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[Appearing below are selected portions of a set of common questions and responses regarding Nicaragua’s electoral process culminating in the Feb. 25, 1990 general elections distributed Sept. 5 by Agendas International (New York, NY). The report by Agendas International is based in part on an analysis by Hemisphere Initiatives titled, "Establishing the Ground Rules: A Report on the Nicaraguan Electoral Process."]

Q. Were not the Sandinistas responsible for establishing minimal requirements for legalization of political parties that encouraged fragmentation, and thus the impossibility of one party obtaining a majority?

A. The Sandinista National Liberation Front (FSLN) has consistently advocated more stringent requirements for political groups soliciting legal party status. In the October 1988 Electoral Law, the FSLN originally proposed that a party must receive 5% of the vote to obtain representation in the National Assembly. The 1988 legislation required groups soliciting legal status to have established party organizations in all nine regions, all 14 departments and all 139 municipalities. This organizational structure required a minimum of 850 party members. The FSLN also proposed that campaign funds be allocated according to voting strength. Under the April 1989 electoral reforms, an expedited procedure was established for the 1989/90 electoral process. The new requirements for political party legalization are less rigorous and came in response to opposition demands. The opposition complained that the 1988 legislation imposed almost insurmountable difficulties for parties to obtain legal status. The April reforms require party organizations at the national level and in the nine regions, thereby reducing minimum party membership to a few dozen.

Q. The person who wields real control on the Supreme Electoral Council (SEC) is the president. Since this person is a Sandinista, isn't it accurate to say that he will use his position to advance the interests of the FSLN?

A. The SEC president's duties are primarily administrative. In its July 1989 analysis of Nicaragua's electoral law reforms, a United Nations technical mission reached the following conclusion: "The topic of the CSE presidency, in spite of the intensity with which the subject is at times discussed, does not appear to be of great importance...The functions of the CSE president are...of administration, subordinate to the collegiate body; any abuse by the president would be rectified immediately by Council decisions that the president could not fail to heed."

Q. The Sandinistas control the largest standing army in Central America. Shouldn't they be excluded from voting since they will certainly follow the directives of their superiors who are militant Sandinistas?

A. This topic was also addressed in the UN technical mission’s report. The report said, "the opposition demand that military personnel be prohibited from voting does not seem reasonable." The UN mission pointed out Nicaragua's exceptional circumstances, mainly a large-scale mobilization of youth into the military to fight contra forces for the past eight years. Next, the number of Nicaraguans serving in the military is such that denying them the right to vote would adversely affect the principle of universal suffrage. The August political agreement confirms that military personnel must both register and vote at the nearest voter precinct and not on military bases. Q. Why have the Sandinistas prohibited Nicaraguans who left the country to escape the war and poor economic conditions from casting absentee ballots? Are they afraid the refugees will vote against the FSLN?

A. This is not an unusual situation for Central America. Not a single Central American country, including Costa Rica, permits absentee voting. Nicaraguan legislation, in fact, is more liberal than that of other Central American countries in that...
it permits Nicaraguans to register abroad. Once registered, Nicaraguans are free to return home and vote. In addition, in marked contrast with its neighbors, the Nicaraguan government is working with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international organizations to provide guarantees for the safety of refugees, opposition figures, and members of the Nicaraguan Resistance, who wish to return to Nicaragua permanently, or temporarily in order to vote. Q. Isn't it accurate to say that the Sandinistas have restricted foreign financial aid to the opposition because they fear losing the elections? A. The October 1988 Election Law allocated government funds to political parties in accordance with previous election results. It also prohibited receipt of any foreign funds by political parties and specified that domestic contributions must come from individuals rather than organizations. The opposition was particularly critical of these provisions, despite the fact that many countries, including the US, prohibit foreign financing of political campaigns. Under the April 1989 reforms, political parties and coalitions may receive unlimited foreign contributions, but all contributions must be administered through the CSE and are subject to an electoral tax. Under CSE regulations, 50% of all cash donations would go to the parties soliciting the contributions, while the other 50% would go into a "Fund for Democracy" to be used to cover the administrative costs of the election. A separate procedure has also been established for capital goods and in kind donations. Next, parties are exonerated from taxes on original donations totaling up to a value of US$20,000. The April reforms also changed the formula for distributing government monies so that 50% of these funds will be divided equally among the parties or alliances, while the other 50% will be allocated according to their electoral performance in the prior election. The August agreement did not alter the laws governing campaign financing. Q. How can the opposition have a chance to get its views out to the people when the Sandinistas control all TV stations, most of the major newspapers, radio stations, etc.? A. Opposition parties wanted an independent, opposition-controlled TV station to compete with the two state-controlled stations. They wanted no limits on the amount of advertising time that could be purchased from private radio stations. They wanted equal access, not the Sandinista proposed system that time be granted on the basis on previous vote totals. Under the April 1989 electoral and media reform laws, the government agreed to make one of the two state-owned TV stations available to the opposition from August 25 to election date. The political agreement also directs the CSE to provide (between August 25 and December 2) 30 minutes of free TV programming every evening to be distributed equally among the political parties or alliances. These programs began to be aired on Channel 6 on August 25. Q. No matter what laws are passed or agreements signed by the Sandinistas control all TV stations, most of the major newspapers, radio stations, etc.? A. Aside from the dubious nature of claims regarding the Sandinistas' failure to abide by previous agreements, it is not necessary in this case to rely on the government's commitment to compliance. The Nicaraguan government has invited the United Nations and the Organization of American States to act as official observers to the electoral process and the 1990 elections. In the 1987 Esquipulas II regional accords, the Central American presidents designated the OAS and the UN as the organizations responsible for verifying the purity of elections in region. The OAS has already established permanent observer teams in each of Nicaragua's departments and in late August, 13 UN officials began permanent monitoring of the electoral process. Participation of UN monitors to observe elections in a sovereign country is without precedent. In addition, former US president Jimmy Carter has been invited to head a delegation of observers in Nicaragua at any time during the electoral process. He and his delegation were given guarantees of freedom of movement, and unrestricted access to all voting areas.
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