6-17-2010

FSLN Looks to Break Congressional Stalemate

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Authority in Nicaragua have agreed on a pair of personnel changes that could coax the country's Asamblea Nacional (AN), stalemated for months because of efforts by President Daniel Ortega of the Frente Sandinista de Liberación Nacional (FSLN) to sidestep the Constitution and seek re-election, back into gear.

Last month, the Consejo Supremo Electoral (CSE) and Corte Suprema de Justicia (CSJ) used their combined power to name two new deputies to the AN: Alejandro Bolaños Davis and Alfredo Gómez Urcuyo. The CSE and CSJ are presumably autonomous organizations but are widely believed to be under strong FSLN influence.

Bolaños Davis, a dual US-Nicaraguan citizen and member of the Partido Conservador (PC), was a deputy until 2007, when the CSE disqualified him for failing to renounce his US legal status. On May 19, however, the CSE reversed that decision. Bolaños Davis is the nephew of ex-Nicaragua President Enrique Bolaños Geyer (2002-2007) of the opposition Partido Liberal Constitucionalista (PLC). The CSE also regranted the PC status as a legal party.

The same week, the CSJ settled a drawn-out debate on what to do with an Asamblea seat left vacant by ex-President Bolaños Geyer, who, citing ethical reasons, never accepted the seat guaranteed him as outgoing head of state. The CSJ granted the seat to Gómez Urcuyo, who served as Bolaños Geyer's vice president after José Rizo, the man elected to that position, resigned to run for president in the 2006 election. As the PLC candidate, Rizo finished third (27.1%) in the contest behind Ortega (38%) and Eduardo Montealegre (28.3%), now a Bancada Democrática Nicaragüense (BDN) deputy (NotiCen, Nov. 9, 2006).

Critics say the vacant AN seat should have gone instead to Rizo, since Gómez Urcuyo was never actually elected vice president. Nicaragua's Constitution says that only the "elected" president and vice president are later eligible for seats in the legislature. The CSJ justified the ruling saying that Gómez Urcuyo, who had held a deputy post before assuming the vice presidency, is therefore an elected official.

At first glance, the two new deputies hardly promise a sea change for Nicaragua's fractured legislature. Still, given the gravity of the congressional gridlock, even the smallest shift might be enough to at least grease the Asamblea's rusted wheels.

As it stands, neither of Nicaragua's two largest parties the FSLN (38 seats) and the PLC (20 seats) has enough sway to dictate policy in the 92-seat AN. Except for a handful of independents, plus Bolaños Davis as the sole member of the PC, the other seats are divided among a smattering of disparate opposition parties: Montealegre's BDN; the Alianza Liberal Nicaragüense (ALN), which Montealegre represented in the last presidential election; the Movimiento Renovador Sandinista (MRS), and the Bancada por la Unidad Nicaragüense (BUN).

On paper, the various opposition parities have more than enough votes among them to control the legislature. Consensus, however, has been elusive. Instead, say observers, it is actually the more
unified FSLN that has the best shot of stretching toward a majority (56 votes) especially in the wake of news reports that some 10 ALN legislators have promised to support Ortega.

The two new deputies may bring the FSLN closer still. Although both Bolaños Davis and Gómez Urcuyo are conservatives, they nevertheless owe their jobs to FSLN influence and could, critics warn, end up siding with the president. At the very least, their presence exacerbates already untenable divisions among the various opposition parties. The PLC, for example, is so far refusing to recognize Gómez Urcuyo’s deputyship as legitimate. Bolaños Davis, in the meantime, is already talking of organizing a new "green" voting block.

PLC Deputy José Pallais Arana told reporters last month he had "no doubt" Bolaños Davis and Gómez Urcuyo would end up backing FSLN legislation. "The Sandinista front doesn't give away anything for free," he said. "The incorporation of Deputies Bolaños and Gómez puts President Ortega just six votes away from gaining re-election through reforms to the Constitution."

**Ortega planning to stick around**

While an FSLN majority would certainly force the Asamblea back into action, it would not solve Nicaragua's ongoing political crisis, which only stands to get worse as the November 2011 presidential election creeps closer.

President Ortega, a key player in the 1979 Sandinista revolution, has competed in every presidential election since 1984, when he won his first five-year term as head of state (1985-1990). The FSLN leader lost the next three elections, but, thanks to changes in the country's election rules and a deeply divided opposition, returned to power in 2007.

Nicaragua's Constitution prohibits presidents from serving consecutive terms and limits at two the total number of times a leader can hold the top office. Ortega is disqualified from re-election on both counts. He plans to run anyway.

One option for Ortega is to amend the Constitution. For that, however, he needs a majority in the AN something that may or may not be forthcoming. As an alternative course of action, the president turned last year to friends on the CSJ, whose Sala Constitucional ruled on Oct. 19 that the Constitution's term limits are "inapplicable." 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 (NotiCen, Nov. 19, 2009.).

The ruling will eventually have to go before the full, 15-member CSJ, where Sandinista judges outnumber opposition sympathizers 8 to 7. To keep his political ambitions alive, it is imperative that Ortega maintain his influence on the court. The problem, however, is that the five-year terms of several CSJ magistrates, as well as numerous members of the Sandinista-controlled CSE, have expired or are just about to.

Ortega needs the AN to either renew their terms or approve replacements. Still reeling at Ortega's apparent manipulation of the CSJ last October, the opposition has so far refused to vote on the matter. The standoff only intensified in January when Ortega, justifying the move on grounds of opposition intransigence, ruled by decree to extend the mandates of some 25 state officials, including two Sandinista-affiliated CSJ judges.

Opposition parties spent the next three months collecting votes to overturn the decree. But on April 20, when they were finally ready to vote on the matter, the FSLN dispatched violent protestors to
literally block opposition legislators from entering the AN. The deputies instead met in a nearby Holiday Inn. Upon learning of the alternative meeting point, protestors descended on the hotel, attacking the building with rocks and explosives, causing some US$20,000 in damages and injuring three lawmakers (NotiCen, May 6, 2010.)

"We have a government with illegal ministers. Everything they sign is illegal. There are usurpers in the CSJ, in the Contraloría General de la República (CGR), Procuraduría para la Defensa de los Derechos Humanos (PDDH), election thieves in the CSE. We have a president who reforms the Constitution by decree," said Dora María Téllez, a one-time Sandinista guerrilla fighter who now represents the MRS.

Unified opposition, easier said than done

To stop the president in his tracks, Nicaragua's highly fractured opposition will have to forge a consensus, either in the Asamblea or, at the very least, assuming Ortega forces his way on the ballot for next year's election, behind a single presidential candidate. In 2006, the PLC and ALN (originally formed by PLC dissidents) ran separate candidates, splitting the conservative vote and thus handing Ortega the win. Together Rizo and Montealegre, the respective PLC and ALN candidates, drew 58% of the vote compared to 38% for Ortega.

Opposition leaders say they have learned from their mistake, agreeing on principle at least to present a single conservative challenger. That may prove easier said than done.

Longtime PLC leader and ex-President Arnoldo Alemán (1997-2002) threw his hat in the ring this past March (NotiSur, April 15, 2010). Alemán is an influential yet divisive figure who, upon leaving office, was convicted on numerous corruption charges and sentenced to a 20-year prison term. He spent the next six years under house arrest. Last year, however, the CSJ absolved Alemán, restoring his freedom and breathing new life into his political career (NotiCen, Jan. 22, 2009).

The 2006 runner-up, Montealegre, also plans to compete again for the presidency. Montealegre held several ministerial posts in the Alemán administration but later distanced himself from the PLC. No longer with the ALN, he now leads an informal party called Movimiento Vamos con Eduardo (MVE).

The PLC has suggested Alemán and Montealgre run as a ticket, offering Montealegre half the Cabinet posts should he agree to run as Alemán's vice president. Montealegre declined the offer and has instead asked Alemán to bow out of the contest. Both say they are willing to compete in a primary, although how such a competition would be structured remains very much to be seen. Early polls favor Alemán over Montealegre in a head-to-head runoff.

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