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Nicaraguan President Daniel Ortega Uses Gains from Last Election to Change Rules for Next

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Nicaragua’s Sandinista-controlled Asamblea Nacional (AN) has rubberstamped a series of electoral and municipal reforms that President Daniel Ortega and his allies say will "consolidate and strengthen direct democracy" and protect future elections from the types of fraud and tampering allegations that have plagued past contests.

Government opponents are skeptical, particularly since the changes do nothing to shake up the Consejo Supremo Electoral (CSE), the country’s powerful electoral board, which is under renewed scrutiny of late because of an unfolding drug-trafficking and corruption scandal. Those same critics, however, are virtually powerless to block or even modify such reforms. Thanks to the AN ‘supermajority’ the Frente Sandinista de Liberación Nacional (FSLN) won in last November’s general elections (NotiCen, Nov. 17, 2011), Ortega can dictate new laws more or less at will.

The president’s recent decision to greatly expand the size of Nicaragua’s various city councils, upping the number of elected posts from 2,178 to 6,534, was a case in point. On May 31, most of the AN’s 26 opposition deputies voted against the measure. The reform passed regardless.

The Sandinistas say the change will make city governments far more representative—starting this coming November, when Nicaragua holds nationwide municipal elections.

"We’re giving sectors that have been historically ignored a chance to participate and be accounted for," Róger Gurdián, a dean at the Universidad de León, explained in an interview on the Sandinista-controlled Canal 4. "The parties on the right aren’t going to understand this, because, for them, politics and democracy are something practiced by the elite, by certain groups or party boards. What we’re doing here is opening things up to popular participation, opening the decision-making process to communities, residents, citizens."

Critics worry that the opposite will happen, that the sudden municipal restructuring will lead to greater FSLN control and thus make city governments less democratic.

Ortega’s plan, they say, hinges on the Consejos del Poder Ciudadano (CPCs) he set up after returning to power in 2007. Much to the chagrin of opposition lawmakers, the CPCs—neighborhood councils staffed by unpaid Sandinista loyalists—already administer many of the government’s anti-poverty programs. Their members are organized—and well liked in the impoverished communities they serve, making them natural candidates for the thousands of city council jobs soon to be up for grabs. Nicaragua’s battered opposition parties, in contrast, will be lucky if they can even find enough candidates to show up, let alone win the elections, which are just four months away.

"[Ortega] is reshaping the municipal government system to fit a political model promoted by the government. That model is one of citizen power," Manuel Ortega Hegg, a former director with the Universidad Centroamérica’s Centro de Análisis Sociocultural (CASC), told the online news site Confidencial. "By combining the two, the presidential couple could complete the control of the country they exercise and set things up so that they could stay on in power."
New Election Rules

Two weeks before green-lighting Ortega’s municipal makeover, the AN passed another bundle of FSLN-authored reforms, approving changes to 26 of the 197 articles in Nicaragua’s electoral law. Under the new law, mayors can now seek re-election. Parties must ensure that half their candidates for parliamentary or municipal positions are women. And new political parties no longer need to collect signatures from 3% of the country’s registered voters to gain official recognition.

Another significant change obliges the CSE to "purify" official voter lists by removing the names of people who have died, lost their voting rights (in the case, for example, of prisoners), or who did not participate in the previous four elections. In the case of the latter, would-be voters have a right to reregister. The election board, furthermore, must now publish its voter lists three months before a given election so that people who feel they have been unfairly excluded have a chance to correct the mistake. In addition, the new law prohibits the CSE from changing a voter's designated voting station without his or her consent.

"This is about perfecting the electoral system following the damages done to it by the neoliberal governments [in power from 1990 to 2007]," Ortega explained during a late April television address. "Questions arose [during that period] after each electoral process, regardless of whether international observers came here."

Legitimacy questions have, of course, hounded Nicaragua’s more recent elections as well. Government opponents cried foul in the last municipal elections (2008), which the local chapter of Transparency International (TI) called "the least transparent with the greatest intimidation in recent years" (NotiCen, Nov. 13, 2008). The 2011 general election drew similar complaints. Ética y Transparencia, a local watchdog group, accused the FSLN and CSE of stealing between eight and 12 seats in the legislature. EU observers also criticized the CSE, which the mission’s head, Luis Yáñez of Spain, accused of failing "to fulfill its duty to ensure transparency for all parties" (NotiCen, Dec. 15, 2011).

Critics say the CSE, headed by Sandinista insider Roberto Rivas, is unabashedly partial to the FSLN. When Rivas’ term as CSE president expired in 2009, Ortega ruled by decree to keep him on. The top-ranking election official returned the favor in early 2011, announcing that the CSE had accepted Ortega’s candidacy for president—despite the Nicaraguan law that expressly prohibits leaders from serving back-to-back terms (NotiCen, March 24, 2011). The Constitution also limits at two the number of times a president can hold office. Ortega is currently serving his second-consecutive term and third overall.

All Eyes On The CSE

Ortega’s opponents say real electoral reform should be less about purging voter-registration lists and more about purging the CSE itself. "As I’ve said before, the only way to have a transparent, clean, and honest election is with Consejo Supremo Electoral justices who are also transparent, clean, and honest," Dora María Téllez, a one-time Sandinista revolutionary who has since become a vocal critic of Ortega and the FSLN, wrote in a recent blog essay.

"The usurpers who control [the CSE] don’t have those virtues," Téllez added. "They’ve stolen three elections and ignored the Constitution and the laws. As long as that doesn’t change, we can be sure there will be more fraud in this year’s November municipal elections."
The CSE probably isn’t losing any sleep because of attacks by Téllez and other members of the leftist Movimiento de Renovación Sandinista (MRS), a shrinking Sandinista spinoff party whose members accounted for the only four Asamblea votes cast against Ortega’s electoral-reform package. No doubt it is concerned, however, about the May 27 arrest of one of its members, Substitute Magistrate Julio César Osuna, who is accused of inside dealings with drug traffickers.

Investigators have collected evidence tying Osuna to a drug ring operated by Alejandro Jiménez, a Costa Rican cartel boss known popularly as El Palidejo (paleface). Jiménez is currently locked up in Guatemala, where he is accused of masterminding last year’s murder in Guatemala City of Argentine singer-songwriter Facundo Cabral (NotiCen, July 21, 2011). The CSE official is also accused of collaborating with a regional cartel called Los Charros (the cowboys).

The case is raising questions as well about the CSE’s wealthy president, Rivas, whose luxurious lifestyle—he reportedly has a fleet of top-end cars, several mansions, and two planes—had raised eyebrows even before Osuna’s arrest. Rivas says he has no involvement in or knowledge of the Osuna affair, calling it an "isolated" case. So far he is ignoring calls to step down.

Others, however, doubt that Osuna—who is believed to have procured Nicaraguan passports for some of his illicit associates—could have acted alone. "It would seem likely that there are more people within the CSE involved," former CSE president Rosa Marina Zelaya told La Prensa.

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