, more than half of the voters in the department cast their ballots for *Aprista* candidates; the current mayors of both Trujillo and the municipality of Virú are *Apristas*. For the 1993 referendum, however, votes in Trujillo were reported as almost evenly divided between the "yes" and the "no." See Tuesta Soldevilla, *Perú político en cifras*, pp. 129 and 136.

¹³ "Estrella" is the pseudonym that McClintock has given this community in all her work. Once a hacienda, then a cooperative, "Estrella" had just become a *municipalidad menor*.

candidate to Fujimori. In short, it seemed possible that Fujimori could win -- fair and square -- a plurality of the first-round vote even in this traditional Aprista stronghold.

At the same time, however, skepticism about the integrity of the 1995 electoral process was widespread. Most of the politically-mobilized citizens with whom McClintock spoke in the Virú agricultural area doubted the integrity of the process. Although, not surprisingly, the sharpest criticisms of the electoral process were made by APRA militants, concerns were also expressed by citizens at the grassroots who identified themselves as independents and even by some who said they might vote for Fujimori. One Estrella leader, a political independent, described the 1995 process as likely to be an "*anaforazo*": what he described as an election rigged from start to finish. He elaborated some ten ways in which either the electoral playing field was being skewed, or in which outright fraud might occur on election day. Said an Estrella farmer: "I'm not sure for whom to vote. But it doesn't really matter, because this election is already a done deal (*ya arreglado*)."

The concern most frequently expressed was that voting tallies would be altered by soldiers during their transport from the voting tables to the offices of the *Jurado* in Trujillo. Apparently, despite the fact that Virú is only about 45 minutes south of Trujillo, the military has been responsible for transport of the tallies. One official at the Trujillo *Jurado* stressed that there were no other vehicles available in sufficient numbers, and that "all transport of the vote is under the guarantee of the Armed Forces."

Exactly how the voting tallies could be altered was not entirely clear. Although in Peru the ballots are supposed to be counted at the voting tables and then destroyed, and only the official tallies from each table (of which all vote-counters and party officials would have a copy) should be transported to the *Jurado*, there were numerous references by citizens to the military's alteration of ballots in voting urns during the October 1993 referendum. In part because of the concerns of the opposition leaders on this point, for the 1995 election the JNE established a new practice: civilian registrars are now officially charged with maintaining physical control of the voting tallies during their transport. However, neither in the Trujillo *Jurado* nor in the Virú municipality did any official yet appear to have been informed about this innovation.

Whatever the reality of the military role in this area had been in 1993 and is to be in 1995, it is easy to understand why the image of excessive military influence became widespread. For example, in the city of Trujillo -- one of the least affected in all of Peru by political violence between 1980 and 1993 and one never under emergency provisions -- military officers closely guarded the provincial *Jurado* office.

Other concerns were expressed about the integrity of the voting process; in particular, officials agreed that the voter registration list was grossly out of date. The official at the Virú municipality estimated that one-third of the 200 names on each voting table list were inaccurate (primarily persons who were dead or who had migrated out of the area). The possession of duplicate voting cards was considered widespread.

Many citizens also believed that the electoral playing field was excessively tilted in favor of Fujimori. The pro-Fujimori bias of the media was mentioned to have created a steamroller or bandwagon effect. Also, a major irrigation canal had just opened in the area; although this project had begun many years before, the President appeared to be trying to claim sole credit for it.

Concern about political intimidation was not widespread, but fears were expressed by APRA partisans. APRA militants said that the Peruvian security forces monitored campaign meetings, and at times had used the anti-terrorist laws to threaten opposition leaders. It was also charged that pro-APRA elites who

might either fund *APRA* candidacies or join the race themselves had been dissuaded by the possibility that retribution would be visited in the form of additional taxes imposed by SUNAT. Specific names of threatened persons, however, were not provided. McClintock attended an *APRA* rally on the night of February 22 in Trujillo *plaza de armas*, at which presidential candidate Mercedes Cabanillas was the featured speaker. Neither intimidation nor an exaggerated police presence were observed.

AYACUCHO

The members of the delegation who traveled to Ayacucho were Bruce Kay, Tommie Sue Montgomery and David Scott Palmer. The visit was coordinated by the local *Transparencia* representative. While in Ayacucho members of the LASA team met with the rector of the *Universidad de Huamanga* (UNSCH); the director of *Misión Voz en el Desierto*-MEVED (Voice in the Desert), an evangelical-affiliated NGO working with orphans and abandoned children in four indigenous communities of Huamanga and Cangallo provinces; an *APRA* party militant; an historian/anthropologist at UNSCH, who is researching *Sendero Luminoso* recruitment patterns and civil defense committees; two journalists for Radio WARI; the Mayor of the Province of Huamanga; the Prefect of Los Libertadores-Wari Region; the Sub-Prefect of the Province of Cangallo; a small farmer from Chajo; and a student from Huanta, brother of a murdered Huanta journalist. The team also spent an afternoon in Quinua, a district capital about 30 kilometers from Ayacucho, thanks to the UNSCH, which provided a vehicle and driver. There the group talked with local residents, including the District Governor, and observed pre-election preparations, including seventeen polling stations already organized and posted in Quinua itself and in the more populated of the district's twenty-four annexes.

Ayacucho, in south central highland Peru, is characterized by a large indigenous population, low literacy levels, and a lack of civic education. It is the original locus and, until 1993, was a primary center of operations for the Maoist revolutionary organization, *Sendero Luminoso*. More than any other department of Peru, Ayacucho experienced the violence of both the guerrillas and the army's counter-insurgency policies, which left at least 10,000 dead or disappeared and 120,000 displaced out of a population of 600,000. All of these factors have contributed to depressed political participation; for example, in the 1993 municipal elections only 18 percent of the registered voters emitted valid votes. In the constitutional referendum in October of that same year, of the 245,000 registered, 130,000 abstained. Of the 115,000 votes cast, 21 percent were null or blank; the remaining 91,000 valid votes were split almost evenly between "yes" and "no" -- 50.1 percent to 49.9 percent respectively.

The dominant feeling in Ayacucho is a sense of relief at the decline of political violence. On the surface, everything seems normal (even though four core provinces of the department are still formally declared to be an emergency zone). As a result, many among the population give credit to President Fujimori for this improved state of affairs. A military commander of the Emergency Zone, General Tomás Marki, has won widespread support among authorities for his careful coordination with civilian authorities and actual support for civilian initiatives.

Officials responsible for overseeing the elections expressed concern that the departure of a large percentage of the army to the frontier with Ecuador will mean an insufficient presence to cover all polling stations in the countryside. For example, in the province of Cangallo, only seven military and ten police officers are available to cover approximately 200 polling tables. Others, however, noted that this made it less likely that the military could affect the electoral outcome.

On the political level, there was virtually unanimous concern expressed about the *distrito único*. Ayacuchanos across the political spectrum argued that this policy denies them local representation. While there are five local candidates, from as many parties, running for congress, the fact that Lima contains one-third of the national population greatly reduces the possibility that any of these candidates will be elected and that Ayacucho will have a voice in the new congress.

There is a vast difference between the urban area of Ayacucho and the rest of the department, which poses a variety of concerns with regard to the transparency of the election. Most individuals interviewed felt that the elections in the cities of Ayacucho and Huanta would be free and fair. At the same time, almost all were concerned about the results in the countryside. The predominant view was that the military, commanders of local "self-defense committees," and/or local government representatives were prepared to assist in President Fujimori's reelection just as they allegedly had done to support the "Yes" vote in the 1993 referendum.

An alternative view presented was that it was necessary to look at the peasantry from their perspective and understand that they have a better sense of their situation than do people from the outside. According to this analysis, the peasantry has a mind of its own and is willing and able to act on it. Consequently, according to one analyst who has spent considerable time in rural areas, these communities, which make collective decisions on important issues, are supporting either Fujimori or Javier Pérez de Cuéllar.

The political campaign itself has been very limited. Most candidates have come to Ayacucho but have spent time only in the city and have staged no large public political gatherings. This reinforces the lack of political exposure of the candidates in rural areas and the feeling by many from those areas that they are being ignored.

At the same time, the "non-campaign" to this point is coupled with extensive public works by the national government, signs of which are visible in both the city and the countryside. This raises the issue of possible abuse of central government resources in the context of the campaign; specifically the blurring of the boundary between reconstruction, which many areas of Ayacucho desperately need, and electoral manipulation.

Some of the Ayacucho, Quinua, Cangallo and Huanta residents interviewed raised one or more concerns related to the upcoming elections. One has to do with the ballot itself. First, it is very confusing; fourteen presidential candidates are listed, then twenty-three separate party/group lists with 120 congressional candidates' names on each list are printed. The voter must mark preferences from among 2,774 names. Second, providing a photograph of each presidential candidate on the ballot will be likely to direct voters to the most visible (in the media) of the office-seekers; to wit, the incumbent, President Fujimori.

Another concern relates to the dual role of the military in the four provinces in Ayacucho presently under a state of emergency. The military is responsible for delivering ballots and materials even as officers serve as the top political authorities to whom civilian counterparts must turn for instructions.

A third concern has to do with the large number of remote districts, of difficult access to much of the Department, where irregularities could take place beyond public scrutiny. Another is the continued operation of *Sendero* in some parts of the Department, as in the Apurímac River area, Vilcashuaman, and possibly

Cangallo. There is fear that military withdrawals from Ayacucho due to the Ecuador conflict may invite guerrilla interference in the more remote, unprotected districts.

A fifth problem with particular relevance to Ayacucho is the antiquated electoral register, not updated since 1985. Of a registered population of some 280,000, at least 60,000 adults were displaced by the violence, with only 10-20 percent having returned so far. Adding at least 16,000 adult deaths in the Department from both natural and violence-induced causes since 1985, there is a difference of some 24 percent between the names on the list and those available to vote. This gap provides an opening for significant electoral manipulation.

A related concern with implications for the April 9 vote outcome in Ayacucho is the high levels of blank ballots (7 to 30 percent of votes cast in elections since 1989) and abstention levels (40 to 60 percent of registered voters over the same period). Blank ballots could be marked before final counting or voting cards could be stamped by officials before citizens enter the polling place. Either action has the effect of thwarting voter preferences. Several people alleged that this occurred in the 1993 constitutional referendum.

Finally, concerns were expressed that low levels of literacy and sophistication enable officials at the voting tables to guide citizens' election choices. Some noted that the limited number of prominent citizens in remote areas make it more difficult for individuals in charge of voting tables to resist possible pressures that might be exerted by military representatives or self-defense committee members who are present for purposes of protection.

CUSCO

In Cusco, John Gitlitz, Irene Silverblatt, and George Vickers met with the *Transparencia* team, deans of the faculties of law and economics of the *Universidad Nacional San Antonio Abad*, the *Federación Departamental de Campesinos de Cusco* (Departmental Federation of Cusco Peasants), the *Jurado Regional de Elecciones* (Regional Election Board), the *Federación de Trabajadores de Cusco* (Workers Federation of Cusco), the *Centro Bartolomé de las Casas*, and the *Cámara de Comercio* (Chamber of Commerce). In the province of Sicuani the team visited a community under a state of emergency in which a military base has recently been established and spent five hours speaking with peasants and peasant leaders. In the city of Sicuani the group met with representatives of a committee of NGOs, with the Vicariate of Solidarity and with the subprefect.

Cusco is a department with a long history of leftist politics and deep resentments of Lima. It voted heavily against the Constitution in the 1993 referendum, 62 to 28 percent. Today there are at least two distinct sub-regional situations. The majority of the provinces in the department are not under a state of emergency and in these the election seems to be developing without major problems. With respect to these areas, no one brought to the delegation's attention any major problems concerning the elections. Although many groups had specific complaints, they focused overwhelmingly on the advantages of incumbency, particularly on the use of state resources, and not on technical aspects of the election process. Almost all seem to perceive the elections as technically open and fair and as contributing to the consolidation of democracy.

One deep resentment, expressed by almost everyone with whom the team spoke, concerned the *distrito único*, which is seen as unfairly disenfranchising the region.

People reported that the president of the *Jurado Regional de Elecciones* (Regional Election Board) was approachable, organized, and worked well with local voting rights groups such as *Transparencia*. Although some expressed fears that as an official with provisional status (she has been a *fiscal transitoria* for about six years), she might be susceptible to political pressures, no one expressed specific complaints. She, however, did express a number of concrete concerns: voting lists had not yet arrived; the way in which voting boxes would be transported from *mesas* (voting tables) to the *Jurado* was unclear (this is an issue because accusations of fraud following the Constitutional Referendum focused on this stage of the process); and, the training of electoral workers had not been set. The president was optimistic about the new system of registrars responsible for transporting ballot boxes from the *mesas* to the *Jurado*, but was concerned that the details of the process had not yet been worked out.

Four of the so-called "high provinces" of Cusco -- Canas, Canchis, Espinar, and Chumbivilcas -- have been under a state of emergency since November 1993. This is in spite of the fact -- according to everyone with whom the group spoke -- that there is no significant presence of *Sendero* or the MRTA nor terrorist activity in the region. Curiously, the provinces were declared emergency zones on the eve of a peasant strike.

The situation in these emergency zones is extremely disturbing. There continue to be widespread violations of human rights, particularly in rural areas that contribute to a continued and generalized climate of fear. There are at least some cases that suggest that violations are aimed specifically against peasant leaders, NGOs and church-affiliated organizations. There are also a number of specific charges of direct military intervention in the evolution of the elections. Delegation members were concerned by the unexplained relocation of the *Jurado Provincial de Elecciones* from Sicuani, a city with a good communications system, to Yauli, an isolated provincial capital with only one telephone.

Unlike the emergency zones of the central *sierra* during the height of the violence, the "high provinces" of Cusco are not ruled by a unified civilian-military command. Rather, four military bases, each with about thirty soldiers, have been established in districts that are seen as strategic communications routes. Each of the bases exercises considerable political and social control over the district in which it is located and also conducts mobile patrols. The bases have also created, apparently over considerable local peasant opposition, armed self-defense committees. The team was told that in Chumbivilcas the bases are controlling peasant movement, demanding that peasants formally obtain permission before leaving the community and check in upon return.

The formation and conduct of these committees is deeply disturbing. They have been imposed upon the local peasant population; participation has been obligatory; and the leaders, usually army veterans and in at least one case not from the local communities themselves, have been named by the local military commander. The bases, in combination with the self-defense committees, have supplanted local authorities and rule through a combination of abuse, fear, and hand-outs. In some areas where independent self-defense committees already existed, these have either been coopted or undermined. The committees are accused of a wide range of abuses. The delegation heard direct testimony and received more than ten formal *denuncias* (complaints) against one leader for abuses ranging from physical mistreatment to rape, confiscation of property, and corruption. It heard reports that the bases and committees have taken charge of food distribution from PRONAA, that they are charging for food that should be free, and that they are using favoritism and the distribution of food to entice cooperation.

In addition to the above, the delegation heard two specific complaints. One was that these paramilitary self-defense committees are obliged to be armed, most often over the resistance of the peasants, who fear that carrying arms may invite *Sendero* reprisals or lead to dangerous excesses, given the prevalence of local disputes and alcoholism. According to one report, a community assembly in Chumbivilcas voted to refuse arms, but was then told that unless it agreed, all other forms of aid -- food, seeds, machinery, credit -- some of which they had already received -- would be denied. "It was all or nothing," said one peasant leader.

People also complained about the so-called "multi-community communal enterprises" established by at least two of the military bases. These involve a "cooperative" relationship in which the base provides seed, equipment, and credit, and perhaps some labor, to help work communal lands. In one case the harvest is then split between the community and the base; in the other it is completely appropriated by the military.

One result of the military bases, the armed self-defense committees, and the abuses described above, is the continuation of a climate of fear. In Sicuani, where a base was recently established, fear was palpable. While two leaders were willing to speak openly, most were hesitant. One, after speaking quite openly, specifically asked what kind of protection the delegation could offer if, as a result of giving his testimony, he were summoned to the base. Another, a woman who had been locked in a room at the base by the drunken commander, said she would not present a formal accusation for fear of reprisals.

While the limitations of constitutional guarantees, control of the population, organization of self-defense committees, abuses, and the climate of fear do not directly imply unfair elections, they certainly call into question the ability of citizens to exercise democratic rights.

There were, however, at least two specific charges of direct action by the military and police to intervene in the electoral process. The delegation received a copy of an order from the head of the National Police for Region 4 to the head of the National Police in Sicuani instructing him to investigate all members of the *Jurados Provinciales* in that jurisdiction with respect to their political affiliations and beliefs. A "civic action" by the army in September 1994 to distribute food and other services in a district of the province of Anta was also reported. While the commanding officer delivered a speech in which he made no references to the election, soldiers, in the act of handing out food, said, "This food is from the government, vote for Fujimori."

While the conditions in the emergency zones suggest serious limitations on the democratic process, only a portion of the department is affected. While the total population of the Cusco Department exceeds one million, the four districts with military bases and self-defense committees have a population of about 50,000, and the area under state of emergency covers about 320,000 people.

PUNO

LASA delegation consultant José Luis Rénique traveled to Puno between February 22 and 25. Puno is located in southeastern Perú, on the north shore of Lake Titicaca. The purpose of the visit was to interview local officials and organizations regarding the fairness and transparency of the Peruvian electoral process as well as to obtain a better understanding of whether, at the departmental level, people perceive the current process as being conducive to democracy. Rénique, a historian and a Peruvian specialist, has carried out significant work in Puno.

In Puno, forty days before the country's presidential elections, it was clear that the electoral campaign had not yet begun. "It is the rainy season along with festivities -- such as the 'Candelaria' or the Juliaca carnival -- that have distracted people's attention and makes [campaign-related] communications difficult," explained a local leader. There are, however, at least three more profound factors that may account for the lack of campaign-related activity for this election vis-à-vis previous campaigns. First, popular organizations which, until recently, maintained a visible role in the civic and political life of the region, have become largely irrelevant. Second, the emergence of the *distrito electoral único* has practically nullified the possibility of launching strong local candidates with platforms that incorporate local demands. Third, the presence of the Executive through the Ministry of the Presidency and in the person of the current "*mandatario*" makes competing against the "official" candidates seem an endeavor destined to fail.

One person interviewed affirmed, "I don't think there is any point in asking whether elections in Puno will be fair. The real question is whether it is possible for someone to compete against a candidate who is backed by the state apparatus." More than the possibility of "gross fraud on the 9th of April," as one individual put it, there are these unfair advantages that sustain doubts regarding the purity of the electoral process. One candidate asserted, however, that a more likely possibility (than "gross fraud") would be an attempt to illegally "direct" the vote by attempting to influence voters at the time of casting ballots. This candidate and others who were interviewed lamented the lack of accountability measures available to civil society. According to the United Left (*Izquierda Unida*) candidate, in its better days the party could count on having representatives present at one-third of the nearly 2,700 voting tables in the Department. Today, they would not be able to cover more than 20 percent. Others commented that even this figure was too optimistic.

Members of the Catholic Church indicated that the collapse of popular organizations has made it difficult to exercise the type of supervision that was possible in the past. One cleric recounted how it was discovered that a member of "military intelligence" had been present at a meeting to recruit volunteers for a voter education campaign. The priest said that this incident generated fear, resulting in a dramatic decrease in the number of individuals willing to collaborate with the campaign. It was not possible to corroborate this account. Like others interviewed, however, these members of the clergy who work in *pueblos jóvenes* and peasant communities believe that the possibilities for conducting an effective opposition campaign are limited given the spectacular presence of "Fujimori and his works," in the words of one.

Of those interviewed, neither members of the clergy, nor members of NGOs, nor even opposition candidates, appeared particularly concerned regarding access to local media. Their complaints were more focused on the notion that they are confronting a greatly superior rival whose actions in the region are made highly visible via the extremely influential national television networks.

Most criticisms centered on the manner in which President Fujimori has used the state apparatus, especially the impressive backing he receives from the military. One person asserted that Fujimori's visits are prepared and coordinated 100 percent by the military. Officials from the "Regional Administration Transition Committee," (*Comité Transitorio de Administración Regional*) the body that replaced the Regional Government after April 5, 1992, said that they are informed of presidential visits at the last minute, that they put in an appearance, but that they have no real possibility for substantial involvement or discussion with the President.

The president has visited Puno fifteen times in the past year. When a high ranking military officer in the area was asked why Fujimori has traveled to Puno so often in so short a period of time, he responded,

"I imagine it has something to do with the high number of votes for the 'No' in the referendum." (The Department of Puno rejected the constitutional referendum by the widest margin in the country, 80 to 20 percent.) According to this officer, the presence of the military in Puno cannot be understood without first being aware that once destroyed in the central *sierra*, *Sendero Luminoso* picked the Puneño highlands as a high priority center of operations. "Here," the officer asserted, "*Sendero Luminoso* penetrated all walks of social, political and economic life. In its launching of a total subversive war, it was necessary to respond with a total counterinsurgency war." Unlike Ayacucho in 1983 and 1984 where the government's response to expanded *Sendero* influence and control was almost exclusively military, in Puno counterinsurgency involved a combination of military intelligence, "civic action," psychological warfare, dialogue and gradual influence.

Therefore, a fundamental factor associated with the triumph against subversion has been the capacity of the military to lead "the fight for development." This requires a series of political actions; as the officer said, "make every entity comply with the function for which it was born." This officer prided himself on having broadened the military's civic action role from being assistance-oriented to what he terms "global civic action" (*acción cívica de gestión*). "It is not only about distribution," he said, "but also about giving support to the population, making it possible for them to have a voice, ensuring that they are cared for, mobilizing them for peace." This officer, like his other colleagues who participated in the conversation, recognized that they have much influence in the region, but it is largely as a result of the triumph against *Sendero*. The "re-election" of Fujimori is not part of the scheme. In their view, the importance of pacification has reached the point that "no president will change this because he will have to acknowledge our role in development -- not because we are going to stage a coup, but because we will provide the necessary assistance for him to understand his need for us to continue along these lines."

The officers were asked about existing criticisms regarding the use of state resources in the campaign and the role of the military as the political party of the President. Their response: if Fujimori gains greater prestige as a result of their development efforts, that is "out of our hands." They feel certain that they can guarantee a clean vote. They were very proud of the fact that currently there is no Puneña province under emergency status and that this would guarantee the maintenance of civilian authority in monitoring the electoral process.

What are the limits of non-military elements of the counterinsurgency strategy? Is it accurate to speak of the manipulation and intimidation of civil society organizations? Not everyone is prepared to discuss the subject. Those who did comment preferred to remain anonymous. Testimonies range from the priest who said that he has been asked to refer to the accomplishments of the government in his sermons, to the pressures received by members of NGOs and development projects from military officers to participate in or "support" certain projects launched by the military command. Nevertheless, the situation is very subtle.

Of greatest concern to those interviewed was the impression that there is an absence of rules establishing the limits between legitimate presidential action in a long forgotten region and the political role of the military in a zone that, until recently, was affected by subversive violence. Finally, concerns were expressed regarding the need for an even playing field in the election campaign.

THE PUEBLOS JOVENES OF LIMA

The purpose of the Lima team of the LASA observer delegation was to analyze the electoral process in the marginalized areas of the capital. Eugenia Becerra, Catherine Conaghan, Anthony Johnston, and Susan

Stokes conducted interviews concerning the perspectives of the persons living in these areas regarding the election, its potential to be free and fair, and its short- and long term effects on democracy in Peru. They spoke with three agencies that work in low-income communities of the capital: the *Instituto Bartolomé de las Casas*, the *Asociación de Familias Desplazadas en Lima* (Association of Displaced Families) and *Alternativa*.

The general feeling within the communities consulted was that, in a technical sense, the election will be free and fair. Moreover, this election will be carried out in an atmosphere that is peaceful, which differs greatly from years past in which attempts at electoral sabotage by *Sendero* were frequent.

Perhaps the most serious detriment to a free electoral process in the capital is the plight of the internal refugees. Since 1980, there have been more than 600,000 involuntary migrants coming primarily to Lima to escape the political violence of *Sendero* and the armed forces. The *Asociación de Familias Desplazadas en Lima*, an organization that serves 33,000 refugees, estimates that only fifteen to twenty percent of all displaced persons have officially changed their place of residence. Thus, in order to vote in the upcoming elections, the great majority of these persons would have to return to the places from which they fled. Due to economic restraints, the difficulty of leaving employment in their place of refuge, and possible reprisals by *Sendero* or the armed forces, it is expected that the vast majority of these refugees simply will not vote. Although there was some discussion on the part of the government about creating a special voting location for the refugees, it never materialized.

This situation is certainly an impediment to free elections and has the potential to affect the results. Moreover, these refugees live a double-edged experience: those who do decide to return are accused of being pro-government; those who stay are accused of being subversives. Despite the impressive decline in activities by *Sendero* in the last two-and-a-half years, there still exists a highly charged political climate for those who return to the emergency zones that may hinder local elections.

The popular sectors are also concerned about the creation of the *distrito único*. Parliamentary candidates in the district of Independencia expressed their frustration that, with the *distrito único*, there is no obligation that candidates live in the area they serve. Therefore, instead of strengthening ties between politicians and constituents, it engenders political patronage on a national party level and makes real representation more difficult. There is also confusion regarding the ballot itself with regard to the parliamentary and presidential lists and the ability to vote a mixed party ticket.

Do these elections represent a further strengthening of democracy for the popular sectors? Certainly in the formal sense the elections provide citizens an opportunity to participate in choosing political leaders who will represent them. Still, the deterioration of the traditional political parties in Peru and specific structural changes (such as the 776 law, the *distrito único* and the expansion of the Ministry of the Presidency already mentioned in the contextual section) that occurred after April 5, 1992, have created serious obstacles to the process of strengthening democratic institutions in Peru on the local level. For the popular sectors, this has forced dependence on the executive branch as the only entity for political dialogue and solutions. Moreover, many sectors in the *pueblos jóvenes* noted the increasing presence of the military in its expanding role of delivering social aid to their areas instead of local and state agencies that performed such tasks before.

INTERVIEWS IN LIMA

Alvin Adams, United States Ambassador
Augusto Alvarez Rodrich, Executive Vice President, *Apoyo*
APRA: Javier Tantaleán, Javier Barrera, Alejandro Boutis
Alfonso Barrantes, *Izquierda Unida*, former mayor of Lima
Fernando Belaúnde Terry, *Acción Popular*, former President of Peru
Timothy Brown, United States Embassy
Centro Interamericano de Asesoría y Promoción Electoral, (CAPEL)
Coordinadora Nacional de Derechos Humanos
Diego García-Sayán, candidate for Congress, *Unión por el Perú*
Augustín Haya de la Torre, *Acción Popular*
International Republican Institute (IRI)
Victor Joy Way, *Cambio 90*
James Meek, Deputy Chief of Mission, United States Embassy
Francisco Miro Quesada, *Diario El Comercio*
Steve McFarland, United States Embassy
Jorge Morelli, *Expreso*
National Democratic Institute (NDI)
Ricardo Nugent, *Jurado Nacional de Elecciones*
Diego Paz, Organization of American States
Javier Pérez de Cuéllar, presidential candidate, *Unión por el Peru*
Grupo Propuesta
Cesar Rodríguez Rabanal, President, *Foro Democrático*
Fernando Rospigliosi, *Caretas*
Alejandro Toledo, presidential candidate, *País Posible*
Carlos Torres y Torres Lara, CCD
Federico Velarde, Board of Directors, *Transparencia*