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Nicaragua: Ortega Power Push Divides, Isolates Country

by LADB Staff

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The recent drenching Nicaragua received from Hurricane Ida did little to douse the flames of political dissent that have flared up regarding President Daniel Ortega's quest to sidestep a constitutionally imposed term limit and compete in the 2011 elections. A fixture in Nicaraguan politics for the past three decades, Ortega has competed in every presidential election since 1984, when he won his first five-year term as head of state (1985-1990). The Frente Sandinista de Liberacion Nacional (FSLN) leader lost the next three elections but, thanks to changes in the country's election rules, won a second mandate in the 2006 contest with less than 40% of the vote (see NotiCen, 2006-11-09). A casual observer might think that would have been enough for the one-time revolutionary, who turned 64 on Nov. 11. The Nicaraguan Constitution certainly thinks so. Like the constitutions in many Latin American countries with first-hand experience of prolonged dictatorial rule, Nicaragua's prohibits presidents from serving consecutive terms. But, in the wake of this year's coup in Honduras, which ousted President Manuel Zelaya (see NotiSur, 2009-07-02), Ortega made public his wishes to do just that. "If we are going to be just and fair, let the right to re-election be for all. People can use their votes to award or punish," Ortega told onlookers during a July ceremony marking the 30th anniversary of the 1979 Sandinista revolution. "This is the principle that we have to defend." Changing the Constitution would require majority support in the one-chamber legislative body, the Asamblea Nacional (AN) something Ortega does not have. So, in October, the president turned instead to the Corte Suprema de Justicia (CSJ), filing a petition with the court's Sala Constitucional. The petition was co-signed by dozens of Sandinista mayors, many of whom owe their jobs to last year's much-criticized local elections, which the local chapter of Transparency International (TI) called "the least transparent with the greatest intimidation in recent years (see NotiCen, 2008-11-13)." The hearing packed with Ortega sympathizers, the Sala acted with lightning speed, ruling on Oct. 19 that the Constitution's Article 147, which also prohibits presidents from serving more than two periods in total, is "not applicable." CSJ judges loyal to the opposition claim they were kept in the dark, that their Sandinista counterparts pushed Ortega's petition through behind their backs. The ruling will eventually have to go before the full, 15-member CSJ, where Sandinista judges outnumber opposition sympathizers 8 to 7. The ruling left legal experts and political analysts scratching their heads. Javier Corrales, an associate professor at Amherst College in Massachusetts, described it as both "strange" and "scary." "How can you say that something in the Constitution is unconstitutional?" he questioned. "This is part of a major trend in Latin America to ease term limits," Corrales went on to say. "In some cases, that can be a good thing....But it's a very scary process when presidents don't try to get the support of the opposition. That just destabilizes the system. That's the case in Nicaragua. It's not just that Ortega is trying to ease term limits, but that he's doing it without making any efforts to negotiate." Power play attracts critics at home and abroad Ortega's opponents were swift to condemn the decision as a brazen and "illegal" power grab. The various opposition parties within the AL, which together represent a majority (though hardly a cohesive one), issued a joint statement saying they oppose Ortega's presidential ambitions and refuse to recognize the Sala Constucional's ruling. The opposition comprises the Partido Liberal Constitucionalista (PLC); the Alianza Liberal Nicaraguense (ALN), headed by PLC dissident Eduardo Montealegre, runner-up in the 2006 presidential contest; and the

FSLN spinoff Movimiento de Renovacion Sandinista (MRS). Together they control 53 seats in the legislature compared with the FSLN's 38. PLC front man and former President Arnaldo Aleman (1997-2002), who later spent several years in jail on a corruption conviction, joined Montealegre in blasting the ruling as a "clear coup d'etat ordered by Daniel Ortega and executed by the Sala's Sandinista judges." "We've come together in these moments, Eduardo and I, to come up with the strategies we'll follow against the barbarity of the coup carried out by the FSLN," said Aleman, whose 20-year prison sentence was lifted earlier this year by the CSJ (see NotiCen, 2009-01-22). A week later, however, Ortega's opponents failed in their initial attempt to check the controversial power play. A motion to annul the Sala's decision fell flat when ALN Deputy Alejandro Ruiz, one of four oppositionists in the AL's directorate, abstained from voting on the matter, saying he and his colleagues must first determine whether they even have the authority to overrule such a verdict. The high court decision drew international rebuke as well. Peter Kent, Canada's secretary of state for foreign affairs, said the decision "follows the troublesome tendency of narrowing democratic space in Nicaragua." US Sen. John Kerry, head of the Senate Foreign Relations Committee and former presidential candidate, was even more forthright in his criticism, saying Ortega's "manipulation" of the court "reeks of the authoritarianism of the past." And US Ambassador to Nicaragua Robert Callahan said the CSJ acted "in a way that was improper, unusual, and rushed." "It operated secretly, with the participation of judges from just one political leaning and without public debate or discussion," Callahan told members of the Managua-based Camara de Comercio Americana de Nicaragua (AMCHAM). Term-limit debate turns violent The Ortega government lashed back, calling Callahan's statements "meddlesome and destabilizing." That same day, Oct. 29, hundreds of Ortega sympathizers protested in front of the US Embassy in Managua, hurling rocks and eggs, breaking lights and security cameras, and demanding Callahan "go home," according to news reports. A week later, the unfolding political drama took a temporary backseat to Mother Nature. Hurricane Ida downgraded to a tropical storm just before its arrival slammed into the eastern coast of Nicaragua on Nov. 5, dumping some 20 inches of rain and forcing several thousand people to evacuate. But, on Nov. 9, with the country still drying out, violence erupted once again, this time between rival Sandinista factions. Marking the one-year anniversary of the allegedly fraudulent municipal elections, MRS activists staged a protest in front of the Consejo Supremo Electoral (CSE) headquarters in Managua. They were met by a group of Ortega supporters, who attacked the MRS demonstrators with stones, chasing them into Managua's nearby police headquarters and smashing several windows in the process. Such incidents have some observers worried that the worst may be yet to come for Nicaragua, which seems headed toward a veritable constitutional crisis. "The problem in Nicaragua is that, because of manipulation of electoral laws and democratic institutions, you have very low levels of popular representation in government," Christopher Sabatini, an analyst with the conservative think tank Americas Society, told NotiCen. "Remember, Ortega was elected with a minimum plurality (38%). As a result you're going to get less and less accountability and more and more use of the state for campaign ends. Ultimately that means fewer avenues for peaceful opposition."

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