

3-8-2018

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Recommended Citation

Witte-Lebhar, Benjamin. "Ortega Shields Nicaragua's Top Electoral Official after U.S. Issues Sanctions." (2018).
<https://digitalrepository.unm.edu/noticen/10502>

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Ortega Shields Nicaragua's Top Electoral Official after U.S. Issues Sanctions

by Benjamin Witte-Lehbar

Category/Department: Nicaragua

Published: 2018-03-08

Never one to take his marching orders from “el imperio” (the empire) to the north, Nicaraguan leader Daniel Ortega has come up with a signature “solution” to a conundrum he has faced since late last year, when the US government issued sanctions against one of his key political allies, Roberto Rivas, head of the country’s top electoral authority, the Consejo Supremo Electoral (CSE).

After weeks of conspicuous silence, the Ortega regime finally responded in early February by introducing a curious “electoral reform” bill that the unicameral legislature, dominated by the governing party, the Frente Sandinista de Liberación Nacional (FSLN), quickly approved.

Rather than remove Rivas—as the US government and even 58% of Nicaraguan citizens would like, according to a recent CID Gallup poll—the Ortega administration opted to keep him on as president of the CSE but transfer his duties to the body’s vice president, Lumberto Campbell. The move was approved by 74 of the legislature’s 92 deputies.

Campbell is now the de-facto president of the CSE, while Rivas, who hasn’t been seen in public since the sanctions scandal erupted in December ([NotiCen, Feb. 8, 2018](#)), is free from most day-to-day responsibilities yet maintains his decorative title, government salary (reportedly US\$5,000 per month) and perhaps most importantly, immunity from prosecution.

Officially, the reform is an attempt to “search for administrative efficiency within the process of modernizing the state.” Many observers, though, say it’s really just a way for Ortega to shield Rivas while demonstrating that he’s willing to bend a little but not bow to outside pressure.

“They’re still trying to protect him, to cover up what can’t be covered up, because they continue to confront a very delicate situation [with the US],” Mauricio Díaz, a former diplomat who ran, unsuccessfully, for mayor of Managua last year, told the independent news magazine and website *Confidencial*. “Effectively, Roberto Rivas hasn’t been condemned by any court, but [the US sanctions] affected his assets and those of his family members, who are going to appear in the blacklists.”

“The goal is to protect him, not to abandon him,” Díaz went on to say. “That’s the way the Sandinistas behave. They won’t throw him to the lions or chop the fallen tree into kindling.”

Corruption claims

As president of the CSE, Rivas played a key role in helping Ortega consolidate his now virtually uncontested position of power, most notably by green-lighting the caudillo’s 2011 reelection bid in defiance of then-existing term-limit laws ([NotiCen, May 26, 2011](#)). Ortega went on to win that election in a landslide ([NotiCen, Nov. 17, 2011](#)). He later pushed through a partial rewrite of the Constitution that dropped presidential term limits altogether, and in 2016, the already long-serving leader won yet another five-year term, this time with his wife, Rosario Murillo, serving as vice president ([NotiCen, Feb. 27, 2014](#), and [Nov. 17, 2016](#)).

The CSE head has been a lightning rod for criticism as a result, especially in light of news reports suggesting that he may have benefited financially from his loyalty to the Ortega regime. Rivas is listed as owning multiple properties and vehicles in neighboring Costa Rica —assets that, in total value, seem to exceed the purchasing power of a civil servant. More recently, Confidential revealed that the Rivas family owns a multi-million-euro home in Spain, outside of Madrid, and that in early January, Rivas and several family members returned to Nicaragua from Spain on a pricey private jet.

Until recently, such complaints never had any obvious repercussions for Rivas, whose nearly two-decade tenure as CSE president began even before Ortega eked back into power in 2007. All of that changed, however, on Dec. 21, when the US Treasury Department took the surprising step of announcing sanctions against Rivas in connection with the so-called Global Magnitsky Act, a 2016 law allowing the US to target specially designated nationals (SDNs) involved in human rights abuses or corruption. Rivas was one of more than a dozen SDNs named in the document.

“Roberto José Rivas Reyes [Rivas] has been accused in the press of amassing sizeable personal wealth, including multiple properties, private jets, luxury vehicles, and a yacht,” the US Treasury Department press release read. “Rivas has been described by a Nicaraguan comptroller general as ‘above the law,’ with investigations into his corruption having been blocked by Nicaraguan government officials. He has also perpetrated electoral fraud undermining Nicaragua’s electoral institutions.”

Specifically, the move freezes any assets Rivas may have in US jurisdictions and bars US people from engaging in any transactions with him. More generally, it serves as a warning call to the Ortega administration to improve its deeply tarnished democratic credentials or risk more far-reaching consequences along the lines of the so-called Nicaraguan Investment Conditionality Act (NICA), a sanctions bill US lawmakers first introduced in 2016 ([NotiCen, Oct. 20, 2016](#)). The bill was drafted shortly before the elections—held just days apart—that brought Donald Trump to power in the US and, in Nicaragua, gave Ortega his third consecutive presidential term and fourth overall, not including his tenure as head of the country’s post-revolutionary junta (1979-1985).

‘Missed opportunity’

As analysts have noted, the move against Rivas put the Nicaraguan leader between something of a rock and a hard place. Bowing to US pressure and removing Rivas from the CSE could look like a sign of weakness, particularly in the eyes of Ortega’s FSLN cohorts. Keeping the CSE president in place, on the other hand, could alienate the Organization of American States (OAS), which agreed early last year to help the Ortega regime “strengthen [Nicaragua’s] institutions” and thus offset pressure from the US government.

Last month’s “electoral reform” can be seen, in that sense, as something of a compromise position, a way for Ortega to show that he’ll protect his allies, no matter how grievous the accusations against them, while assuring the OAS that, in practical terms, it will no longer have to deal with Rivas. And yet, few outside of the reform’s FSLN backers applauded the maneuver.

The US ambassador to Nicaragua, Laura Dogu, called it a “missed opportunity” not only to hold Rivas accountable for his alleged misdeeds, but to introduce electoral changes that the country really could use. It was also a chance to improve relations between the two countries.

“I know that a lot of people in the US are keeping an eye on what’s happening here in Nicaragua,” she said, presumably in reference to an updated version of the NICA bill that is currently making

its way through Congress and, like the 2016 original, calls on the US to oppose non-humanitarian loans to Nicaragua unless the Nicaraguan government takes “effective steps to hold free, fair, and transparent elections, and for other purposes.”

US authorities aren’t the only ones complaining about deteriorating democratic conditions in Nicaragua, where Ortega has used a number of blatant power plays to both extend and expand his hold on power. After dispatching a team of observers for last year’s nationwide municipal elections, the OAS issued a report suggesting that there is “space to strengthen the legal, technical, procedural, technological, and human aspects of electoral processes in Nicaragua.” The report, which was formally presented on Dec. 20—exactly one day before the Trump administration announced the sanctions against Rivas—also said, “Nicaragua’s electoral system would benefit from a comprehensive electoral reform that addresses various topics.”

Needless to say, the electoral reform that Nicaraguan lawmakers approved in February was not the kind of “comprehensive” overhaul the authors of the recent OAS report had in mind. How willing the international body will be to keep working with Nicaragua now that Rivas’s role in the CSE—if not his title—has been relegated remains to be seen. At first glance, the situation doesn’t seem to bode well. As *El Nuevo Diario* pointed out in a Feb. 19 editorial, Rivas is still technically the president of the electoral body and is thus, at least on paper, the designated go-between.

“Regardless of whether or not he committed the acts of corruption for which he was sanctioned, Roberto Rivas is no longer a suitable person to represent the electoral authority before the OAS,” the Nicaraguan daily argued. “The CSE ought to be presided over by someone who isn’t questioned either in or outside the country ... Roberto Rivas should resign.”

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