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Nicaraguan Opposition Weighs Options While FSLN Consolidates Control

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With little more than a year before the next presidential election, Nicaragua’s deeply divided opposition is scrambling for a viable formula to unseat powerful, if not entirely popular, President Daniel Ortega of the Frente Sandinista de Liberación Nacional (FSLN).

The various parties that together form the far-from-coherent opposition do agree on one thing: ousting Ortega in the November 2011 presidential contest is a necessary first step toward calming Nicaragua’s turbulent political waters and restoring some semblance of legitimacy to its battered state institutions. What they have so far been unable to decide is who exactly could—or should—try to make that happen.

After coming up short in three consecutive elections, Ortega eked out a victory in the 2006 contest with 38% of the votes, thanks in large part to a change in the electoral law (the cutoff for a first-round victory was reduced from 45% to 35%) he helped broker (NotiCen, Nov. 9, 2006).

It didn’t hurt that the conservative opposition ran two candidates, splitting what would have been a 58% vote haul between them. José Rizo of the Partido Liberal Constitucionalista (PLC), Nicaragua’s leading opposition party, won 27.1% of the vote, while Eduardo Montealegre, representing the Alianza Liberal Nicaragüense (ALN), a PLC-spinoff party, finished with 28.3%. A fourth candidate, Edmundo Jarquín of the leftist Movimiento Renovador Sandinista (MRS), won 6.29%.

Eager to avoid a similar scenario, the various opposition parties say they want to run a single presidential candidate. So far, that’s proving far easier said than done.

Longtime PLC leader and ex-President Arnoldo Alemán (1997-2002) threw his hat in the ring this past March, likening himself to famed US civil rights leader Martin Luther King Jr. by telling supporters he too "has a dream"—for a Nicaragua of equal opportunities (NotiSur, April 15, 2010). More recently, he compared himself to former South African President Nelson Mandela. Questioned by reporters last week about his reasons for running, Alemán responded, "Why not? If the people demand it, there shouldn’t be any discrimination. Mr. Mandela was president, and before that they had him locked up for 30 years."

It’s no secret that, like Mandela, Alemán has a history of legal troubles—albeit of a very different nature. Upon leaving office eight years ago, the portly politician 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 Corte Suprema de Justicia (CSJ) absolved the ex-president, restoring Alemán’s freedom and breathing new life into his political career (NotiCen, Jan. 22, 2009).

Alemán says he wants to participate in an "open" primary, meaning all Nicaraguan voters could participate. But other conservative leaders, including 2006 runner-up Montealegre, are balking at the idea, saying it would basically allow FSLN sympathizers to choose the opposition candidate for them.
Earlier in the year, Montealegre, now a deputy with the Bancada Democrática Nicaragüense (BDN), went public with his own presidential ambitions. Later the PLC tried to coax Montealegre, originally a member of the party, into running on a single ticket as Alemán’s vice president. Montealegre declined the offer, insisting that Alemán bow out of the race. Montealegre, a Cabinet minister during Alemán’s presidency, leads the informal political group Movimiento Vamos con Eduardo (MVE).

Choosing a "consensus" candidate

Montealegre has since changed tact, surprising observers by tying his political fortunes to a potential third candidate. Starting last month, the congressman began floating the idea that maybe neither he nor Alemán is the right person for the job and that the opposition might do better to rally behind a "consensus" figure. Montealegre’s choice to fill that role is Fabio Gadea Mantilla, a 79-year-old radio-station owner who also serves as a PLC deputy for the Parlamento Centroamericano, a Guatemala-based regional legislative body.

Last week, Montealegre put his money where his mouth is, backing out of the race and officially endorsing Gadea, who agreed in turn to accept the "nomination." Gadea had said earlier he would only run if Alemán and other opposition leaders backed out. "If I go back at this point, the people will kill me," Gadea joked during a Sept. 7 press conference. "This is a machine that's in motion, that can’t be stopped, that has no reverse. I accept the candidacy."

Calling this a moment for "sacrifice," Montealegre promised his full support in defeating the Ortega "dynasty."

"This is the moment, today, when we put our individual efforts and the collective efforts of our veteran structure to work for all of Nicaragua, for an authentic opposition candidate, for a consensus candidate, a candidate of hope, for Fabio Gadea Mantilla," Montealegre said.

Montealegre’s maneuverings have been successful so far, at least in creating an audible buzz around the new candidate. A MyR poll released in late August, even before Montealegre officially dropped his presidential bid, put Gadea within striking distance of Ortega—29.8% versus 36.4%. Some observers say Gadea has a chance even with Alemán in the race.

"He has the characteristics to be able to unite a wide sector of the Nicaraguan people, even if Arnoldo Alemán goes it alone," Victor Hugo Tinoco of the MRS told the daily Nicaragua Hoy. "In that case, Arnoldo Alemán isn't going to get more than 10%, meaning the [rest of] the opposition could win up to 50%.

Ortega tightens the screws, takes top court

With the election still 14 months away, it’s impossible to know if Gadea’s sudden momentum will last. Nor is it entirely certain that his FSLN rival will in fact be Ortega, who, according to the Constitution, should not even be allowed to run.

The Constitution prohibits presidents from serving consecutive terms and limits at two the total number of times a leader can hold the top office, leading some to speculate that Ortega’s wife Rosario Murillo could compete in his stead. So far, however, Ortega has made it clear the presidency should remain his, even if it means taking a monkey wrench to Nicaragua’s principal governing institutions.
Without enough support in the unicameral Asamblea Nacional (AN) to amend the Constitution, Ortega turned last year to his friends in the CSJ, whose Sala Constitucional ruled Oct. 19 that the term limits are "inapplicable" in this case. 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).

Outraged by the maneuver, opposition deputies have since refused to negotiate with Ortega’s FSLN, bringing the divided AN to a virtual standstill. Among other things, the legislature has failed to agree on replacements for numerous public officials—including three CSJ magistrates and several members of the Consejo Supremo Electoral (CSE)—whose terms have or are soon set to expire.

In response, Ortega ruled by decree this past January to extend the mandates in question. The move was yet another slap in the face for the president’s political opponents, who considered the move an unlawful attempt by Ortega to maintain his influence on the CSJ and CSE, institutions he will need to force his way onto the ballot.

Besides exacerbating problems within the AN, Ortega’s "decretazo"—as the media called it—extended Nicaragua’s mounting political and institutional crises to the top court as well. Taking their lead from the president, pro-Sandinista CSJ magistrates Rafael Solís and Armengol Cuadra refused to step down when their terms expired in April. A third judge, opposition-affiliated Damisis Sirias, did vacate his expired post, leaving the FSLN with an 8-6 majority on the court. The opposition had already been down a person following the May 2009 death of Judge Guillermo Selva Argüello.

The remaining opposition judges, unwilling to work with colleagues they considered illegitimate and afraid the pro-FLSN magistrates would take advantage of their majority to ratify last October’s controversial Sala Constitucional ruling, refused to participate in court sessions, creating a growing backlog of unresolved cases. The CSJ’s acting president, Sandinista-affiliated Alba Luz Ramos, threatened in turn to replace the boycotting judges with substitute magistrates.

On Aug. 11, Ramos made good on that threat, elevating seven lawyers (five of them Sandinistas) to the CSJ and suspending all pay and benefits for the judges they replaced. With an overwhelming 13-2 majority on the court, the FSLN is now in a position to steamroll through cases at will. During its first "official" session on Aug. 19, the new-look CSJ decided an extraordinary 55 cases. Observers say it is now only a matter of time before the court turns its attention to the Ortega re-election issue.

For Ortega’s critics, the decision to appoint replacement judges is the Sandinista leader’s biggest power grab yet, further evidence that he plans to stay on as president by any means necessary.

"I have been a lawyer for 55 years, and I have never seen an anomaly like this—not even during the government of [former dictator Anastasio] Somoza," former CSJ president Roberto Argüello told the Granada-based Nica Times. "The OAS [Organization of American States] should intervene because this is a coup d’état against the court. The entire judicial branch of government does not work."

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