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The Triumph of the "Pact" in Nicaragua

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OVERVIEW

- Ortega's return owed little to international factors and much to domestic political variables.
- A new chapter now unfolds in Nicaragua, one that will be written according to the interplay between the FSLN in power, ostensibly with support from Alemán, and with the reformers of the ALN and MRS in opposition. But there are many questions to be answered.
- It behooves the United States to pursue a policy of constructive engagement with Nicaragua. The United States should give Ortega the benefit of the doubt and work with friends in the region and elsewhere to encourage democratic, moderate behavior and adjust policies according to results.

The political resurrection of Daniel Ortega in this month's Nicaraguan elections briefly captured headlines in media around the world. Pundits portrayed the Sandinista victory as yet another manifestation of a leftist trend in Latin America, a blow to the United States, and a shot in the arm for President Hugo Chávez of Venezuela. In reality, however, Ortega's return owed little to international factors and much to domestic political variables. The old political order dominated by the Sandinista (FSLN) and Liberal (PLC) machinery was challenged in the 2006 elections by breakaway reformers from both camps who held out the vision of a more democratic Nicaragua. The subsequent split in the Liberal vote ushered in a Sandinista victory. Whether this reform movement congeals into a sustainable force that can erode the FSLN-PLC hold on power or promote positive change within those parties will be key to Nicaragua's future.

I was privileged to view the electoral process in Nicaragua from the inside—as a member of the Carter Center observation team. My three-day experience as an "international observer" in both urban and rural areas of Matagalpa department only strengthened my conviction going into the election that the people of Nicaragua deserve a lot more from their political leadership than they have been getting. Long lines of voters waiting patiently to cast their ballots and legions of election workers, many of them in their teens, toiling diligently to carry out the voting process revealed a commitment to democracy that impressed me and all of the other observers with whom I spoke. While the preliminary assessments of international observers noted only minor anomalies in the voting process that did not affect the final outcome of the presidential vote, the political framework on which the elections were conducted nonetheless amounted to a stacked deck against reform.

Nicaragua's political scene since the start of the new century has been conditioned by the *pacto* between Ortega and the Liberal boss Arnoldo Alemán, who was president of Nicaragua from 1996–2001. Originally intended as an agreement for power sharing between the two rival camps, but with the PLC in the dominant role, the pact morphed into a vehicle for increasingly greater Sandinista control over the mechanisms of government. The catalyst for this change was the corruption charges brought forward by Alemán's successor as president, the Liberal Enrique Bolaños, and the subsequent conviction and sentencing of Alemán to 20 years in prison in December 2003. Seeking to get out of jail, quash his sentence, and eventually have his political rights restored, Alemán mortgaged the PLC to Ortega. He had previously worked hand-in-glove with the FSLN in Congress to change the constitution to allow for Sandinista control of the judicial branch of government and then later to

threaten the viability of the well-intentioned Bolaños government by endowing Congress with extraordinary powers over the executive.

An important offshoot of the Ortega-Alemán pact was changes in legislation governing elections, allowing for a presidential candidate to win the election outright with only 35 percent of the vote if the distance between the second-place finisher is more than 5 points or if the largest vote-getter attains 40 percent of votes. Otherwise, a second round of voting would take place between the two leading contenders. This setup turned out to be tailor-made for Ortega in 2006. He had failed in the past three elections to expand his support beyond a firm but limited base and had subsequently lost by wide margins to the PLC. In this month's election, however, the Liberal vote split, a slightly larger share of it going to the breakaway reform candidate Eduardo Montealegre at the head of the Alianza Liberal Nicaraguense (ALN). Although the Sandinista forces also were diminished when former FSLN mayor of Managua Herty Lewites was expelled from the party and formed his own reform movement, the Movement for Sandinista Renovation (MRS), the crack in the Liberal ranks was much deeper.

A four-way race for president resulted (discounting the almost invisible candidacy of Edén Pastora, who received less than 1 percent of the vote), with Ortega, the perennial FSLN candidate; former Bolaños vice president José Rizo on the PLC ticket; Montealegre for the ALN; and Edmundo Jarquín in place of Lewites as the MRS candidate, upon the latter's death in midcampaign. While not entirely controlled by Alemán, Rizo nonetheless served his interests in several ways. His candidacy lowered the chances of a victory by Montealegre, who was outspoken in his criticism of Alemán's corruption while enhancing the possibilities of his senior partner in the pact—Ortega. For Alemán, not only was it important for Ortega to win but also for the PLC to elect enough deputies in the Legislative Assembly to provide him with a bargaining chip that he could leverage with the Sandinistas to overcome the corruption charges and remain a political power broker through his influence with a cadre of hand-picked PLC deputies.

Ortega ran a vigorous and well-financed campaign, but with a placid message of "peace and reconciliation" in an attempt to neutralize his very strong negative numbers. Rizo and Montealegre both railed against the Sandinista threat and claimed to be the only possible vehicle for preventing an Ortega victory. PLC banners urged Liberals not to "divide their vote" by supporting Montealegre. Jarquín ran a positive and clever campaign stressing his reform agenda. The FSLN and PLC had a further advantage from the electoral law—automatic representation in each of the roughly 11,000 Junta Receptora de Votos polling places where votes were also counted. Each *junta* had three officials—a president and two "members," a first and a second, with the FSLN and PLC by law to name candidates for the presidency and first member slots, the third position going to one of the other parties. Beyond this apparent advantage, the pro-Sandinista Supreme Electoral Council (CSE) reportedly allowed the two parties in the pact to distribute large numbers of voter ID cards directly to their supporters. All political parties, nonetheless, were allowed to name representative *fiscales* (witnesses) to the voting *juntas,* where they would observe the entire voting process from start to finish, including scrutinizing each individual ballot as tabulated and receiving a copy of the official report (*acta*) of each *junta's* vote tally. In addition, several Nicaraguan NGOs, including the well-regarded group Etica y Transparencia, as well as international observers from the Organization of American States, European Union, and Carter Center enjoyed full access to the entire electoral process, including the tabulation of votes in the *juntas*.

Under these circumstances, the pact achieved the results it hoped for. Ortega won the election with only 38 percent of the vote but with more than a five-point difference between him and second-place finisher Montealegre, thereby avoiding a second round election that Montealegre would have almost certainly won. Rizo did not win, but he did prevent a Montealegre victory by garnering 26 percent of the vote, and some 25 PLC deputies appear to have been elected to the National Assembly, providing Alemán with the cover and bargaining power he needed. Jarquín finished with 6 per cent of the vote, not a fatal loss for the FSLN but enough to have sparked a second round had the reformist vote of the MRS and ALN been united under a single candidate.

Much was made by the domestic and international media of the clearly established positions of the United States and Venezuela in favor of Montealegre and Ortega, respectively. The Bush administration, which had carefully stayed aloof in earlier elections in Bolivia, Peru, Ecuador, and Mexico, bluntly waded into the public debate in Nicaragua, staking out a position that any representative of the Ortega-Alemán pact would be unwelcome in the eyes of the United States. Chávez, chastened by the counterproductive result of his vocal support for losing candidates in Peru and elsewhere, held his rhetoric in check while aiding Ortega by providing Sandinista-controlled municipalities with fertilizers that could be monetized, subsidized diesel fuel, and perhaps more. In the end, however, it would be hard to say that outside factors played a substantial, let alone decisive,

role in this election. Unlike the Andean region or Southern Cone of Latin America where an expression of U.S. support for a candidate could be the kiss of death, no Nicaraguan candidate gets much advantage in being seen as an adversary of the United States. Visible, vocal support from Chávez, on the other hand, would have produced a negative reaction in all camps but the Sandinista. In the end, Nicaraguans probably voted without paying much attention to foreign considerations. Other factors helped facilitate the Ortega victory, including the mere passing of time. Large cohorts of voters were too young to remember the disastrous record of the Sandinista regime of the 1980s and instead witnessed an Ortega campaign with the John Lennon song, "Give Peace a Chance," as its anthem. On the Liberal side, PLC *campesinos* continued to vote the party line, oblivious to or unconcerned about the pact with the hated Sandinistas.

A new chapter now unfolds in Nicaragua, one that will be written according to the interplay between the FSLN in power, ostensibly with support from Alemán, and with the reformers of the ALN and MRS in opposition. But there are many questions to be answered. Will Nicaragua get a "new" Daniel Ortega who has learned lessons or a radical retread from the 1980s? Ortega himself claims it will be the former. Will the pact remain in force, with the PLC ever the more junior element? Or could the FSLN seek different allies in Congress? (It cannot pass legislation without support from other groups.) Will the FSLN itself, until now the most disciplined party in Nicaragua, hold together? Will democratic reformers in both the former Liberal and Sandinista camps coalesce into a coherent force?

Another key question regards the future evolution of the U.S.-Nicaragua relationship. Although hardly a direct threat to U.S. security, the election of Ortega poses a policy challenge to the United States. As in the case of Bolivia, where Evo Morales's anti-U.S. rhetoric was stronger than anything Ortega could muster, it behooves the United States to pursue a policy of constructive engagement with Nicaragua. The United States should give Ortega the benefit of the doubt and work with friends in the region and elsewhere to encourage democratic, moderate behavior and adjust policies according to results.

Regardless of the poor quality of political leadership in Nicaragua—as exemplified by the authoritarian, corrupt, and cynical nature of the *pacto*—one important factor stands out for me as a result of my observation of the Nicaraguan election: the desire of citizens to participate in the democratic process. I will not soon forget the faces of the *matagalpinos* of every extraction lining up to vote: some sloshing in the mud and rain, others with umbrellas to shade them from the sun. The waits were sometimes long, but their faces rarely reflected frustration or complaint. I observed attentively for more than three hours the closing of one *junta* and the vote-counting procedure, the president of the team extracting votes one by one, checking the signature and code for authenticity and holding up the ballot for the four *fiscales* representing the political parties to verify before placing them in piles for counting. The president was the eldest of the group, a woman perhaps in her late twenties, but the other two members of the *junta* and the *fiscales*—all but one being female as well—were probably teenagers. They went about their business with dedication and seriousness. As I watched this display of democracy in action, I conjured up a vision of the tyrants of the Americas whose regimes I have experienced: Pinochet, Stroessner, Videla, Castro, and all their ilk, tumbling from their pedestals into the ash heap of history, leaving behind generations of young people like these to count votes.

About the Author

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