

The Observation of the 1996 Nicaraguan Elections

*A Report of the
Council of Freely Elected Heads
of Government*



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Council of Freely Elected Heads of Government Election Observer Delegation

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Mr. Carlos Walker, Program Officer, Fundación Arias, Costa Rica
Ms. Pam Wuichet, Director of Development/Programs, The Carter Center

The Council of Freely Elected Heads of Government

The Council of Freely Elected Heads of Government is a group of 28 current and former heads of government from throughout the Americas. The Council was established in November 1986 at a meeting chaired by former U.S. Presidents Jimmy Carter and Gerald Ford on "Reinforcing Democracy in the Americas" at The Carter Center. Its goals include reinforcing democracy in the Americas, promoting multilateral efforts to resolve conflict in the Western Hemisphere, and advancing economic cooperation throughout the region.

The Council has been a pioneer in mediating and observing elections. It or its representatives have observed 15 elections in nine countries: Panama (1989, 1994), Nicaragua (1989-1990, 1996), the Dominican Republic (1990, 1996), Haiti (1987, 1990, 1995), Guyana (1990-92), Suriname (1991), the United States (1992), Paraguay (1993), and Mexico (1992, 1994). The elections in Nicaragua and Haiti were the first free elections accepted by all parties in the two nations' histories, and in Guyana, they were the first such elections in 28 years. The Council has worked to help consolidate democracy in Guyana, Nicaragua, Panama, and Haiti. In addition to reinforcing democracy, the Council has supported efforts to resolve the debt crisis of the 1980s and to promote freer trade in the 1990s. Members have worked to resolve property problems in Nicaragua and Ecuador-Peru territorial disputes, among other issues.

The Council is based at the Latin American and Caribbean Program of The Carter Center. Dr. Robert Pastor, fellow at the Center, is executive secretary of the Council; Dr. David Carroll is associate director; Dr. Jennifer McCoy is senior research associate; and Ms. Becky Castle is program coordinator.

Members

Jimmy Carter, Chairman of the Council, Former President of the United States (1977-81)
George Price, Vice-Chairman, former Prime Minister of Belize (1981-84, 1989-93; Premier, 1965-81)

Ernesto Pérez Balladares, President of Panama (1994-present)
Rafael Caldera, President of Venezuela (1969-74, 1994-present)
Fernando Henrique Cardoso, President of Brazil (1995-present)
Carlos Saúl Menem, President of Argentina (1989-present)
P.J. Patterson, Prime Minister of Jamaica (1992-present)
Julio María Sanguinetti, President of Uruguay (1985-89, 1995-present)

Raúl Alfonsín, Former President of Argentina (1983-89)
Nicholas Ardito-Barletta, Former President of Panama (1984-85)
Oscar Arias Sánchez, Former President of Costa Rica (1986-90)
Jean-Bertrand Aristide, Former President of Haiti (1991-96)
Patricio Aylwin Azócar, Former Chilean President (1990-94)
Fernando Belaúnde Terry, Former President of Peru (1963-68, 1980-85)
Belisario Betancur, Former President of Colombia (1982-86)
Rodrigo Carazo, Former President of Costa Rica (1978-82)
Vinicio Cerezo, Former President of Guatemala (1986-90)
Joseph Clark, Former Prime Minister of Canada (1979-80)

John Compton, Former Prime Minister of St. Lucia (1987-96)
Gerald Ford, Former President of the United States (1974-77)
Oswaldo Hurtado, Former President of Ecuador (1981-84)
Luis Alberto Lacalle, Former President of Uruguay (1989-95)
Alfonso López Michelsen, Former President of Colombia (1974-78)
Michael Manley, Former Prime Minister of Jamaica (1972-80, 1988-92)
Carlos Andrés Pérez, Former President of Venezuela (1974-79, 1989-93)
Erskine Sandiford, Former Prime Minister of Barbados (1987-94)
Edward Seaga, Former Prime Minister of Jamaica (1980-88)
Pierre Trudeau, Former Prime Minister of Canada (1968-79, 1980-84)



Some founding members of the Council of Freely Elected Heads of Government gather after a 1989 meeting at The Carter Center to plan the monitoring of elections in Panama and Nicaragua. They included Rafael Caldera, Daniel Oduber (now deceased), George Price, and Jimmy Carter.

The Carter Center

Preface and Acknowledgements

The Carter Center's involvement in Nicaragua's elections began in 1989 when the Council of Freely Elected Heads of Government, a group of 28 current and former heads of government from throughout the Americas chaired by Jimmy Carter and based at The Carter Center, was invited to observe the 1989-1990 electoral process. Our 1990 observation was marked by the opening of an office six months in

Between 1990 and 1996, in addition to The Carter Center's work in Nicaragua, the Council developed an expertise in election monitoring and mediation, observing 15 elections in nine countries. Considering our historical involvement in Nicaragua and the Council's expertise in mediation, in late summer of 1995, several political leaders contacted The Carter Center and other NGOs about observing the 1996 electoral process. Dr. Jennifer McCoy visited Nicaragua in December 1995 to assess the political climate and the political parties' views about the desirability of international observers for the 1996 elections. After receiving invitations from the Supreme Electoral Council (SEC), Arnoldo Alemán, and Daniel Ortega, we decided to

organize an election observation mission. The second elections in a difficult transition are, in some ways, as critical as the first. We organized three additional pre-electoral trips— March 1996, June 1996, and August 1996— and established a field office there in May 1996. For the elections, The Carter Center organized a 47-member delegation and maintained nine observers in the country during the review process.

Support for the election project came from several sources. USAID was our principal sponsor, and we appreciate both the funding and their assistance in helping coordinate the efforts of all the international observer groups during the review process. In addition, we would like to thank Marianne Chalker, The Mott Foundation, Terence Isakov, and Ian Saltz for their generous support of the project.

Personally, I would like to thank Dr. David Carroll, Becky Castle, and Harriette Martin of the Latin American and Caribbean Program (LACP) who attended to the project's day-to-day needs and demonstrated continued dedication in ensuring the success of our efforts. The following Carter Center interns also were of great help throughout the project, compiling briefing books, doing



Latin American and Caribbean Program staff include (L-R, standing) David Carroll, Jennifer McCoy, Becky Castle, Robert Pastor, and Harriette Martin. Seated (L-R) are interns Harish Padmanaba, Jonathan Todd, Kim Wiley, Cecilia Nilsson, Brenda Mercer, and Miguel Cornejo.

advance of the election, multiple pre-election visits, and high-level mediation throughout the electoral process. After the 1990 election, The Carter Center maintained close contact with a wide range of Nicaraguan leaders who called on us to help facilitate an anti-inflation pact in 1991 and to resolve property disputes in 1994-95.

background research, and coordinating our delegation: Teresa Carlsson, Cecilia Nilsson, Brenda Mercer, Harish Padmanaba, Jonathan Todd, and Kim Wiley. In particular, we would like to thank Miguel Cornejo for his work on tracking the electoral events in Nicaragua and for joining the delegation. We also greatly appreciate The Carter Center staff who participated as members of our delegation: Ozong Agborsangaya, Jason Calder, Deanna Congileo, Sue Palmer, and Pam Wuichet. In Nicaragua, the delegation appreciated the help of our in-country staff including Adrean Scheid, project assistant to Professor Shelley McConnell; Christy Holmes, secretary in the field office; and Rick Bauer, coordinator of ground transportation for the delegation. We also benefitted from two scholars who joined our team in Nicaragua and lent us their valuable expertise: Craig Auchter and David Close.

There are two people without whose work The Carter Center would not have been able to observe these elections: Dr. Jennifer McCoy and Professor Shelley McConnell. I recruited Dr. McCoy, associate professor at Georgia State University and LACP senior associate, in 1989 to coordinate our office in Nicaragua during the 1990 elections. She worked with great determination and expertise. When we were contacted again in 1995, she felt a sense of obligation to complete the work begun during the previous election, and she took charge of the entire project. She then drafted the proposals for funding and organized four pre-election trips and one post-election trip, as well as the election delegation. Later, Professor McConnell, assistant professor at Bard College, undertook Dr. McCoy's 1990 position. Taking a semester leave of absence to manage The Carter Center's field observation, Professor McConnell tracked the electoral process; met with SEC and political party representatives; attended campaign rallies; coordinated logistics for pre-election, election, and post-election trips; and attended the inauguration of President Alemán. We are very grateful for all their work.

Dr. McCoy and Professor McConnell drafted this report. Becky Castle, Pam Auchmuty, and Laina Wilk edited the report, coordinated the layout, and prepared it for publication. I edited the final draft.

We wrote this report to describe the entire Nicaraguan electoral process and to highlight the Council's observation of it. In hopes that the administration of Nicaraguan elections will improve and that international observers will continue to hone their methods of observation, we also make recommendations that we hope Nicaraguans and international observers will consider, and we stress the lessons learned from our observation.

Twenty years ago, when Jimmy Carter was president and I was director of Latin American Affairs on the National Security Council, the U.S. government tried unsuccessfully to mediate a democratic transition in Nicaragua. Five years later, the Sandinista government held elections, but the fragmented moderate opposition refused to participate, believing that the government would manipulate the process. Instead of trying to mediate, the Reagan administration encouraged the boycott.

In 1989 and 1990, when The Carter Center was invited by Nicaraguans to monitor and mediate the electoral process, we initially found the gap between the left and right so wide and the attributes of a democratic culture so shallow that we feared still another round of electoral failure. However, Nicaraguans, with the help of international mediators, overcame their suspicions and accepted the process and results of the free election. It marked a historic moment for Nicaragua, and by 1996, the country no longer was condemned to repeat its tragically unstable past. Nicaraguans had traveled a significant distance toward deepening their democracy to which we consider ourselves privileged to have contributed.

Robert A. Pastor
Atlanta, Georgia
Feb. 26, 1996

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Key Terms

<i>Alianza Liberal (AL)</i>	Liberal Alliance, led by Arnolfo Alemán
<i>Camino Cristiano</i>	Christian Way
CDC	Departmental Counting Center
<i>cédula</i>	Permanent citizen identification card
CIAV	International Commission for Support and Verification (OAS mission to demobilize contras, assist in their reintegration into society, and monitor human rights 1990-97)
CED	Departmental Electoral Council
<i>constancia</i>	Voter document issued by the SEC on the day before or the day of the election to those citizens who had registered, but who had not yet received a <i>cédula</i> or a <i>documento supletorio</i>
<i>documento supletorio</i>	Temporary citizen identification card (valid for 1996 elections only)
<i>Etica Y Transparencia (ET)</i>	Ethics and Transparency, a domestic observer group
EU	European Union
Frente Sandinista Liberación Nacional (FSLN)	Sandinista National Liberation Front, led by Daniel Ortega
JRV	<i>Junta receptora de votos</i> or polling station
<i>libreta cívica</i>	Temporary paper voter document
NGO	Nongovernmental organization
OAS	Organization of American States
<i>padrón</i>	List of registered voters
SEC	Supreme Electoral Council

Executive Summary

1. Although the world's attention was fixed on the first transitional election in 1990, Nicaraguans recognized the importance of the 1996 elections to cement the democratic rules of the game and to generate confidence in political institutions. Unfortunately, the severe administrative challenges and high number of irregularities actually reduced confidence in the electoral institutions.

2. The ongoing political and economic transition led to sufficient uncertainty and apprehension about the elections that the Supreme Electoral Council and the political parties once again invited international observers—the OAS and several international NGOs, including The Carter Center's Council of Freely Elected Heads of Government—because of their impartiality.

3. The elections were extremely complicated, with six different elections occurring simultaneously, a new election law and election authorities, a mixed voter registration system, and a doubling in the number of polling stations. Political institutions were still weak, and the party system remained fragmented.

4. The fact that the two largest parties together won 88 percent of the vote reflects an emerging biparty system, but one that is polarized around two ends of the ideological spectrum. The composition of the National Assembly, in which the Liberals fell short of an outright majority, implies that the government must sustain a coalition for normal legislation, and most likely will require Sandinista support to muster the 60 percent vote required for constitutional change.

5. The 1996 elections also demonstrated a greater commitment of the Nicaraguan society to the rule of law. The campaign was an improvement over 1990, free of violence and harassment of political parties. The fact that all political parties, candidates, and the population participated in an unprecedented three-week review and partial recount of the votes in a

peaceful, patient, and legal manner is a remarkable achievement for a country with its history of divisions and traumatic conflict.

6. We conclude that despite the serious shortcomings of these elections, they by and large reflected the preferences of the voters. Nevertheless, the fact that between 11 and 12 percent of the votes were nullified in the various elections and that a dozen parties submitted appeals, indicates the need for a serious evaluation of the process before the 1998 Atlantic Coast elections.

7. Restoring confidence in the electoral institutions is absolutely vital to continued democratic development in Nicaragua. Political leaders in the government and the opposition, along with the Supreme Electoral Council, need to work together to evaluate the experience of the 1996 elections and determine how to avoid a repetition of the problems. Lessons learned from the 1996 elections point to three areas for improvement:

a) The electoral law needs to be reformed to improve the appointment procedures and lengthen the terms of Departmental Electoral Council members; and to clarify qualifications for candidacy, party financing rules, formulas to distribute legislative seats, conditions for challenging and reviewing vote counts, and conditions under which elections can be rerun.

b) Election administration and procedures need to be improved to increase the professionalism of the election officials; improve communication mechanisms between the national, departmental, and JRV levels; and improve the transmission of vote results. The SEC needs to provide full explanations to the public of their decisions on the vote counts and appeals. The cedulization process should be completed before the Atlantic Coast elections in 1998. The Electoral Prosecutor needs the full political and financial backing of the government to complete investigations into possible electoral crimes committed in the 1996 elections.



The Council delegation congregates during the briefing on Oct. 18, two days prior to the election.

c) International observers should be better organized to avoid the duplication and fragmentation of efforts which impeded the effective use of a reliable quick count and a systematic qualitative analysis of the elections. International observers should modify their methodology on election night to ensure careful observation of the transmission of results and departmental level review of vote counts. ■

I. Introduction

Peaceful political changes have been rare in Nicaragua's history. Historically, governments relied on coercion and fraud to maintain power, and opposition groups invited outsiders, either the United States or its enemies, to strengthen their position. After a four-decade reign by the Somoza family dynasty, the revolution led by the Sandinista National Liberation Front (FSLN) toppled the government of Anastasio Somoza Debayle on July 19, 1979.

The Sandinista government of 1979-90 was marked by dramatic social change, a war between the U.S.-sponsored counter-revolutionary group known as the *contras* and the Sandinista Army, hyper-inflation, and political polarization. In 1984, the Sandinistas held their first elections. Some international observers deemed them satisfactory, but the elections were marred by the withdrawal of prominent opposition parties and by the rejection by the United States. The 1987 Central American Peace Plan set the stage for a negotiated end to the regional conflicts, beginning with Nicaragua.

In February 1989, in exchange for regional support for the demobilization of the *contras*, President Daniel Ortega proposed moving up the elections scheduled for November 1990 to February 1990. The government invited the United Nations and the Organization of American States (OAS), along with former U.S. President Jimmy Carter and The Carter Center's Council of Freely Elected Heads of Government, to observe all stages of the election and report their findings to the world. Eager to end the U.S. trade embargo and support for the *contras*, the Sandinistas wanted to carry out an open and honest election to erase any doubts about the legitimacy of their government. Likewise, the opposition looked to international actors to guarantee a process in which it did not trust the incumbent to act in good faith.

The 1990 Nicaraguan elections were pivotal because, for the first time in Nicaragua's history, all major political parties stayed in the race and accepted the outcomes, and the transfer of power from one party to another was peaceful. The 1990 elections were

unique in other ways as well. In a first for world history, a revolutionary government that had come to power as a result of a 20-year armed struggle voluntarily gave up the reins of power to its adversary. In a first for international organizations, the United Nations and OAS actively monitored and mediated elections in a sovereign member state. In Nicaragua, the principal observer groups devised a new model for long-term monitoring of the entire electoral process focusing on mediating disputes, opening the political space, and providing the guarantees needed to ensure that all parties play by the rules of the game.

Under President Violeta Chamorro's tenure from 1990-96, Nicaragua made peace with the *contras*, dramatically reduced the size of its army from 96,000 to 15,000 troops, conquered hyper-inflation of 13,500 percent, and weathered a constitutional crisis in which the once-dominant office of president and the legislature established a balance of power.

Lingering distrust and continued political polarization influenced Nicaraguans again to look to external actors to provide the guarantees and confidence to carry out the Oct. 20, 1996, elections.

During those same years, Nicaragua made progress in developing democratic rules and institutions, but these were still incomplete in 1996. Lingering distrust and continued political polarization influenced Nicaraguans again to look to external actors to provide the guarantees and confidence to carry out the Oct. 20, 1996, elections. The Supreme Electoral Council (SEC) invited the OAS and several international nongovernmental organizations (NGOs), including the Council of Freely Elected Heads of Government, to observe the elections a second time. In addition, a national observer group was formed, with the assistance of international NGOs, for the first time in Nicaragua. ■

II. The Pre-election Period

December Assessment Trip

The Council of Freely Elected Heads of Government's activities in the 1996 elections began with an assessment trip in December 1995 by Dr. Jennifer McCoy, director of The Carter Center's Nicaragua Elections Project, to follow up on the Council's property initiatives in Nicaragua and to discuss the 1996 elections. During her trip, Dr. McCoy met with leaders of the major political parties, who told her that Nicaraguans viewed these elections as crucial to democratic consolidation, and they wanted international observers to help guarantee the process.

Leaders of the principal parties, including Arnoldo Alemán and Daniel Ortega, wrote to President Carter asking him to lead a Council delegation to observe the October 1996 elections. Some considered the idea of a national observer group, but the political leaders believed the continued political polarization would make it difficult to view a domestic group as impartial. International actors alone could instill confidence in the process, as they had in 1990.

New Electoral Law

In late December 1995, the National Assembly approved a new electoral law with significant changes to the administration of the elections. First, the Supreme Electoral Council (SEC) was charged with a massive reorganization of the election bureaucracy. Following changes in the country's administrative divisions, the law changed the nine geographic electoral departments to 17 and doubled the number of individual polling stations from the 1990 elections. This required not only additional officials but also new cartography and revised voter assignments.

Second, with some parties fearing that Sandinista partisans still ran the electoral machinery, the new law required political parties to nominate candidates for posts in the 17 Departmental Electoral Councils and at

the 8,995 polling stations. The SEC then would select officials from the party slates on a pluralist basis. The SEC itself had been reconstituted in mid-1995 when the National Assembly and the president agreed on an entirely new slate of magistrates. Dr. Mariano Fiallos, who had successfully run the 1990 elections and served as president of the SEC since 1983, was re-elected as president. Dr. Rosa Marina Zelaya, former secretary-general of the SEC, was elected as magistrate. All the other magistrates were new.

In late December 1995, the National Assembly approved a new electoral law with significant changes to the administration of the elections.

Third, the Assembly mandated simultaneous elections for six different races: president and vice president, departmentally elected representatives to the National Assembly, nationally elected representatives to that same Assembly, representatives to the Central American Parliament, mayoralties, and municipal councils. (The 1995 constitutional reforms shortened the presidential term from six to five years and the mayoral and municipal council terms from six to four years so that in the future these races would not all be held simultaneously.) With 24 political parties, alliances, and popular organizations participating, each of the six separate ballots measured nearly 3 feet wide. The new requirement of a second round of voting if no presidential candidate received 45 percent of the vote created a potential extra financial and administrative burden.

Lastly, the new law provided for a mixed voter-registration system because efforts to provide every Nicaraguan with a new permanent identification card (*cédula*) could not be completed in time for the 1996 elections. In 119 municipalities, eligible voters were to apply for and receive a *cédula* or a temporary document (*documento supletorio*). In 26 municipalities in the country's mountainous central corridor, where access was difficult and security was threatened by armed

bandits, voters registered over four weekends in June and July and received the traditional voter identification card (*libreta cívica*) in an ad hoc registration process. Initially, the mixed system proved controversial not only in Nicaragua but also among conservative Republicans in the U.S. Congress, who felt the ad hoc registration system would discriminate against peasants who were expected to support Arnoldo Alemán's Alianza Liberal (AL). In fact, this mixed, ad hoc registration method proved much easier and faster than the new *cédula* method. As a result, many more people registered than expected.

The new law immediately prompted SEC President Fiallos to resign in February 1996 because he feared it would produce an inexperienced and politicized election authority incapable of carrying out the complicated elections. In late March of that year, the National Assembly elected Dr. Zelaya as the new president. As feared by Dr. Fiallos, the Departmental Electoral Councils were not appointed until April, only six months before the elections, and the polling station officials were chosen only weeks before the elections. Consequently, there was little time for the new officials to be trained and to learn how to manage an extraordinarily complex electoral process.

March Assessment Trip

In March 1996, Dr. David Carroll, associate director of LACP; Professor McConnell, director of the field office for the Nicaragua Elections Project; and Dr. McCoy traveled to Nicaragua for a second pre-electoral trip (see Appendix 1 for the list of Carter Center Pre-election Delegations). This mission consisted of five full days of meetings with all the major presidential candidates and pre-candidates, the Supreme Electoral Council, the Cardinal, the Minister of Finance, the Supreme Court, National Assembly leaders, party and civic leaders, members of the press, and international organizations.

At this point, the parties expressed primary concerns on two issues: 1) candidate qualification and alliance building, and 2) voter registration and the possible disenfranchisement of voters. Additional concerns included possible bias in registration, capability and impartiality of election personnel, security, and campaign finance.

Constitutional reforms in mid-1995 created three requirements for potential candidates which became controversial in the 1996 elections: 1) candidates for president must resign any ministerial or mayoral position one year prior to the elections, 2) candidates must not have renounced Nicaraguan citizenship to hold citizenship in another country, and 3) no relative of the sitting president could run for president in the subsequent term. As a result, Alvaro Robelo, Haroldo Montealegre, and Eden Pastora were disqualified for having dual citizenship, and Antonio Lacayo was disqualified for being the son-in-law of President Violeta Chamorro. Nevertheless, 23 candidates for presidency, representing 35 political parties (some in alliances), were registered and approved during the May filing period, reflecting the continued fragmentation of the party system.

The criteria for disqualifying candidates, known as the *inhibiciones*, partially had caused a protracted constitutional crisis in 1995, where the executive and legislative branches could not agree on the disqualifiers, particularly the prohibition of relatives of the sitting president. The final constitutional agreement in mid-1995 left in place the prohibitions, but these subsequently were appealed to the Supreme Court. When the Supreme Court declined to rule on the constitutionality of the prohibitions, the SEC was forced to make a decision itself. This awkward political decision took considerable time and attention.

Voter Registration and the June Pre-election Mission

From June 7-11, 1996, the Council of Freely Elected Heads of Government sponsored an eight-member international delegation led by Council member and former Ecuador President Osvaldo Hurtado to observe the second weekend of the ad hoc voter registration process (see Appendix 1 for the list of Carter Center Pre-election Delegations). The delegation visited 45 polling stations, called *juntas receptoras de votos* (JRVs), in the departments of Jinotega, Matagalpa, and the North Atlantic Autonomous Region, and Dr. McConnell observed an additional 23 stations on the first and third weekends of registration. They concluded that overall election workers had been well-trained and were knowledge-



Two Nicaraguans show their voter registration cards in June 1996.

Shelley McConnell

Documentos Supletorios (about 1 million)—substitute paper voter documents valid for the 1996 elections only, to be issued to those cédula applicants whose applications had too many errors to be completed in time for the Oct. 20 election (for example, where the person did not possess a birth certificate or the person had changed address).

Libréta Cívica (about 352,000)—temporary paper

able about registration procedures. Poll watchers were observed in each of the registration sites, primarily by the AL and FSLN, but also by the PRN, PRONAL, and the PNC. Turnout during registration was high, and the SEC's civic education campaign appeared to have served its purpose well.

An impressive 2,421,067 citizens registered to vote in the 1996 Nicaraguan elections, some 400,000 more than the initial estimate based on the flawed 1995 census. The SEC planned for these voters to receive one of the following types of voter documents for use on election day:

Cédulas (about 1 million)—new permanent plastic photo ID cards that, among other purposes, could be used for voting. A 1993 law charged the SEC to produce the data base and to manufacture and deliver these cards. As early as July 1995, the SEC knew it would not be capable of producing a cédula for every eligible citizen in time for the 1996 national elections. Due to security problems and to access difficulty to remote regions of the country, the SEC proposed to use the traditional form of walk-in registration over several weekends in 26 municipalities in those regions and to strive to complete the cédula process in the other 119 municipalities in the country.

voter documents, similar to the documentos supletorios, issued over the course of four weekends of ad hoc registration in June and July 1996 in 26 municipalities in the interior of the country, where there were serious security or access problems.

Security posed problems in the region covered by the ad hoc registration because 400 armed bandits and groups of rearmed contras and soldiers roamed the area, primarily motivated by economic concerns and secondarily by political issues.

Constancias—new voter documents, not mentioned in the electoral law, created by the SEC on the day before and day of the election for those citizens who had registered but not yet received either a cédula or a documento supletorio.

All eligible voters in the 26 municipalities who registered to vote in the ad hoc process in June re-

ceived their voter ID cards at the moment of registration. Those citizens in the remaining 119 municipalities had to go through a multi-step process of application and verification to receive a voter document.

Security posed problems in the region covered by the ad hoc registration because 400 armed bandits and groups of rearmed contras and soldiers roamed the area, primarily motivated by economic concerns and secondarily by political issues. Both the International Commission for Support and Verification (OAS-CIAV) and the Tripartite Commission (the Catholic

walk long distances to register. Upon its return to Managua, the delegation reported its findings to the SEC, which subsequently announced its intentions to hold a third weekend of registration in order to correct the materials problem and to relocate some of the JRVs. The SEC opened 18 new JRVs, relocated 43 others, and even held a fourth weekend in targeted locations (see Appendix 2 for the Council of Freely Elected Heads of Government's June 11 Statement). Both the AL and the FSLN reported they were generally satisfied with the ad hoc registration.

Both the AL and the FSLN reported that they were generally satisfied with the ad hoc registration.

Church, the government, and the CIAV) reported that the human rights situation had improved since 1993 and that the violence had changed from politically motivated in 1990-93 to common crime in 1994-96. Although the Army worked with the Catholic Church to try to negotiate temporary cease-fires for the electoral period, they were not entirely successful and consequently beefed up security patrols for the registration period and election day.

Both the AL and the FSLN, as well as many smaller parties, had raised concerns with the SEC about security. For example, the FSLN in particular said their poll watchers and supporters were intimidated and thus stayed home. Although the delegation neither saw any overt signs of intimidation nor received reports of any such incidents on the second week of registration, they learned several incidents did occur during the course of the ad hoc registration. Notably, the kidnappings of an election observer and a group of election officials by armed bandits contributed to the climate of insecurity.

The main problems witnessed by the delegation were logistical and administrative. In some cases, registration materials arrived late or ran out, causing temporary suspension of registration, and the locations of the registration sites sometimes required citizens to

Cedulación

Citizens were allowed to apply for a cédula until July 22, 1996, and cédulas were manufactured until Aug. 22. Problems with the laminating plastic, arduous cross-checking of data complicated by illiteracy, inaccurate or incomplete civil registries, and scarce resources caused delays in production. Consequently, only half of the 2 million applications resulted in the production of cédulas. The rate of delivery of these documents into the hands of the voters was slower still. By the end of August, only about 650,000 documents had been delivered, reflecting a serious bottleneck in the delivery system at the municipal level.

In response, the SEC devised a plan of *entrega masiva*, an intensive phase of voter document delivery that also would provide an opportunity for the delivery of documentos supletorios. On a cascading schedule that spread throughout the country from Managua to the Pacific Coast regions, to the mountainous interior, and to the Atlantic Coast, cédulas and documentos supletorios were delivered between Sept. 13-26 to polling stations where citizens were assigned to vote.

A number of difficulties arose with this delivery process, including delays in printing the documentos supletorios and several postponements in the schedule. Some citizens expressed disappointment in receiving a documento supletorio rather than a cédula, and a handful refused to accept it. In some cases, citizens arrived to pick up their documents only to discover they had been reassigned to new JRVs because the number of registrants at their initial sites had exceeded the 400 maximum voters allowed by the electoral law

Others who came on the first day found their documents had not yet arrived.

Nationwide, the *entrega masiva* delivered 856,000 of the 1 million manufactured cédulas. In addition, 600,000 of the 1 million documentos supletorios were delivered by Sept. 26. However, there were discrepancies by region, with Atlantic Coast regions having a much higher proportion of documents undelivered.

Delivery of Voter Documents

(Through the end of the *entrega masiva*, Sept. 26, 1996)

Document	No. Produced	No. Delivered (%)
Libréta Cívica	352,429	352,429 (100%)
Cédula	1,008,405	856,603 (84.9%)
Documento Supletorio	1,050,795	595,748 (56.6%)
Total	2,411,629	1,804,780 (74.8%)

Source: Supreme Electoral Council

In order to put the remaining documents into the hands of voters, election officials continued to deliver documents door-to-door in each municipality after the *entrega masiva* (intensive campaign). President Chamorro called on her cabinet to lend its full support to the Electoral Council to ensure that the voter documents and the election materials could be delivered in time, and the Ministry of Education lent teachers and students to help deliver the voter documents until Oct. 19. Although the SEC created the alternative of the *constancia* at the last minute to try to ensure that all eligible voters could vote, some undetermined number of voters did not receive documents and thus were prohibited by law from voting.

Voter Registration List (*El Padrón*)

The list of registered voters, or *padrón electoral*, was compiled from applications for voter documents. Citizens were asked to go to their polling places on June 10 to verify that indeed they were listed on the electoral register and that the data on the list and the voter document were correct. More than 70 percent of the voters did so, and in the process, a number of

errors were uncovered. The SEC extended the period for verification until July 15 to try to catch the remaining 30 percent of voters and to rectify the errors found.

A preliminary version of the *padrón* was published on July 22, and parties were given an opportunity to review and make objections to it. The SEC received no objections, and it published a final version on Oct. 1, with objections possible until Oct. 12.

The SEC also conducted an internal audit of the accuracy of the *padrón* in the first two weeks of October, the results of which were not made public. The Inter-American Institute for Human Rights' Center for Electoral Assistance (CAPEL) provided technical support for the audit, and the OAS monitored the effort. Preliminary analyses of typical errors in the *padrón* indicated three main problems: omissions, false inclusions, and errors in data. Of these, the political parties expressed primary concern with omissions of registered voters from the list. However, Article 41 of the electoral law allowed the president of the polling station to admit a voter if he/she had a valid voter document with an address in that precinct, even if he/she did not appear on the list. In addition, Article 122 allowed citizens to vote at the discretion of the JRV president even if there were errors and discrepancies between the data on the list and on the voter document. While the two articles caused some concern because they gave significant discretion to the JRV president, they also compensated for problems with the voter list.

The Campaign Period and the August Pre-election Mission

The official campaign started Aug. 1, though candidates had been campaigning informally since the filing deadline in late May. From Aug. 30-Sept. 5, the Council sponsored a fourth pre-electoral trip led by Council member and former Uruguay President Luis Alberto Lacalle to assess the campaign conditions, delivery of voter identification cards, and preparations for election day (see Appendix 1 for the list of Carter Center Pre-election Delegations). The team observed campaign rallies in the departments of Granada and Carazo and met with presidential candidates and representatives from five political parties, magistrates

of the Supreme Electoral Council, the Army chief, representatives from the national observer group *Ética y Transparencia* (ET), and other international observer groups (see Appendix 3 for President Lacalle's Sept. 5 statement).

In a positive contrast to the 1990 campaign, the 1996 campaign was extremely peaceful, and the parties had the opportunity to hold their rallies without harassment.

With two months remaining in the electoral process, the polls indicated that, despite the presence of 24 presidential candidates, the majority of the support was going to two candidates representing the best-organized parties on polar ends of the political spectrum: former Sandinista President Daniel Ortega and former Managua Mayor Arnoldo Alemán of the AL. The remaining 21 candidates each had less than 3 percent support in the polls and represented the fragmented political center of Nicaragua.

In a positive contrast to the 1990 campaign, the 1996 campaign was extremely peaceful, and the parties had the opportunity to hold their rallies without harassment. The newly independent broadcast media was competitive and uncensored, though many newspapers and radio stations remained quite partisan in their coverage. Although Mr. Ortega and Mr. Alemán rejected invitations for a public debate, the other candidates campaigned hard and participated in numerous televised debates and public forums. In an unprecedented effort by a broad swath of civil society, all parties, except the Liberals, signed a "Commitment to a Minimum Agenda for National Development" which encouraged more substantive campaign debate and outlined an agenda for the new government. The Liberals opted not to sign the document because they felt it would limit their ability to run an independent campaign.

Mr. Alemán campaigned with the slogan "the change is coming" and with a platform promising respect for private property, job creation, and giving land titles to thousands of urban and rural poor who had received property under the Ortega and Chamorro governments' land reforms. Mr. Ortega revamped his own and his party's images by moving toward the center, acknowledging past Sandinista mistakes, committing himself to a market economy, and recruiting a businessman and rancher as his running mate. He campaigned with the slogan "government for all," and his television spots sent feel-good messages promising to unite all Nicaraguans.

As election day approached and polls showed Mr. Ortega catching up to Mr. Alemán, tensions between the Sandinistas and Liberals increased. The campaign remained violence-free, but each candidate warned of a return to a dark and dangerous past if the other won. The Liberals referred to Sandinista revolutionaries as "tyrants, terrorists, and snakes" who had ruined the country economically and morally. The Sandinistas accused the Liberals of being "somocistas" who would bring back the injustices against which the Sandinistas had struggled long and hard. As the campaign closed, both Cardinal Obando y Bravo and President Chamorro indirectly indicated their preferences in the election by warning against a victory by Mr. Ortega.

Technical rather than political problems dominated the list of concerns among political parties and international observers.

Technical rather than political problems dominated the list of concerns among political parties and international observers. The delivery of voter identification documents continued to be slow. Less than one month before the elections, almost 30 percent of voters had yet to receive documents. Delays in printing the ballots raised fears that the SEC could not deliver them in time for the elections.

Campaign financing was a concern primarily for the smaller parties. These political parties complained they did not receive public election funds in time to campaign fully. According to the new electoral law, political parties were to receive 15 percent of the SEC's budget for campaign expenses. However, two disputes caused a delay in the delivery of funds: 1) whether the 15 percent should be calculated on the

The political parties did not attribute the problems to any political motive of the SEC.

basis of the national portion of the SEC's budget or should also include the international donations which was almost half of the SEC's budget, and 2) which parties had legal standing in the National Assembly and thereby qualified for financing under different terms than newly recognized parties. Before the elections, the SEC satisfactorily resolved both issues. However, the parties remained obligated to repay the public campaign financing if they failed to win deputy positions in the new National Assembly. This meant that 14 parties who failed to win legislative seats would be required to repay up to \$150,000 each.

All of these concerns ran deep enough that a proposal to postpone the elections was introduced in the National Assembly the month before the elections. The government, the Cardinal, and the observers widely opposed the proposal as being costly and disruptive. Although the proposal ultimately failed, it emphasized the uncertainty about electoral preparedness. However, importantly, the political parties did not attribute the problems to any political motive of the SEC but instead cited scarce resources, a centralized and bureaucratic Electoral Council, and political delays in decision-making in the National Assembly as the reasons for the postponement. ■

III. The Election and the Council's Observations

On Oct. 20, 1996, 1,849,362 Nicaraguans (76.39 percent of the registered voters) cast their ballots in a peaceful election that allowed for an orderly transfer of power from one civilian government to another.

The Council of Freely Elected Heads of Government sent 47 observers from nine countries to monitor Nicaragua's elections, including election experts, former government officials, doctors, business leaders, and foundation executives. Participating Council members were former Presidents Osvaldo Hurtado of Ecuador, Oscar Arias of Costa Rica, and Jimmy Carter of the United States. Former Presidents Patricio Aylwin of Chile, Carlos Andrés Pérez of Venezuela,

and Fernando Belaúnde Terry of Peru sent personal representatives. Former Secretary of State James Baker joined President Carter as the mission's bipartisan co-leader. Mr. Baker's assistant secretary of state, the Hon. Bernard Aronson; Dr. Robert Pastor, director of The Carter Center's Latin American and Caribbean Program (LACP); and Dr. Jennifer McCoy, director of The Carter Center's Nicaragua Elections Project, rounded out the leadership group.

Preparations for Election Observation

The Council delegation arrived in Managua several days before the elections to be briefed on the electoral law, the campaign, voting procedures, the vote count, and their roles as international observers. Plenary sessions included a frank assessment of the election process from Ing. Callejas Deshon, one of five

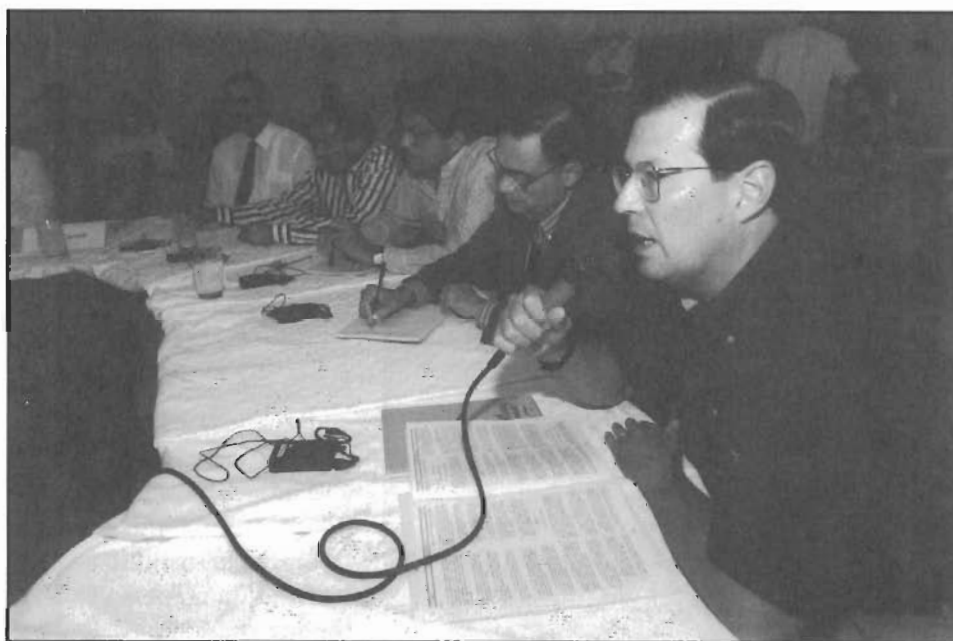
Delegation leaders ... emphasized that the candidates with whom they had spoken confirmed their willingness to respect the results of the election on Sunday, providing that election day procedures were satisfactory and the vote count honest.



Jimmy Carter, Marianne Chalker, and Chip Carter were among the 47 delegates who helped observe the 1996 Nicaraguan elections on behalf of the Council of Freely Elected Heads of Government.

Magistrates on the Supreme Electoral Council; a roundtable of prominent centrist presidential hopefuls, all of whom publicly acknowledged the campaign had been of acceptable quality; a discussion with a representative from Etica Y Transparencia (ET), a national observer group; sharing information with leaders from the Organization of American States (OAS) and European Union (EU) international observer teams; and meetings with the vice presidential candidates and campaign managers from both the FSLN and the AL, the two political contenders leading the electoral race in national opinion polls.

Delegation leaders summarized their assessment of the pre-electoral process in a press conference on the afternoon of Oct. 18. They emphasized that the candidates with whom they had spoken confirmed



Delegates listen as several presidential candidates speak on Oct. 18.

delegates headed for the field. Traveling by airplane, motorized canoe, and four-wheel-drive vehicles, they would observe the elections in 14 of Nicaragua's 17 geographic regions (called departments or autonomous regions). Teams covered important cities as well as rural villages and gave extra attention to the mountainous zones where bandits still operated and the political

climate for elections was less secure (see Appendix 4 for the list of Regions Visited by Council Delegates).
 their willingness to respect the results of the election on Sunday, providing that election day procedures were satisfactory and the vote count honest. They noted the logistical preparations for this complex election had been difficult and slow, and they urged Nicaraguans to pick up their voter identification cards in the municipal registration office and to go to the polls. They accurately anticipated that with six ballots there could be delays on election day, and they asked Nicaraguans to be patient. They also stressed that in addition to international and national observers, party poll watchers and the voters themselves would monitor the voting stations to assure any attempts to manipulate the outcome would be detected.

"We believe that the political parties had the opportunity to get their message to the people, and conditions now exist for Nicaraguans to freely choose their leaders," President Carter noted.

To counterbalance a remark by State Department spokesman Nicholas Burns implying that a Sandinista victory was undesirable and might be unacceptable to the United States, delegation leaders assured Nicaraguans, "We will support whomever you choose as your leaders in free and fair elections."

The following day, the majority of Council

climates for elections was less secure (see Appendix 4 for the list of Regions Visited by Council Delegates).

Upon arrival in their assigned territories, delegates met with local electoral officials and members of OAS observation teams stationed in the region. Where appropriate, they consulted the CIAV, the police, or army personnel regarding security issues. Some groups also met with political parties. In one



Delegation leaders meet with the Etica y Transparencia Board on Oct. 19. Council member and former Ecuador President Osvaldo Hurtado (left) greets them.



James Baker, Jimmy Carter, Rosa Marina Zelaya, Violeta Chamorro, and Roberto Rivas meet at the SEC Counting Center in Managua on Oct. 19.

election assessment ended with discussions with members of the diplomatic corps and international observers from the OAS, the National Democratic Institute for International Affairs (NDI), the International Republic Institute (IRI), the International Foundation for Electoral Systems (IFES), and the Center for Democracy.

location, along the Rio Coco on Nicaragua's remote northern border with Honduras, the Council joined forces with the Center for Democracy.

In Managua, the leadership team met collectively and individually with key leaders from Nicaraguan politics and society. To discuss security for the elections, and the prospects for democratic civil-military relations, they met with Gen. Joaquín Cuadra and Police Chief Franco Monteleagre. They visited then-President Violeta Chamorro to congratulate her on a strong presidential term and to discuss plans for the transition in government. The board members of ET offered their perspectives as important intellectuals, NGO leaders, and businesspeople. Several Council delegates conversed with Cardinal Obando y Bravo, head of the Catholic church in Nicaragua and the nation's most prominent religious leader.

The delegates then met with the presidential candidates from the FSLN and the AL, and the candidate from the *Camino Cristiano* (Christian Way), who ultimately took a distant third place in the presidential election. By the end of the day, the group had gained a strong idea of the state of the electoral preparations, and they spoke with the president of Nicaragua's Supreme Electoral Council. Their pre-

Election Day Observation

On election day, delegation members arose early to observe the opening of the polls around the country. They visited polling sites throughout the day to



James Baker greets FSLN candidate Daniel Ortega on Oct. 19 as President Carter looks on.

Matagalpa, Muy Muy, Jinotega, and La Dalia teams congregate before returning to Managua.

evaluate the voting process and the political climate. At closing time, they observed vote counts, many of which continued late into the night. The delegates visited one or two more polling stations to collect results and then reported those results to the mission headquarters in Managua. Although few observers accompanied the election officials when they brought in the results to the counting centers, the following morning, some observers visited Departmental Counting Centers (CDCs) and spoke with local electoral authorities before returning to Managua for a joint debriefing and exchange of views with other Council teams. In two departments—Managua and Matagalpa—delegates observed general



Leroy Trower

disorder in the counting centers in the reception of ballots. In Matagalpa, party poll watchers complained to Council delegates that they had not been allowed to enter the counting centers.

Council observers generally expressed enthusiasm about the election process. Together, they had visited over 200 polling stations, encountering few insurmountable problems on the day of the elections. All of the polling stations had political party poll watchers, with participation rates by FSLN and AL poll watchers averaging about 90 percent. Domestic observers from ET were present in approximately one-third of the polling stations visited, although ET reported the



The Carter Center/Marco Tapia

Jimmy Carter, candidates Arnolfo Alemán and Enrique Bolaños, and James Baker meet on Oct. 19.

Delegates Jay Pritzker, Bernard Aronson, Jimmy Carter, Oscar Arias, Jennifer McCoy (background), and James Baker visit a JRV before opening on Oct. 20.

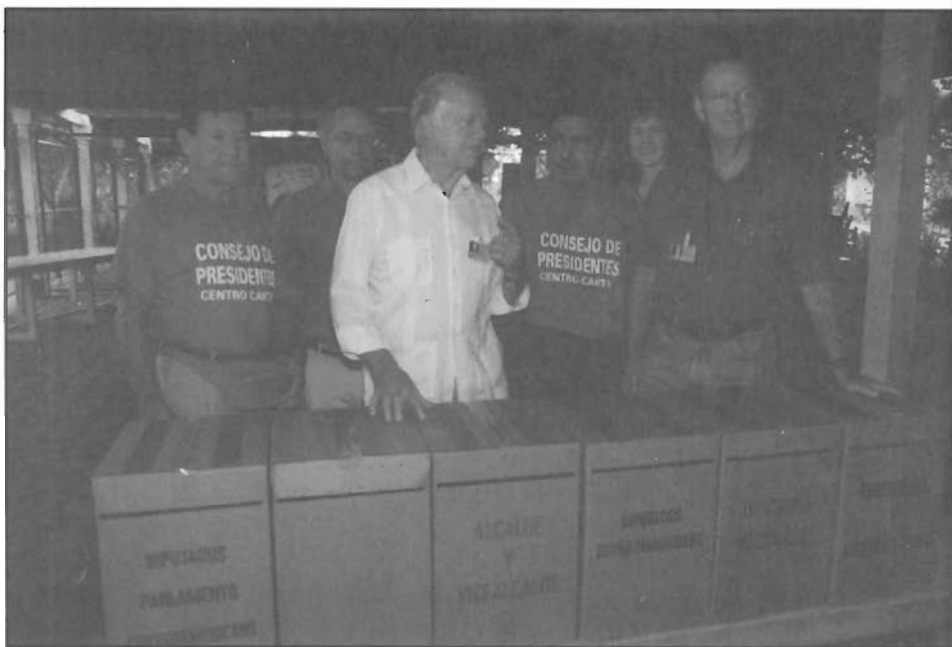
national average as significantly higher and, according to their reports, included many remote JRVs that were visited by few international delegations. In Puerto Cabezas, Council delegates observed voter intimidation, but nowhere did they find significant security problems.

Indelible ink was correctly applied to voters' thumbs to prevent them from voting twice. Proper measures to assure voter secrecy were in place in all but one of the sites visited (see Appendix 5 for the Council Observer Forms).

In about two-thirds of the voting sites visited, party poll watchers and national observers reported no problems, and in almost all others, they reported only insignificant problems.

In about two-thirds of the voting sites visited, party poll watchers and national observers reported no problems, and in almost all others, they reported only insignificant problems that would not affect the election results. A few significant problems were reported in six JRVs, and only one site had many significant problems.

The most commonly observed problem was long lines, especially early in the morning. Late delivery of materials delayed the opening of many polling stations, and the SEC decreed that every station should remain



Shelley McConnell and James Baker watch a JRV being set up on election day morning.



The Carter Center/Mario Tapia

Nicaraguans wait in line to vote at a JRV on election day.

open the full 11 hours regardless of the time the polling station opened. Some sites had personnel shortages due to the creation of additional polling sites late in the process to comply with a section of the law limiting the number of voters at a given site to 400. Others, at a moment's notice, had to replace election

officials who did not appear for work. The SEC reported that only 11 of the nearly 9,000 polling stations failed to open. The anticipated problem of voters being turned away for lack of documents or omission from the voter list apparently did not materialize. The delegation observed only 12 cases of voters not being allowed to vote due to either arriving at the wrong polling station or not having a document. However, in Puerto Cabezas, delegates learned that only about 65 percent of registered voters had received their documents by election day, with the rest forced to rely on the constancias or not vote at all.

Press statements given by ET, the OAS, and the EU on the afternoon and evening of election day corroborated the experiences of the Council. The OAS reported that only 30 percent of the JRVs opened under completely normal conditions, but by late afternoon, 70 percent were operating normally. Both the OAS and the EU expressed general satisfaction with the process early on election night.

With 4,200 observers, ET reported finding party pollwatchers at 98 percent of the operating JRVs and conditions for a secret vote at 95 percent of the JRVs.

Election Night and the Preliminary Vote Count

Ballots initially were counted at the voting sites, where tally sheets were completed and copies filled out for each party poll watcher. The tally sheets recorded not only the total votes for each party but also the number of ballots issued, the number of ballots used, the number of valid votes, and the number of null votes for each of the six elections. Two factors—the absence of carbon paper and the complexity of the



The Carter Center/Mario Tapia

A poll worker explains the six ballots to a voter on election day.



A voter casts the last of her six ballots on election day.

tally sheets—contributed to mistakes in recording information.

Information from the tally sheets then was summarized on a form called (for historical reasons) a “telegram,” and election officials took the telegram to the nearest office of the telephone company where the results were dictated over the telephone to the National Counting Center in Managua. The Center used this information to arrive at a preliminary vote total. Results were slow to come in because of the delayed closing of the polls. The SEC announced the first results at 3 a.m., with 2 percent of JRVs reporting that Arnoldo Alemán was ahead with 50 percent of the vote to Mr. Ortega’s 40 percent. Mr. Alemán claimed victory at 4:30 a.m., with less than 10 percent of the votes counted, provoking strong reaction by the FSLN. On the morning of Oct. 21, several international delegations gave statements about the elections. The EU expressed its hope that “all political forces would accept the results of a transparent election,” and the U.S. governmental delegation congratulated Nicaragua for a “peaceful and successful election day.”

Based on positive reports from its delegates, the

Council’s leaders held a press conference on the afternoon of Oct. 21 to report their impressions. President Carter congratulated the Nicaraguan people for their enthusiasm and determination to participate in democratic politics, which had resulted in a voter turnout rate that was high by interna-

Two factors—the absence of carbon paper and the complexity of the tally sheets—contributed to mistakes in recording information.

tional standards. He praised the dedication of many election officials, and he noted that although the government had faced serious challenges in distributing voter documents, the vast majority of Nicaraguans had enjoyed the opportunity to vote.

However, President Carter’s remarks were qualified with reference to administrative problems, including delays in receiving election materials, long voter lines, and late openings of many JRVs. Those administrative problems would multiply in the coming days during the process of collecting the election materials and counting the vote. They would lead the FSLN and several smaller political parties to conclude that the election results were being manipulated, a



Council Delegate Leroy Troyer watches as poll workers and fiscales (party poll watchers) tally ballots on election night.



The Carter Center/Mario Tapia

Fiscales and electoral police watch as poll workers count ballots.

Preliminary results announced by the SEC on Oct. 21 differed markedly from information that the FSLN had received from its party cadres, leading to deep concern among Sandinista leaders that something was awry. Council delegates attended a Sandinista press conference that morning and met with the FSLN campaign manager and former SEC President Mariano Fiallos to discuss the issue

charge that the Council delegation investigated in an unprecedented post-election observation (see Appendix 6 for the Council's Oct. 21 Statement).

By early afternoon on Oct. 21, however, the parties began to report discrepancies in the vote count. At 1:40 p.m., the SEC reported that Mr. Alemán had gained 48.26 percent, and Mr. Ortega had won 39.1 percent of the vote, with nearly half of the JRVs reporting. Quick counts by the OAS, the EU, and ET generally confirmed the SEC's preliminary results, though ET's data published on Oct. 24 gave the FSLN higher returns than had SEC's. ET showed the AL and FSLN with 49.22 percent and 40.87 percent, respectively, with a plus or minus 1.67 percent margin of error.

Quick counts by the OAS, the EU, and ET generally confirmed the SEC's preliminary results, though ET's data published on Oct. 24 gave the FSLN higher returns than had SEC's.

privately. Former President Daniel Ortega relayed this concern to President Carter and team leaders in person on the afternoon of Oct. 21, after President Carter's first press conference. Bayardo Arce explained the FSLN's tallies showed the two front-runners within one or two points of each other, and he said some 50,000 votes were missing from the initial 300,000 reported by the SEC. They could not determine the source of the discrepancies because the SEC was not reporting the results by individual JRVs. The FSLN leaders asked for a printout of the preliminary results by JRVs to compare to the copies of the tally sheets collected by FSLN poll watchers.

Delegation leaders then visited Mr. Alemán and explained to him these concerns. Mr. Alemán agreed a printout of the JRV results would be useful, especially to see the mayoral races, and he said he would delay his victory celebration until the comparisons could be made. Delegation leaders then obtained the cooperation of the SEC and its electoral technicians in providing the necessary information. Finally, they visited President Chamorro to explain what had happened. She asked the delegation to stay longer, and President Carter agreed to delay his departure until the

following morning when he could explain in a press conference the concerns of the parties and the actions undertaken to address them. He also committed several Carter Center staff to remain in the country following the elections.

Delegation leaders were concerned the FSLN and smaller parties had not yet acknowledged the legitimacy of the elections and their results. To address this concern, the Council mounted the most intensive post-election observation it had ever undertaken.

Delegation leaders were concerned the FSLN and smaller parties had not yet acknowledged the legitimacy of the elections and their results. To address this concern, the Council mounted the most intensive post-election observation it had ever undertaken. Nine delegation members were asked to remain in Nicaragua to observe the official count and pursue any further concerns raised by political parties. This decision was validated several days later when President Chamorro invited the remaining international observers to her office to make an emotional appeal to see the process to fruition. ■



Miguel Cornejo, Denis McDonough, Joe Blatchford, and Mike O'Callaghan discuss which delegates should return to Matagalpa on Oct. 21.

IV. Post-election Observations

The Official Vote Count

The Electoral Law called for a review of the vote count at the regional level in the Departmental Counting Centers (CDCs). It is these results, rather than the telegrams, that became the official election results. Because of this, the parties soon turned their attention away from the telegrams and to the departmental reviews. International observers did likewise, and in a joint statement, IRI, IFES, NDI, and The Carter Center assured the Nicaraguan people they still were on the job.

The election materials—ballots, tally sheets, and telegrams, as well as the opening and closing acts by which the JRVs are constituted—were collected at the CDCs on election night, where they were sorted and filed. Tally sheets whose totals were challenged by poll watchers were flagged for investigation. The arithmetic on all tally sheets was checked and, if necessary, corrected by accountants under the supervision of electoral branch personnel.

In most departments, election officials and party poll watchers together decided to reopen the ballot bags and re-count the ballots where there was a numerical error of more than 10.

In some departments, the number of “inconsistencies,” or errors in the documentation of results, was far higher than expected. Election officials began a massive review with the help of additional accountants and party poll watchers. Procedures for the review had not been adequately specified under the law and had to be developed in response to concrete problems as they arose. In most departments, election officials and party poll watchers together decided to reopen the

ballot bags and re-count the ballots where there was a numerical error of more than 10 (in some smaller departments, eight) votes and where no other remedy was available. Officials and poll watchers annulled some ballots, and in extreme circumstances, annulled the ballots from an entire JRV. They found the biggest problems in the departments of Managua and Matagalpa, where the disorder of election night resulted in ballots and tally sheets being separated and, in some cases, lost entirely. Fourteen percent of the JRVs in Managua and 11 percent in Matagalpa were annulled.

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Concerned about the growing evidence of irregularities and creeping polarization between the political parties, Carter Center Nicaragua Elections Project Director Jennifer McCoy returned to Nicaragua in early November to personally gauge the situation and to be present for the announcement of the official results.

The review process was slow, and in some departments, the parties and officials could not agree even on the procedure, resulting in incomparable results and increased tension in some areas. The SEC gave some guidelines but only after several of the departments had already begun their own reviews. In the end, the SEC allowed each department to choose their own procedure.

Official results were not reported until Nov. 8. Called “provisional” results because the SEC had not yet considered appeals, the totals gave AL candidate Arnoldo Alemán a first-round victory with 51.03 percent of the vote to Sandinista candidate Daniel Ortega’s 37.75 percent, a larger spread than the preliminary results. Camino Cristiano candidate Guillermo Osorno took third with 4.10 percent of the

vote. This announcement addressed questions about neither how the review had been conducted nor how many of the JRVs had been annulled in the process, contributing to a growing sentiment in the FSLN and some smaller parties that the elections had been badly administered and that some fraud may have occurred. The Sandinistas held a peaceful rally at which Daniel Ortega called the results legal but unknowable and criticized the Catholic Church for having prejudiced the electorate via thinly disguised anti-Sandinista remarks made just prior to election day.

The Carter Center issued a press statement on Nov. 15 congratulating the parties and the people for pursuing their concerns through legal channels, but it also expressed disappointment that the SEC had not released information to explain the corrections made during the review process. The Center called on the SEC to release that information as soon as possible so Nicaraguans and international observers could evaluate the parties' appeals and so Nicaraguans would have confidence in the official outcomes (see Appendix 7 for The Carter Center's Nov. 15 Statement).

Sources of Irregularities

What explains the high number of errors in the tally sheets and the necessity of annulments? As previously noted, the complexity of the sheets themselves resulted in the transposition of some numbers, giving votes to the wrong party. On others, information had been miscopied, an error which could have been avoided had carbon paper been available or had carbonless copy paper been a feasible alternative. In other cases, improper training or low educational levels of poll workers may have augmented the number of errors. Workers' sheer exhaustion was also a factor. Many election workers had spent the night before the elections in the JRV guarding election materials, worked the entire day of the elections under great tension, and then stayed up all election night counting ballots. There also may have been individual instances of outright fraud at low levels that would not affect the outcome of the presidential race.

Monitoring by party poll watchers should have prevented this, but in retrospect, it is clear that few poll watchers were sufficiently vigilant. Many undertook the work simply to earn money in an economy

marked by widespread unemployment. Others were inadequately trained by the political parties. Furthermore, in regions where bandits continue to operate and nightfall brings risk, some poll watchers reportedly went home before the vote was counted. Council delegates observed that some poll watchers were teenagers and sometimes new recruits who could barely recall what party they represented.

The transmission of results was particularly problematic. Poll watchers who accompanied the transport of the telegrams often were not allowed to enter the telephone offices where the results were phoned into Managua. Also, international observers did not stay to observe the entire count, to accompany the results when transported to the telephone offices and CDCs, or to observe the receipt and review of the ballots in the CDCs on election night.

In Managua and Matagalpa, the two largest departments and those with the highest number of problems, poor planning for the reception of voting materials at the CDCs also contributed to the disorder. Exhausted election workers arrived at the CDCs to turn in their materials only to discover long lines due to a shortage of personnel and due to the complex forms accompanying the process. In Managua, a riot ensued in which ballots and tally sheets were cast into the streets. To calm the public, the Managua CDC began accepting materials without filling out the tedious paperwork. In Matagalpa, election workers reportedly tired of waiting and sometimes abandoned their materials. The result was chaotic. Bags of election materials were piled to the ceiling in total disarray, requiring weeks of sorting before anyone knew what materials had been submitted. Not surprisingly, some ballot bags arrived without identification. In other cases neither the ballots nor the tally sheets were delivered at all. In such instances, there was no option but to annul the results for the entire JRV.

The Council delegation sent observers to witness the three-week review process in the CDCs in key departments, including Managua and Matagalpa as well as six others (Rivas, Carazo, Granada, Masaya, Esteli, and Madriz). Professor Shelley McConnell, Carter Center representative in Nicaragua, met with the presidents of the regional electoral councils for both the north and south Atlantic Coast regions. In

addition, Carter Center observers coordinated with other international observers from IRI, the Center for Democracy, USAID, and Hemisphere Initiatives to increase coverage to almost the entire country. These colleagues brought impressive skills and diverse analytical perspectives with which to understand rapidly unfolding events in an information-scarce environment. The OAS retained observers in every depart-

No other election process has been so intensely observed in the post-election period.

ment, and Council observers consulted with them in the field. In the capital, they kept in constant contact with the SEC and political party leaders in order to track evolving complaints and any remedies offered. No other election process has been so intensely observed in the post-election period. Carter Center personnel provided important leadership in initiating coordination among the international observer teams, and Council delegates were requested by political parties to travel to various departments to hear their concerns.

Processing Appeals and Arriving at a Final Count

Nicaragua's Electoral Law permits parties to file appeals concerning the elections, and about a dozen parties did so. The FSLN submitted a collection of documents totaling nearly 650 pages, by far the most extensive appeal. Carter Center staff reviewed all the appeals and met with FSLN leaders to try to better understand their allegations.

The Sandinistas made numerous charges regarding errors in the tally sheets, JRVs that should or should not have had their votes annulled, illegal constitution of some JRVs, last-minute personnel switches, and intimidation in the mountainous regions. Based on particularly extensive irregularities cited in Managua and Matalgapa, the FSLN demanded all six elections in those departments be declared null and void and new elections be held.

On Nov. 22, in a much-postponed and sparsely attended ceremony held near midnight, the SEC announced the outcome of the appeals and the final election results. The SEC had examined the appeals and remedied some problems. Nonetheless, it rejected the Sandinista demand for regional annulments on the grounds that the Electoral Law only permits elections to be annulled if the problems can be shown to have affected at least half of the registered voters in that election. As with the Nov. 8 announcement, and despite The Carter Center's strong complaints on Nov. 15, the SEC said nothing about how the appeals had been processed, a matter of some concern since neither party poll watchers nor international observers were invited to witness that process. Also, the SEC did not use this opportunity to inform the public about the types and levels of problems encountered in its earlier review of the vote count.

The SEC named Arnaldo Alemán as the winning presidential candidate with 50.99 percent of the vote to Daniel Ortega's 37.83 percent. In the legislature, the Liberals won 42 seats, and the Sandinistas won 35 seats plus a special seat for Mr. Ortega as a losing presidential candidate with more than 1.5 percent of the vote. Camino Cristiano won a total of four seats, the Nicaraguan Conservative party won

On Nov. 22, in a much-postponed and sparsely attended ceremony held near midnight, the SEC announced the outcome of the appeals and the final election results.

three seats (both included their presidential candidates), the National Project gained two, and six other parties gained one seat each. In the mayoral races, the popular vote showed only a 7 percent difference between the top two parties in the aggregate vote of all the races. Liberals captured 91 of the 145 mayorships, including the capital city of Managua, but Sandinistas took 52 mayorships, and two small parties each elected a mayor (see Appendix 9 for the Election Results).

The SEC eventually provided information on the number of annulled JRVs which allowed calculations that Mr. Alemán would indeed have won the elections in a single-round victory even if none of those votes had been cast for the Liberal Alliance (AL), a highly unlikely prospect.

The Interim Period

On Nov. 24, Mr. Ortega went on national television and, for the first time, publicly denounced the elections as fraudulent. He focused on the presidential race, arguing the level of annulment and errors had been high enough to introduce doubt regarding whether either candidate had obtained the 45 percent of the vote required to eliminate a second round. Mr. Ortega insisted a runoff should have been held, but he presented no new evidence to support his claim. Mr. Ortega acknowledged the political reality that President-elect Alemán would take office, but he contested the legitimacy of the election and would neither offer a concession speech nor shake Mr. Alemán's hand in congratulations.

The Carter Center reviewed the FSLN appeal and gave the party every opportunity to come forward with evidence of fraud, but the party provided no hard evidence. The FSLN claimed the evidence was scattered and, rather than documenting systematic fraud, they believed the general disorder permitted fraudulent situations and made results of the election unknowable. The SEC eventually provided information on the number of annulled JRVs which allowed calculations that Mr. Alemán would indeed have won the elections in a single-round victory, even if none of those votes had been cast for the AL, a highly unlikely prospect. The presidential race was annulled in 510 (or 5.6 percent) of the polling stations, and the five other races were annulled in as many as 577 JRVs, mostly in Managua and Matagalpa. In a handful of towns, the mayoral races were very close, and enough of the JRVs

had been annulled that the outcome could be questioned (see Appendix 10 for results on annulled votes). The SEC could have used sampling techniques to attempt to determine those outcomes more precisely, but the Sandinistas chose not to contest them, instead deciding to fight only over the presidential election.

Nicaragua now entered a dangerous moment of deep concern to the Council. In a successful election, all major parties accept the published results. In this case, however, the major opposition party (and several smaller parties) did not fully accept the results. Based on a thorough review, the Council concluded that, despite serious irregularities, the election by and large reflected the preferences of the Nicaraguan people and that Mr. Alemán was indeed the first-round presidential victor. They concluded Mr. Ortega's allegations of significant fraud were not proven. President Carter spoke with both Mr. Ortega and Mr. Alemán via telephone on Dec. 4 to inform them of the Council's conclusions before issuing a final statement on Dec. 6. He urged Mr. Ortega to recognize the presidential results and urged both leaders to work together to reform the electoral law and to develop a constructive relationship for the benefit of the country (see Appendix 8 for the Council's Final Statement on Dec. 6).

[The delegation] concluded Mr. Ortega's allegations of significant fraud were not proven. President Carter ... urged Mr. Ortega to recognize the presidential results and to work together with Mr. Alemán to reform the electoral law and to develop a constructive relationship for the benefit of the country.

The Sandinistas decided to acknowledge the Alemán government as the country's legal authority but not as a legitimate one because of the number and nature of the irregularities. This questioning of the moral basis of the elections seemed to herald a return

to the past politics of confrontation, but the FSLN did not call for street protests. The Sandinistas told Carter Center observers they would take their seats as National Assembly members, mayors, city councilors, and Central American Parliament members. Nevertheless, Mr. Ortega's refusal to meet with President-elect Alemán and shake his hand produced uncertainty about Nicaragua's political stability.

That uncertainty was augmented by a dispute that arose over the formula for assigning seats in the legislature. Members of several political parties, including the FSLN, charged that the Electoral Law had been reinterpreted by the SEC in an internal memo published after the election results were known. These doubts were fed by the fact that the SEC's reading of the law resulted in the election of the husband of the president of the SEC. The matter turned on the reading of an intricate section of the Electoral Law. Candidates who had lost under the SEC's formula filed suit before the Appeals Court to stay the inauguration of the deputies in the disputed seats. The case ultimately came before the Supreme Court, where it was dismissed on the grounds that the SEC can interpret the Electoral Law with the final and unappealable authority to declare election winners. Throughout this period, Professor McConnell met with the dissatisfied parties and the president of the SEC to encourage a constructive tone and peaceful resolution of the dispute.

In December, the outgoing legislature provoked a political crisis when a majority of its members, in a move reminiscent of the 1990 "*piñata*" legislation by the Sandinista assembly, decided to press through eleventh-hour legislation before the Liberal government took office. Some agenda items, such as the municipalities law, were well-advanced in their formulation and simply constituted unfinished business. Others, such as a measure to appoint the head of the Central Bank and other agencies and to pre-empt the incoming president from making that choice, marked two attempts to limit the powers of the incoming government. The legislature also sought to award its members severance pay and to adjust the Electoral Law post-facto to eliminate political parties' obligations to repay campaign financing received from the state.

When some legislative leaders tried to block

passage of these bills by boycotting the National Assembly, the legislature responded by removing absent members from their posts. Ultimately, the Supreme Court was called upon to decide whether the legislation passed by the legislature was valid. The Court ruled the bills unconstitutional.

The legislative crisis and dispute over the formula for assigning seats increased the uneasiness in Nicaragua, but both controversies were resolved by legal means through established institutions. The very fact that Nicaraguans felt comfortable appealing to constitutional remedies and the Supreme Court to adjudicate disputes over the balance of power marks an important sign of a deepening respect for the rule of law. The FSLN's decree to accept the SEC's ruling also signals an increased respect.

The very fact that Nicaraguans felt comfortable appealing to constitutional remedies and the Supreme Court to adjudicate disputes over the balance of power marks an important sign of a deepening respect for the rule of law. The FSLN's decree to accept the SEC's ruling also signals an increased respect.

The Council's election observation mission came to a close when Professor McConnell attended both the legislative and the presidential inaugurations. The new National Assembly was inaugurated on Jan. 9, 1997, and after being sworn in by the Supreme Electoral Council, Assembly members elected their leaders. The Sandinistas proposed a multiparty directorate led by an AL member. The Liberals proposed a slate exclusive of Sandinistas. The 36 FSLN Deputies walked out of the building in protest when the SEC ruled that the vote on the leadership would be done in public rather than by secret ballot. The FSLN charged that the Liberals intended to monopolize leadership positions and exclude the Sandinistas from their rightful quota of power despite the fact that the

Liberals had not won a majority but rather had won only 7 percent more popular votes than the FSLN in the legislative races.

The following day, Mr. Alemán was inaugurated as president in a public ceremony which the Sandinistas did not attend. Within hours, however, Mr. Ortega agreed to meet face-to-face with President Alemán for the first time. At that meeting, the two men agreed on a common agenda for the days ahead. They agreed that small property holders should receive title to their land as soon as possible, and they established a commission to help strengthen the judicial branch, which might help speed the resolution of property disputes brought before the courts. If these agreements are implemented, they will be crucial in resolving what has been the most contentious issue in post-revolutionary politics—property rights. Finally, and most importantly from the perspective of the Council's election observation mission, President Alemán and Mr. Ortega agreed the Electoral Law required reform. ■

V. Conclusions and Recommendations

The 1996 elections demonstrated Nicaraguans' faith and commitment to the democratic process as they turned out in large numbers to cast their ballots on Oct. 20. Nevertheless, the controversy over the vote results diminished public confidence in the electoral institution. A CID-Gallup poll published Dec. 19, 1996, indicated that 49 percent of the respondents believed the elections were honest, but a substantial 40 percent believed that some fraud had occurred. A Demoscopia poll conducted in December 1996 suggested that 66 percent of the respondents had little or no confidence in the Supreme Electoral Council, indicating the considerable challenge for the Supreme Electoral Council and political leaders before the 1998 Atlantic Coast elections.

The fact that the two largest parties together won 88 percent of the vote reflects an emerging biparty system, but one that is polarized around two ends of the ideological spectrum with a fragmented, weak center. The composition of the National Assembly, in which the Liberals fell short of an outright majority, implies that the government must sustain a coalition for normal legislation, and most likely will require Sandinista support to muster the 60 percent vote required for constitutional change.

The challenge will be to both the governing party and the opposition to constructively work together for the benefit of the nation. As *Etica y Transparencia* (ET) so aptly concludes, Nicaragua's history of polarization has inhibited the accumulation of positive experiences: Governments instead have erased the good along with the bad as they have strived to reverse and blot out the record of their predecessors. It is time now for Nicaraguans to depart from this historical path.

The 1996 elections also demonstrated the growing commitment of Nicaraguan society to the rule of law. The fact that all political parties, candidates, and the population participated in an unprecedented

three-week review and partial recount of the votes in a peaceful, patient, and legal manner is a remarkable achievement for a country with a history of such marked division and traumatic conflict. This respect for the legal process, along with the eager acceptance of all of the newly elected political candidates to assume their new posts, is an important basis for continued democratic development in Nicaragua.

The development of the national observer effort, ET, reflects both a positive development for Nicaraguan civil society, and the difficulties of national observation in a polarized society. ET was the only nonpartisan observer group capable of mounting a large observation on election day. With more than 4,200 observers, they were able to monitor half of the voting sites for the entire day. The survey forms filled out by their observers provided an excellent analysis of the qualitative aspects of the election, as well as a reliable quick count with a small margin of error. Mobilizing civil society to participate in this activity is a significant achievement.

Nevertheless, the problems of comprising a board of directors that would be at once pluralist and impartial proved to be difficult in such a polarized society. The president resigned when he was proposed as a future minister for one of the candidates, and the long process in obtaining agreement among board members meant that their final statement was delayed until February 1997. The quick count, though excellent, was not useful to mediate in the aftermath of the elections both because the organization was perceived as partial to one candidate, and because ET was constrained in divulging its results only to the SEC and the Cardinal.

We conclude that despite the serious shortcomings of these elections, they by and large reflected the preferences of the voters. Nevertheless, the fact that between 11 and 12 percent of the votes were nullified in the various elections (4.95-6.03 percent on the day of the election, and another 5.6-6.4 percent during the vote review), and that a dozen parties submitted appeals, indicates the need for a serious evaluation of the process before the 1998 Atlantic Coast elections. In particular, the cases where the number of votes nullified in the review process exceeded the difference between the winner and loser suggest that some

mayoral and even legislative races could have been affected by the irregularities. The fact that the FSLN chose to question only the outcome of the presidential race reflects the society's larger emphasis on presidential politics, even while decentralization increased the role of local officials and constitutional reform strengthened the role of the legislature in Nicaragua's democracy.

We want to thank the Supreme Electoral Council, the government of Violeta Chamorro, the political parties, and the people of Nicaragua for the warm reception and cooperation they always have shown us. We have been inspired and gratified by the devotion to the ideals of democracy we have witnessed in Nicaragua. In return, we would like to offer our own reflections about the lessons we have learned from our year-long observation and from our cumulative experience in Nicaragua in hopes of contributing to the improvement of the electoral process in Nicaragua, as well as to the methodology of international observation.

Electoral Law

Many of the constraints and challenges in the 1996 elections were a product of the new electoral law. We applaud the commitment of the SEC, President Alemán, and Daniel Ortega to reform this law. Specifically, our observation indicates the need for the following changes:

1. Modify the method of choosing Departmental Electoral Council members and JRV officials to avoid the problems of inexperience, perceptions of partisan bias, and no-shows on election day. Officials should be chosen on the basis of explicit qualifications and with permanent terms for the Departmental Electoral Council members.

2. Reassess and clarify the qualifications for candidates for elected offices so that the SEC will not become embroiled in constitutional questions.

3. Clarify the formulas used for distribution of legislative seats. The current law is ambiguous and open to interpretation, which led to confusion and controversy in the 1996 elections.

4. Clarify the conditions for challenging vote counts and the procedures for review and recounts. The experiences of the 1996 elections were not

anticipated in the Electoral Law, forcing election officials and party poll watchers to negotiate and improvise procedures.

5. Clarify the conditions under which elections can be rerun. The law specified that elections could be nullified and rerun only when cancelled votes correspond to at least half of the registered voters in that election. Votes can be nullified only when a) a JRV board is illegally constituted; b) a JRV has been moved without authorization; or c) election results are delivered beyond the specified time without justifiable cause. The law did not allow for the possibility that votes might be nullified for additional reasons, such as lost ballots and tally sheets or large discrepancies in counts. Furthermore, it did not anticipate situations in which the annulled votes were greater than the difference between the winner and loser, resulting in situations where the true result was unknowable.

6. Clarify the rules for public financing of campaigns, particularly the formula for determining the amount of public funds and the requirements for reporting and repaying funds. The current law encourages microparties with little chance of winning a legislative seat to launch presidential and legislative candidates, which leaves them with large bills to repay to the government.

Election Administration and Procedures

The Supreme Electoral Council confronted and overcame many serious obstacles in the 1996 elections, including late approval of an ambiguous electoral law, an inadequate budget, change in the president only eight months before the elections, party delays in nominating election officials, and extremely complex elections. A number of lessons may be drawn from this experience:

1. Professionalize the election bureaucracy in order to better meet the new schedule of more frequent elections under the revised constitution. In particular, Departmental Electoral Council members should be permanent rather than temporary members appointed only months before an election and dismissed at the inauguration of the new government. This change would require the cooperation of the parties nominating the officials and reforms to the

electoral law. Appoint JRV officials well in advance to allow time for adequate training.

2. Improve communication mechanisms between the levels of the election administration.

Last-minute decisions about voter documents and polling stations with extended hours were difficult to communicate on election day from the SEC down to the JRV level. In particular, communication during the review process broke down when the SEC failed to provide clear guidelines to the departments, leading to confusion and conflict.

3. Provide full information to the public and to the parties. The SEC was very conscientious before the elections in communicating decisions to both the public and the political parties, but in the aftermath of the elections, that communication broke down. In announcing the voting results on Nov. 8 and Nov. 22, the SEC failed to explain its analysis and conclusions about the review and recounts and about the party appeals. It explained the method for assigning legislative seats only after the fact, when the media and the parties began to question it. The absence of full explanation to the public contributed to the confusion and perception of disorder, and probably did the most damage in undermining the credibility of the institution.

4. Improve the transmission of results. Public confidence in the election results began to unravel when discrepancies were discovered between the telegrams and the official tally sheets. The preliminary results transmitted by telephone and fax had so many errors that the National Counting Center could only report 87 rather than 100 percent of the returns. A careful comparison of the tally sheets, the original telegrams, and the copies of the telegrams recorded at the National Counting Center, as well as investigation into the procedures used by telephone company workers on election night, could reveal when errors occurred in the transmission process and whether there were any systematic patterns of bias in them. Party poll watchers and national and international observers need access to every step of the process.

5. Complete the cedulization process before the 1998 Atlantic Coast elections. The slow delivery of voter documents in the Atlantic Coast region, despite having started the cedulization process there first,

indicates an urgent need to correct errors and complete the process there, and subsequently in the rest of the 26 municipalities with ad hoc registration.

6. Give full government backing to the Electoral Prosecutor to complete investigations into electoral crimes, including JRV officials who failed to appear for duty on election day. Such investigations—and if necessary, prosecutions—are necessary both to understand the nature of the problems in the 1996 elections and to restore confidence in elections as a vital democratic institution.

International Observers

With each mission, international observers learn and accumulate experience. In Nicaragua, we believed that more progress in national reconciliation and confidence-building had been reached since the 1990 elections than actually was the case. We underestimated the level of distrust remaining among the parties and the need for election mediation. On election night and the day following, several factors combined to unravel the process: slow transmission of results, premature claim of victory by Mr. Alemán, premature negative response by the FSLN, failure of observers to stay for the duration of the count and its transmission to CDCs and the National Counting Center, and human error in recording and transmitting the results.

As some international observers praised the process and offered congratulations to the apparent president-elect, the severity of the problems became clear, and several parties began to question the results. The Sandinistas, in particular, felt hurt by being labelled as sore losers and spoilers, while they were striving to document the seriousness of the irregularities and avoid setting a poor precedent for future elections. Their position hardened as they perceived a lack of attention from the SEC and the international community.

In 1990, the quick count of the United Nations provided early and accurate information that allowed the United Nations, the OAS, and the Council to confirm the official results and help both the winning and losing candidates have confidence in and acknowledge those results to their supporters in a peaceful acceptance of the outcome. In 1996, the ET and the OAS/EU each did a quick count, but the count

was not effectively used to calm the two main parties as it had in 1990.

International observers did stay for an unprecedented observation of the extensive vote review and partial recount, and the cooperation among the groups was a positive development. Nevertheless, the lack of coordination in the pre-electoral period and on election day, and the duplication of efforts among five different NGOs and one international governmental organization, each with field offices funded by USAID, meant that there was both wasted effort throughout the electoral process and an inability to conduct a systematic, large-scale qualitative and quantitative (quick count) observation which could provide the information needed to fully evaluate and mediate the elections. We recommend that USAID evaluate this experience in order to improve the effectiveness and efficiency of U.S.-funded electoral observation in the future. ■

Appendices

Appendix 1

Carter Center Pre-election Delegations

March 7-11, 1996

Dr. Jennifer McCoy, Director, Nicaragua Elections Project, The Carter Center

Dr. David Carroll, Associate Director, Latin American and Caribbean Program, The Carter Center

Professor Shelley McConnell, Director of Field Office, Nicaragua Elections Project, The Carter Center,
Managua, Nicaragua

June 6-11, 1996

President Osvaldo Hurtado, Former President of Ecuador (1981-84); Member of the Council of Freely
Elected Heads of Government

Dr. Jennifer McCoy, Director, Nicaragua Elections Project, The Carter Center

Ms. Elana Broitman, Democratic Professional Staff Member, U.S. House of Representatives International
Relations Committee

Mr. Joaquín Daly, Representative of Council Member and Former Peru President Fernando Balaúnde Terry

Mr. Mark Kirk, Republican Professional Staff Member, U.S. House of Representatives International Relations
Committee

Mr. Rodrigo Madrigal, Representative of Council Member and Former Costa Rica President Oscar Arias and
Board Member of the Arias Foundation for Peace and Human Progress

Professor Shelley McConnell, Director of Field Office, Nicaragua Elections Project, The Carter Center,
Managua, Nicaragua

Mr. Mike O'Callaghan, Former Governor of Nevada (1971-78); Chair of the Board of the
Las Vegas SUN Newspaper

Aug. 29- Sept. 4, 1996

Dr. Luis Alberto Lacalle, Former President of Uruguay; Member of the Council of Freely Elected Heads of
Government

Dr. Jennifer McCoy, Director, Nicaragua Elections Project, The Carter Center

Professor Shelley McConnell, Director of Field Office, Nicaragua Elections Project, The Carter Center,
Managua, Nicaragua

Ms. Adrean Scheid, Program Assistant, Nicaragua Elections Project, The Carter Center, Managua, Nicaragua

Appendix 2

Statement of Dr. Osvaldo Hurtado Former President of Ecuador and Leader of the Delegation of the Council of Freely Elected Heads of Government The Carter Center

Pre-electoral Mission to Nicaragua June 11, 1996

On behalf of the Council of Freely Elected Heads of Government, a group of 27 hemispheric leaders based at The Carter Center in Atlanta, Georgia, I would like to introduce the delegation of international observers with whom I have worked this weekend to observe the ad hoc registration process.

Beside me is Rodrigo Madrigal, representative of former Costa Rican president Oscar Arias; Michael O'Callaghan, former governor of Nevada; Jennifer McCoy, director of The Carter Center's election observation project; and Shelley McConnell, The Carter Center's representative in Nicaragua for the election period. Also joining our delegation were Joaquin Daly, representative of former Peruvian president Fernando Belaunde; and two members of the U.S. House of Representatives International Relations Committee staff, Mark Kirk (Republican) and Elana Broitman (Democrat).

The Council was invited by the Supreme Electoral Council and the principal political parties to observe the 1996 national elections, as we did in 1990. The purpose of this visit has been to observe the voter registration process. We will have another delegation during the official campaign period and a larger delegation for the Oct. 20 elections.

During this visit, we met with representatives of the FSLN and Alianza Liberal in Managua, 12 political parties in Matagalpa, members of the security forces and Electoral Council of Matagalpa, the Cardinal's Verification Commission, government officials, and the Supreme Electoral Council. We spent two days in the Departments of Jinotega and Matagalpa where we observed the ad hoc registration process in Waslala, Rancho Grande, Tuma-La Dalia, San Sebastian de Yali, La Concordia, San Rafael del Norte, and Pantasma.

We would like to report on the findings of our observations:

First, in all of the JRVs we visited, we found the election officials represented the political parties in a pluralist fashion, had received extensive training, and worked competently and responsibly. Citizens entering the registration site had their data entered into the catalogs and received their *libreta civica* in accordance with the law and with no irregularities.

Second, the citizens participated enthusiastically and in large numbers which especially impressed us given the isolation, poverty, and illiteracy that characterizes this region. Those without documents (most of those we observed) brought witnesses as specified in the law. The civic education campaign of the Supreme Electoral Council effectively informed the people where and how to register, especially through radio announcements and house-to-house visits by election officials. In addition, people learned about the registration from their neighbors, the Cardinals Verification Commission, and the political parties.

Third, despite concerns we heard before the weekend, we found no problems of insecurity or intimidation; nor did we see any political propaganda near the JRVs.

Nevertheless, we did find some problems. In four of the 45 JRVs we visited, the materials ran out, and in some, they were not replaced immediately, causing a suspension of the registration. This was due in part to the higher than expected turnout, where in some cases more than 400 people attended a JRV. The problem could be resolved with an extension of the registration period in those areas and the provision of additional materials.

Another problem lay in the demarcation of the JRVs. In some cases, the precinct boundaries did not correspond with the demographic reality, so some citizens couldn't register in the JRV nearest their homes. As a result, they had to register at another site further away.

We recognize that poor communications and roads impede the ability of the Supreme Electoral Council to respond rapidly to emergency situations. In light of this, we have reported our findings to the Council, and the president has informed us that the necessary measures are being taken to address these issues and thus assure the highest possible voter participation in the upcoming election.

To conclude, we want to recognize the significant efforts of the Supreme Electoral Council to carry out this registration process, the political parties for their collaboration in assuring this process by organizing and training poll watchers, and the election officials for their devotion to their work. We commend the international community for its support to date and call for its continued strong backing for the Nicaraguan democratic process. Above all, we recognize the Nicaraguan people who registered with a sense of civic responsibility, convinced that with their vote, they could influence their country's future.

Appendix 3

Translation of
Comments of Luis Alberto Lacalle
Council of Freely Elected Heads of Government
Third Delegation to the Nicaraguan Electoral Process

Sept. 5, 1996

As ex-president of the Republic of Uruguay and, furthermore, in my capacity as a member of the Council of Freely Elected Heads of Government, based at The Carter Center, I am pleased to take advantage of this opportunity to speak with the media and other invited guests regarding the democratic process in Nicaragua. I am accompanied by Dr. Jennifer McCoy, director of The Carter Center's Nicaraguan project, and Professor Shelley McConnell, The Carter Center's representative in Nicaragua.

The Nicaraguan Supreme Electoral Council (SEC) and the leaders of the various political parties, including the FSLN and the Alianza Liberal, invited The Carter Center to observe the elections this year. The Center made a preliminary trip in March and established an office in Managua at the end of May. Our first delegation came to observe the ad hoc registration in June.

This visit has given us additional information about the technical preparations for the vote and the political climate of the campaign. During our week in Nicaragua, we met with the SEC magistrates and their technical team which works in Metrocentro. We also met with five political parties and traveled to the departments of Granada and Masaya to observe campaign rallies. Furthermore, we held meetings with other election observers, nongovernmental organizations, civil society, and religious, intellectual, military, and governmental leaders.

The perception of the Nicaraguan elections that results from these meetings is complex and at the same time, in general, positive. Despite persistent concerns about the lack of security in the conflictive regions, the campaign in general has been peaceful. The political debate is intense, which is typical of a democracy as long as it is expressed within the legal framework. Equally positive is the opinion of the citizens with whom we spoke in Granada, Masatepe, and Managua, who were enthusiastic about receiving their voting documents and about voting.

However, we are concerned about some of the technical aspects of the vote. In particular, the cedulaization process has been delayed, and many citizens have not received their *cédulas* nor their *documento supletorio*. Also, it will be necessary to correct errors in the voters' registration list. The delay in delivering the funds awarded by the state to the parties represented a difficulty for their campaigns. However, the parties did not attribute these delays to political motivation but rather to a lack of resources; nor did they mention the possibility of not participating in the election for these reasons.

The SEC informed us that the intensive delivery campaign starts next week to culminate the delivery of the voting documents. A new tranche of electoral funds was delivered this week. The registration list is ready and will be reviewed and corrected by the parties and the electoral authorities. If these measures are completed on time and according to plan, some of the basic guarantees for a transparent election will be in place.

The road toward democracy is long and difficult. All countries have to continually perfect their electoral systems. In Uruguay, where the political parties have existed for 160 years, we are still reforming the electoral laws. The Nicaraguan democracy is young and still working to perfect its system.

Through missions like this, the Council of Freely Elected Heads of Government and The Carter Center hope to facilitate the road toward democracy for the Nicaraguan people. We announce that former President Jimmy Carter; former secretary of state during the Bush Administration, James Baker; and other Council members will visit Nicaragua to observe the election on Oct. 20.

Appendix 4

Regions Visited by Council Delegates
Oct. 20, 1996

<u>Department/Region</u>	<u>Observers</u>	<u>Number of JRVs Visited</u>
Carazo	2	4
Chinandega	2	13
Chontales	2	9
Esteli	4	33
Granada	4	27
Jinotega	2	12
Leon	6	22
Managua	8	22
Masaya	3	7
Matagalpa	6	30
RAAN	3	15
RAAS	3	12
TOTAL	45	207

(Note: Total does not equal 47 because 2 Carter Center staff members manned the office in Managua.)

Appendix 5

NICARAGUAN ELECTION DAY CHECKLIST, OCT. 20, 1996
COUNCIL OF FREELY ELECTED HEADS OF GOVERNMENT

Observer name/s: _____

Time at JRV: _____

Department and Municipality: _____

JRV No. and location: _____

Number of registered voters: _____

Number of ballots cast so far: _____

Average time to vote: _____

Number of people in line (est.): _____

1. Which Party poll watchers were present? (Check those present):

Alianza Liberal _____ FSLN _____ Other _____

2. Were domestic ET observers present?

Yes _____ No _____

3. Which parties nominated the JRV election officials? (List Party):

JRV President _____ 1st Member _____ 2nd Member _____

4. Did party poll watchers and/or domestic observers indicate that there were:

- (a) no problems _____ (c) a few significant problems (explain on back) _____
(b) a few, but not significant _____ (d) many significant problems (explain on back) _____

5. What is your overall evaluation of how voting was going at the polling site?

- (a) JRV functioned normally and without irregularity _____
(b) Some minor irregularities, but not significant in terms of the result _____
(c) Serious problems which could potentially distort the result _____

COMMENTS / EXPLANATION OF PROBLEMS (CONTINUE ON BACK IF NECESSARY):

6. Check those problems that apply:

- a) JRV closed or voting suspended (explain on back): _____
b) Insufficient materials (Which kind?): _____
c) Security problems (explain on back): _____
d) Indelible ink not applied correctly (explain on back): _____
e) Intimidation of voters (explain on back): _____
f) Secrecy of ballot not assured (explain on back): _____

7. How many voters were denied an opportunity to vote thus far? _____

Reasons (give #s):

- a) Not on list _____
b) Discrepancy between card and list _____
c) No voter document _____
d) Voter at wrong JRV _____

**CLOSING AND COUNTING REPORT
NICARAGUAN ELECTIONS, OCT. 20, 1996
COUNCIL OF FREELY ELECTED HEADS OF GOVERNMENT**

Observer name/s: _____
Department and Municipality: _____ JRV No. and location: _____

COUNTING PROCESS:

1. ET observer present? _____
2. Intl observer present (organization/s)? _____
3. Fiscales present? Alianza Liberal _____ FSLN _____ Other _____
4. Time poll closed: _____
5. Time count started: _____
6. Did party poll watchers register complaints? (If yes, explain on back) Y _____ N _____
7. Did count function normally? (If no, explain on back) Y _____ N _____
8. Did party poll watchers receive copies of results (actas)? Y _____ N _____
9. Number of citizens not permitted to vote: _____

Reason (give #s):

a) Not on list _____	d) Discrepancy betw card & list _____
b) No voter document _____	e) Voter at wrong JRV _____
c) Ran out of materials _____	f) JRV suspended or closed _____

ELECTION RESULTS	<u>President</u>	<u>National Deputies</u>	<u>Dept. Deputies</u>
10. Total voters on list:	_____	_____	_____
11. Total valid votes:	_____	_____	_____
12. Total null votes:	_____	_____	_____
13. Total votes cast (11 + 12):	_____	_____	_____
14. Approx. % participation (13/10):	_____	_____	_____
15. Party/Candidate Vote Totals: (List party abbreviation & total votes for top 5 finishers):			

party / # votes	party / # votes	party / # votes
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**SUMMARY - ELECTION DAY REPORT
NICARAGUAN ELECTIONS, OCT. 20, 1996
COUNCIL OF FREELY ELECTED HEADS OF GOVERNMENT**

Observer name/s: _____ Total number of JRVs visited (# of forms): _____
Department/s: _____ Municipalities: _____
Sum total of registered voters at JRVs visited: _____ Average of average times to vote: _____

1. How many of the JRVs had Party poll watchers present from:

Alianza Liberal _____ FSLN _____ MRS _____ PNC _____ Pronal _____ UNO96 _____
Camino Cristiano _____ Other _____ Other _____ Other _____

2. How many JRVs had domestic ET observers present? _____

3. How many JRVs had officials nominated by the following parties present?

Alianza Liberal _____ FSLN _____ MRS _____ PNC _____ Pronal _____ UNO96 _____
Camino Cristiano _____ Other _____ Other _____ Other _____

4. In how many JRVs did Party poll watchers and/or domestic observers indicate that there were:

a) no problems _____ c) a few significant problems _____
b) a few, but not significant _____ d) many significant problems _____

5. How many JRVs did YOU evaluate as:

a) JRV functioned NORMALLY and WITHOUT IRREGULARITY _____
b) JRV had some MINOR IRREGULARITIES, but NOT SIGNIFICANT for result _____
c) JRV had SERIOUS PROBLEMS which could potentially distort the result _____

6. At how many JRVs were the following PROBLEMS found?

a) JRV closed/ voting suspended: _____ d) Indelible ink not applied correctly: _____
b) Insufficient materials: _____ e) Intimidation of voters: _____
c) Security problems: _____ f) Secrecy of ballot not assured: _____

7. In how many JRVs were MORE THAN 5 VOTERS denied the right to vote? _____

Reasons (give total number of voters for each category):

a) Not on list _____
b) Discrepancy between card and list _____
c) No voter document _____
d) Voter at wrong JRV _____

Appendix 6

THE
CARTER CENTER

FOR IMMEDIATE RELEASE
Monday, Oct. 21, 1996

Contact: Deanna Congileo
The Carter Center
Intercontinental Hotel
(505) 222-7842
In Atlanta: (404) 420-5108

Preliminary Statement
Council of Freely Elected Heads of Government
International Delegation To Observe the Nicaraguan Elections
Oct. 21, 1996

Honorable Jimmy Carter

Let me start by saying that we congratulate the Nicaraguan people for their enthusiasm and determination to participate in the democratic process. In spite of some administrative problems, we are most impressed by the excellent turnout and patience of the Nicaraguan people to wait in long lines to cast their ballots. We also witnessed the dedication of election officials, from the polling stations (*juntas receptoras de votos* or JRVs) up to the national-level Supreme Electoral Council.

Six years ago, we witnessed a tense and polarized election, but a successful one in which all parties accepted the results. The election yesterday confirms how far Nicaraguans have come in moving their conflicts from the battlefield to the political arena. Overall, the campaign was free of violence and all the parties had the opportunity to get their messages to the people without harassment. Nevertheless, there was some unease and uncertainty about the electoral process, which is one of the reasons that we and other international observers are here. We have worked to help reduce these suspicions and to support the efforts of Nicaraguans to ensure the elections would be accepted by all.

On behalf of Presidents Osvaldo Hurtado and Oscar Arias, Secretary of State James Baker, and our 47-member international and bipartisan delegation, I would like to say how honored we are to have been invited by the Supreme Electoral Council (SEC) and the major political parties to observe the Oct. 20th vote in which Nicaraguans elected a president, National Assembly, mayors, municipal councils, and delegates to the Central American Parliament.

Presidents Hurtado, Arias, and I are members of the Council of Freely Elected Heads of Government. Three other members of the Council sent representatives: Carlos Bascunan represents former Chilean President Patricio Aylwin; Beatrice Rangel and Daniel Romero, who were with us in 1990, represent former Venezuelan President Carlos Andrés Pérez; and Joaquín Daly is here for former President Belaúnde of Peru. Our group of 27 heads of government from throughout the hemisphere has worked together for 10 years to reinforce democracy and resolve conflicts peacefully. The Council, based at The Carter Center, observed the 1990 elections in Nicaragua and has worked to help Nicaraguans find solutions to problems of inflation and title to property.

We led a delegation of 47 people—election experts, former government officials, doctors, business leaders,

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and foundation executives from nine different countries. Last June, we established an office in Managua, and Professor Shelley McConnell has helped prepare us for this day by monitoring developments and staffing the pre-election missions that have been led by former Uruguayan President Luis Alberto Lacalle, President Hurtado, representatives of President Arias and Belaúnde, and Dr. Jennifer McCoy, who has coordinated this electoral project.

The Council of Freely Elected Heads of Government sent 20 teams to 15 of Nicaragua's 17 departments on Oct. 19. Our teams met throughout Saturday with SEC officials, representatives of political parties, security officials, and domestic and international groups to assess the electoral process in each of these departments. On election day, our teams witnessed the opening of the polls, visited approximately 200 JRVs, evaluated election conditions, and then observed the counting of votes in each of these departments.

Our delegation was encouraged by the widespread involvement of the citizens of Nicaragua in these important elections. Although the government faced many challenges in distributing voter identification documents, the vast majority of those who wanted to vote had an opportunity to do so on Sunday. Voter turnout in the areas we observed was over 80 percent, reflecting Nicaraguans' strong support of the democratic process. Additionally, the political parties expressed their commitment to an open and transparent election, participating in record numbers as *fiscales* or party representatives in the JRVs. Our delegation routinely noted representatives of at least seven political parties at each JRV we visited.

The Supreme Electoral Council has gone to great lengths to carry out these very complex elections, responding to the many administrative and logistical challenges even on the day before the elections, to ensure all Nicaraguans would have the opportunity to vote. Many JRVs experienced delays in receiving election materials, particularly ballots, but the SEC reported as of Sunday evening that only 56 of 9,000 polling sites were not able to open due to lack of materials.

We observed that the majority of JRVs opened from one to several hours late because of problems with material delivery. The SEC tried to accommodate the affected voters by instructing the JRVs to remain open a full 11 hours from the time of their installation. We were impressed, too, by the dedication and professionalism of the polling station officials and noted many instances of polling station officials and electoral police sleeping in JRVs on Saturday night to receive the materials and prepare for the opening of the polls.

In more than 95 percent of the voting we observed, party poll watchers and domestic observers told us there were no or only minor problems in the conduct of these elections.

We will continue to monitor the results of the election as they are released, and we encourage all political parties to register any complaints with the Supreme Electoral Council to be addressed in a calm and timely fashion.

We congratulate the Nicaraguan people on this important demonstration of their civic spirit and commitment to the democratic process. We recognize the significant progress in these last six years to achieve peace, a large reduction of the armed forces, debt reduction, and macroeconomic stability. Nevertheless, important challenges remain.

We encourage all the participating political organizations in this election to work together in a constructive manner to make their democracy work and address the real concerns of the Nicaraguan people on poverty, unemployment, and economic development. In doing so, they will earn the support of all Nicaraguans who have shown us their strong desire for peace and democracy.

Appendix 7

NEWS

F R O M
THE 
CARTER
CENTER

ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE
Friday, Nov. 15, 1996

CONTACT: Deanna Congileo
Public Information, (404)420-5108;
Or Managua Office Director Shelley
McConnell, (505) 268-3265

CARTER CENTER STATEMENT ON VOTE REVIEW FOR NICARAGUA ELECTIONS

ATLANTA. . . . The Carter Center's electoral observation mission to Nicaragua wishes to express its admiration for the peaceful and civic way in which the people and political parties of Nicaragua have participated in all phases of the vote count process since the Oct. 20 national elections. After an exhaustive review and correction of the polling station (JRV) results in each of the 17 departmental headquarters, the Supreme Electoral Council announced provisional election results on Nov. 8. Although the outcome of the presidential election is unlikely to be affected, the official winners of all six elections will be declared only at the end of the appeals and resolutions phase of the process, expected to be completed by Nov. 20.

The Carter Center's Council of Freely Elected Heads of Government deployed a 47-person election observation team to 14 departments on election day. The Center opened an office in May and sent four pre-election missions in the past year to monitor the entire electoral process. A full report will be issued in December.

Invited as observers by the Supreme Electoral Council and the principal political parties, and at the request of President Chamorro, The Carter Center continues to maintain its office in Nicaragua, under the direction of Professor Shelley McConnell, to observe the post-election process. The project coordinator, Dr. Jennifer McCoy, returned to Nicaragua on Nov. 6 to assess the review process, meet with the political parties, and witness the Nov. 8 announcement.

The vote count and transmission contained a number of irregularities that emerged on the night of the election and in the following days. As a result, the departmental review process was unusually extensive, re-counting many ballots, making corrections in the tally sheets, and annulling a number of JRV results

MORE

Page 2

because of the disappearance of ballots and other serious problems. Regrettably, the Supreme Electoral Council did not release this information on the corrections made during the departmental reviews, the number and location of annulled polling stations, and the number of votes actually counted to determine the provisional results that were announced on Nov. 8.

It is essential that the Supreme Electoral Council release this information as soon as possible so that Nicaraguans and international observers can evaluate the parties' appeals as well as the Council's announcement. Only by such an open and comprehensive review will the people of Nicaragua have confidence in the official outcomes.

The fact that all Nicaraguan parties are pursuing their concerns through legal channels makes a very positive statement about the progress made in recent years toward building a civil society in a democratic framework. However, the next few weeks will be critical. We hope that the parties put forward their complaints in a responsible fashion, that the Supreme Electoral Council is responsive to legitimate complaints, and that the parties then accept those results. This is essential for the elections of Oct. 20 to move Nicaragua forward in consolidating its democracy. The Nicaraguan people deserve nothing less.

We will issue another statement at the conclusion of this process.

Appendix 8

NEWS

FROM
THE 
CARTER
CENTER

ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Friday, Dec. 6, 1996

Contact: Deanna Congileo

Associate Director, Public

Information, (404) 420-5108

CARTER CENTER ISSUES FINAL STATEMENT ON NICARAGUA ELECTIONS

ATLANTA, Ga.The Carter Center issued a statement today by former U.S. President Jimmy Carter, former Secretary of State James Baker, former Costa Rica President Oscar Arias, former Ecuador President Osvaldo Hurtado, and former Uruguay President Luis Alberto Lacalle on the recent announcement of the Nicaraguan Supreme Electoral Council declaring the official winners of the Oct. 20 elections. The five led a 47-member international election observer delegation and pre-election missions, sponsored by the Council of Freely Elected Heads of Government based at The Carter Center.

The leaders concluded that the elections contained flaws, but the results announced by the Supreme Electoral Council on Nov. 22, by and large, reflected the preferences of the Nicaraguan people. Allegations of fraud are unsubstantiated, and the delegation concluded that Arnaldo Alemán won the presidential election in the first round.

They identified the most positive elements of the election as the high voter turnout, despite some confusion in the polling stations; the large numbers of party poll watchers; the participation of national observers for the first time; and an extensive and peaceful 19-day review and partial recount of the votes. The most serious problems, they said, were due to administrative confusion during the vote count process, which led to the annulling of about 6 percent of the polling stations.

The delegation urged all the political leaders in Nicaragua to accept the results, and they applauded proposals made by the Supreme Electoral Council, President-elect Arnaldo Alemán, and former President Daniel Ortega to improve the electoral law and process for future elections.

The Carter Center will publish a detailed report and recommendations based on its observation of the entire electoral process in Nicaragua.

Editor's Note: A copy of the full four-page statement issued today by the delegation leaders is available upon request. Please call Deanna Congileo at (404) 420-5108 for a copy.

FINAL STATEMENT

Dec. 6, 1996

Council of Freely Elected Heads of Government International Delegation To Observe the Nicaraguan Elections

Honorable Jimmy Carter, James Baker III, Oscar Arias, Osvaldo Hurtado, and Luis Alberto Lacalle:

As the leaders of a 47-member international observer delegation sponsored by the Council of Freely Elected Heads of Government and The Carter Center, we wish to congratulate Nicaragua at the conclusion of a difficult, but meaningful election on Oct. 20.

The elections contained flaws, but the results announced by the Supreme Electoral Council on Nov. 22, by and large, reflected the preferences of the Nicaraguan people. Allegations of fraud are unsubstantiated, and the delegation concluded that Arnaldo Alemán won the presidential election in the first round.

The most positive elements of the election were the high voter turnout, despite some confusion in the polling stations; the large numbers of party poll watchers; the participation of national observers for the first time; and an extensive and peaceful 19-day review and partial recount of the votes. The most serious problems were due to administrative confusion during the vote count process.

The time has come for statesmanship in Nicaragua, and we ask all the political leaders to accept the results and work together to improve the country's economy and electoral process.

In 1990, we witnessed a tense and polarized election, but a successful one in which all parties accepted the results, and the incumbent party peacefully transferred power to the elected opposition for the first time in the country's history. Six years later, the 1996 elections confirmed how far Nicaraguans have come in moving their conflicts from the battlefield to the political arena. Under the leadership of President Violeta Chamorro, Nicaraguans have eschewed armed conflict and begun to develop a political culture based on the rule of law.

Paradoxically, the progress of the last six years contributed to the complexity of the 1996 elections. An active and pluralist National Assembly wrote an electoral law in January 1996 that created an election authority with new and inexperienced officials with little time to be trained. The elections of president, legislature, Central American Parliament, and municipal governments, with six ballots, and the doubling of the number of polling stations made these elections very complicated. The goal of providing every Nicaraguan with a new permanent identity card (*cedula*) proved too difficult to accomplish by election time and required several types of temporary cards. All of these factors produced difficult administrative challenges for the Supreme Electoral Council.

In assessing an election, we ask whether four essential conditions were met, permitting an adequate expression of the citizens' free choice. These conditions include 1) whether eligible voters can register to vote, 2) parties can campaign freely, 3) voters have a secret ballot, and 4) the vote count is honest. In the case

of the 1996 Nicaraguan elections, we observed first that the vast majority of eligible Nicaraguans had the opportunity to register and vote. Second, the campaign was carried out in a peaceful climate, and the political parties had an opportunity to campaign and get their message out without harassment or intimidation. Third, after overcoming some delays and shortage of materials, all but 11 (of 9,000) voting stations opened on election day, and citizens could vote in a secret ballot.

The fourth condition, an honest and accurate vote count, posed the most difficult problems for these elections. Anomalies cited by the political parties led to a long review process. The many irregularities uncovered during this review and correction period, including the disappearance of ballots and tally sheets, caused the annulment of about 6 percent of the polling stations.

Ten political parties, including the Liberal Alliance and the FSLN, submitted petitions questioning the process to the Supreme Electoral Council. We have reviewed these. The most extensive appeal, presented by the FSLN, requested new elections in the two most populous departments, Managua and Matagalpa, alleging problems affecting more than half of the voters in each. In our examination of the 647-page FSLN appeal, we found a number of serious concerns. However, the document does not present evidence which could justify allegations of fraud made by senior FSLN leaders.

On Nov. 22, the Supreme Electoral Council rejected the requests for new elections, while granting other petitions for additional annulments of specific polling stations. The SEC confirmed the provisional presidential results announced on Nov. 8; announced for the first time the distribution of seats in the national legislature; and confirmed the mayoral races announced on Nov. 8, with one change in Kukra Hill, a small town on the Atlantic Coast.

The failure by the SEC to explain its decisions when they were announced on Nov. 8 and 22 created some confusion. Finally, on Dec. 3, the SEC explained some of its decisions, including the formula used to assign the legislative seats, and the impact of the appeals process on the final vote results. We hope the SEC will provide more information on the problems and on their decisions so the electoral process can be improved for the future.

Based on the information we have received to date, we conclude the following: First, we have seen no evidence of a systematic pattern of bias in favor or against any particular political party, which would signify fraud. Second, we have seen no evidence that the irregularities would change the outcome of the presidential race. The most significant problem was the loss of some ballots and annulment of others. However, these annulled polling stations did not represent sufficient voters to have reduced the first-place winner below the 45-percent threshold to require a runoff election. We therefore conclude that Arnaldo Alemán is the president-elect of Nicaragua.

The most serious shortcomings occurred during the vote count process as a result of numerous factors, the fatigue of election officials and party poll watchers after a long election day and night, lack of carbon paper and errors in transcription, problems in the transmission of preliminary results, disorder in several of the departmental receiving stations on election night, a lack of clear and uniform policies for the departmental reviews, partisan conflicts over the departmental review procedures, an ambiguous electoral law, and pressures to issue official results quickly. Unfortunately, all of this administrative confusion caused votes in about 6 percent of the polling stations to be annulled for missing tally sheets, ballots, or unauthorized relocation.

We also acknowledge that the observers and party poll watchers share some of the responsibility for failing to monitor carefully the entire process of the transmission of results to the national counting center and the receipt of voting materials in the departmental councils.

We have spoken to both President-elect Arnoldo Alemán and former president Daniel Ortega and are pleased to report that they both stated their desire to reform the Electoral Law and establish a permanent civil service in the electoral branch. We applaud the proposal of the Supreme Electoral Council to conduct a thorough review of the electoral process.

We respectfully suggest the creation of an independent commission that could make recommendations to the Council and the new Assembly, and we encourage the authorities to commit the resources needed to complete the national ID card program and to prepare now for the elections scheduled in 1998.

Elections are the bonds that hold leaders accountable to the people. Because we believe that the legitimacy of the electoral process is essential to a vital and functioning democracy, The Carter Center will issue a detailed report and recommendations based on the observation of the entire electoral process.

We congratulate President-elect Arnoldo Alemán and support his calls for national dialogue and reconciliation. We congratulate all of the newly elected leaders of the government and the opposition and urge them to work together constructively to make their democracy serve the people.

The major opposition party, the FSLN, deserves credit for the civil and peaceful way in which they expressed their concerns with the electoral process and for their call for a national accord. With regret, however, we have to acknowledge our disappointment with their decision to withhold their full acceptance of the results of the presidential election announced by the Supreme Electoral Council. We strongly believe the success of democracy in Nicaragua requires that the electoral process not be treated as an object of bargaining as normally occurs on other issues. We hope all those parties that have not yet accepted the results do so before the inauguration of the new president.

As leaders of the delegation, we wish to express our appreciation to the Nicaraguan people for the opportunity to witness this important demonstration of Nicaraguans' commitment to the democratic process.

Appendix 9

Presidential Results

Party Name and Candidate	Valid Votes	% of Valid Votes
Alianza Liberal (AL) (Jose Arnoldo Alemán Lacayo)	896,207	50.99 %
Frente Sandinista de Liberación Nacional (FSLN) (Daniel Ortega Saavedra)	664,909	37.83 %
Camino Cristiano Nicaragüense (CCN) (Guillermo Antonio Osorno Molina)	71,908	4.09 %
Partido Conservador de Nicaragua (PCN) (Noel José Vidaurre Arguello)	39,983	2.27%
Proyecto Nacional (PRONAL) (Benjamin Ramón Lanzas Selva)	9,265	0.53%
Movimiento Renovador Sandinista (MRS) (Sergio Ramírez Mercado)	7,665	0.44 %
Alianza Pan y Fuerza (PAN-FUERZA) (Francisco Mayorga)	7,102	0.40 %
Acción Nacional Conservadora (ANC) (Francisco José Duarte Tapia)	6,178	0.35 %
Partido Resistencia Nicaragüense (PRN) (Edgar Enrique Quiñones Tuckler)	5,813	0.33 %
Partido Unidad Nicarag. de Obreros, Camp., y Prof. (PUNOCP) (Andrews Abelino Robles Pérez)	5,789	0.33 %
Partido Liberal Independiente (PLI) (Virgilio Aberlardo Godoy Reyes)	5,692	0.32 %
Partido Justicia Nacional (PJN) (Jorge Alberto Díaz Cruz)	5,582	0.32 %
Alianza Unidad (U) (Alejandro Serrano Caldera)	4,873	0.28 %
Partido Comunista de Nicaragua (PC DE N) (Miriam Arguello Morales)	4,802	0.27 %
Partido Alianza Popular Conservadora (Miriam Arguello Morales)	4,632	0.26%
Partido de Unidad Liberal (PUL) (Ausberto Narvaez Arguello)	3,887	0.22 %
Alianza Uno 96 (UNO 96) (Alfredo César Aguirre)	3,664	0.21 %
Movimiento de Renovación Nacional (MORENA) (Allan Antonio Tefel Alba)	2,641	0.15 %
Partido Acción Democrática (PAD) (James Odnith Weester Pitts)	1,895	0.11 %

Presidential Results (Continued)

Party Name and Candidate	Valid Votes	% of Valid Votes
Partido Integracionista de America Central (PIAC) (Sergio Abilio Mendieta Castillo)	1,653	0.09 %
Movimiento Acción Renovadora (EL MAR) (Issa Moisés Hassan Morales)	1,393	0.08 %
Partido Socialista Nicaragüense (PSN) (Gustavo Ernesto Tablada Zelaya)	1,352	0.08 %
Alianza Democrática Nicaragüense (PADENIC) (Roberto Urcuyo Muñoz)	890	0.05 %

Total Registered Voters:	2,421,067
Total Votes:	1,849,362 (76.39%)
Total Valid Votes:	1,757,775 (95.05%)
Total Null Votes:	91,587 (4.95%)
Total JRVs:	8,995

Note: Turnout was actually higher because during the review process the voters from 510 JRVs (5.6 percent of total JRVs) were annulled for serious irregularities. These JRVs are reported as being counted in the total of 8,995 JRVs, but the undetermined number of votes in these JRVs are not included in the total votes reported by the SEC.

National Assembly Results by Party

Party	Number of Deputies
Alianza Liberal (AL)	42
Frente Sandinista de Liberación Nacional (FSLN)	36
Camino Cristiano Nicaragüense (CCN)	4
Partido Conservador de Nicaragua (PCN)	3
Proyecto Nacional (PRONAL)	2
Movimiento Renovador Sandinista (MRS)	1
Partido Resistencia Nicaragüense (PRN)	1
Alianza Unidad (U)	1
Partido Liberal Independiente (PLI)	1
Alianza Uno '96 (UNO)	1
Acción Nacional Conservadora	1
Total Number of Deputies:	93

Mayoral Results by Department

Departments	AL	FSLN	MRS	ACP
Boaco	6	-	-	-
Carazo	4	3	1	-
Chinandega	4	9	-	-
Chontales	12	-	-	-
Esteli	3	3	-	-
Granada	3	1	-	-
Jinotega	6	1	-	-
Leon	2	8	-	-
Madríz	4	5	-	-
Masaya	5	4	-	-
Matagalpa	12	3	-	-
Managua	5	2	-	-
Nueva Segovia	6	5	-	-
R.A.A.N.	4	2	-	-
R.A.A.S.	4	3	-	-
Rivas	6	3	-	1
Rio San Juan	5	-	-	-
Totals:	91	52	1	1

Central American Parliament Results

Party	Number of Deputies
Alianza Liberal (AL)	9
Frente Sandinista de Liberacion Nacional (FSLN)	8
Camino Cristiano Nicaragüense (CCN)	1
Partido Conservador de Nicaragua (PCN)	1
Proyecto Nacional (PRONAL)	1

Appendix 10

Municipalities With More Annulled Votes Than Difference in Votes Among the Top Two Candidates

Municipality	AL Votes	FSLN Votes	Difference	No. of Annulled JRVs	Total JRVs	Estimated Uncounted Votes**
CARAZO						
Diriamba	7,907	7,450	457	3	103	616
Jinotepe	6,779	7,125	346	2	84	420
El Rosario ¹	(MRS) 647	596	51	1	10	193
MATAGALPA						
Matagalpa	13,946	13,003	943	30	225	5,173
Esquipulas	1,876	1,946	70	2	29	386
Muy Muy	1,681	1,530	151	5	25	818
MANAGUA						
Tipitapa	14,011	12,122	1,889	13	171	2,482
Villa Carlos Fonseca	3,742	2,438	1,304	8	48	1,342
Managua ²	110,466	(VM) 100,089	10,377	178	1,869	36,665
Ticuantepe	3,263	2,317	946	8	44	1,319
San Rafael del Sur	4,611	3,618	993	8	76	1,422

1. MRS was the vote getter with 647 votes.

2. Viva Managua came in second with 100,089 votes and the FSLN third with 98,089 votes.

The difference between 1st and 2nd place was 10,377 votes and between 1st and 3rd place was 11,657 votes.

** Estimated Uncounted Votes = # of Annulled JRVs multiplied by Average Votes per JRV in Municipality

Observadores • Ex presidente ecuatoriano preside delegación Carter

Hurtado: Elecciones son trascendentales

ALVARO CRUZ ROJAS
LA TRIBUNA

Las elecciones del 20 de octubre próximo son tan importantes como las de 1990 porque le permitirá a los nicaragüenses seguir viviendo en democracia, dijo el martes el ex presidente ecuatoriano, Oswaldo Hurtado, quien encabezó una delegación del Centro Carter de observadores en las inscripciones electorales.

"Estas elecciones me parecen fundamentales, son tan importantes como las anteriores", dijo Hurtado. "Van a consolidar el proceso democrático y le dan a los nicaragüenses cinco años más para seguir aprendiendo este arte de vivir en democracia".

"La democracia puede irse a perfeccionarse. Sin duda, tiene innumerables debilidades, pero todo eso puede subsanarse con el tiempo", sostuvo Hurtado.

"Nicaragua vive la primera etapa de ese largo camino que se llama democracia", agregó.

Hurtado, ex presidente de Ecuador entre 1981 y 1984, llegó el sábado al país

encabezando un grupo de observadores pre-electorales del Consejo de Gobernantes libremente elegidos, patrocinado por el Centro Carter.

El ex mandatario sudamericano exaltó el entusiasmo de los nicaragüenses durante las inscripciones electorales extraordinarias —ad hoc— el pasado fin de semana y señaló dos problemas encontrados en los 26 municipios del Norte del país.

"Los dos problemas que encontramos están referidos a las circunscripciones electorales que no correspondían a la geografía, de manera que muchos ciudadanos en lugar de inscribirse en una mesa cercana a su domicilio, tenían que desplazarse a lugares muy distantes", dijo Hurtado.

"El segundo problema fue el agotamiento de los materiales, particularmente aquel que dejaba constancia del testimonio de los testigos sobre la identidad", agregó el ex mandatario.

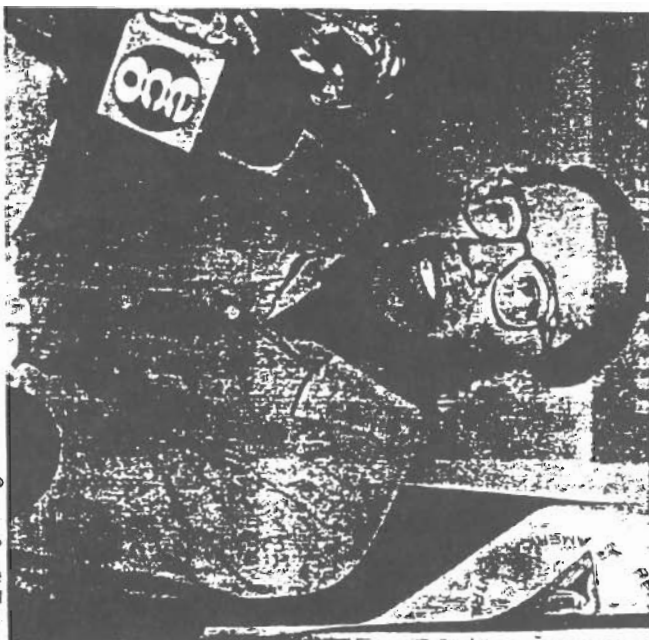
Según Hurtado, esta última falla se debió a "una enorme afluencia de ciudadanos que superó toda la expectativa".

"No hemos encontrado ni violencia ni intervenciones inadecuadas de los partidos políticos", afirmó Hurtado.

Al referirse a los problemas políticos del país, Hurtado pidió "no magnificar los problemas de Nicaragua".

"La política evolucionará en el futuro. Nicaragua ha dado un extraordinario salto que algunos consideraban imposible. Esto es obra del Gobierno, pero también es obra de la oposición", dijo el ex mandatario.

Por otro lado, Hurtado hizo un llamado a la comunidad internacional para que "mantenga y amplíe" su ayuda financiera para el funcionamiento de la economía y el mejoramiento de la democracia en Nicaragua.



Oswaldo Hurtado, ex presidente de Ecuador, preside delegación de observadores del Centro Carter.

LA TRIBUNA / Miércoles 12 de junio de 1996

LA PRENSA - September 4, 1996 pp. 1

Magistral lección de democracia del expresidente Lacalle



Dr. Luis Alberto Lacalle

Observador del Centro Carter
cree que las elecciones van bien, pero recuerda que cada ciudadano debe interesarse y participar en el proceso y la construcción de la democracia

Cree que el atraso es normal y el discurso político no contiene amenaza de violencia ni mesianismo

El ex presidente de la República oriental del Uruguay, doctor Luis Alberto Lacalle, opinó hoy que el proceso electoral de Nicaragua se desarrolla dentro de condiciones que pueden ser calificadas de "normales", y urgió con energía a los ciudadanos nicaragüenses a intensificar su participación, tanto ahora, como en las elecciones y después de ellas.

En un hermoso elogio al voto popular como base de la democracia esencial, el ex mandatario uruguayo recordó a los nicaragüenses que todos ellos tienen el derecho de reclamar cuando crean que se les está impidiendo elegir libremente y recordó que "hay que meter de nuevo la política en los hogares, hablar de ella durante el almuerzo y asumir las responsabilidades ciudadanas con valor y energía".

"Después de las elecciones, insistió el doctor Lacalle, el proceso democrático sigue. Lo importante es participar. Quien no participa, no tiene después derecho a reclamar y la situación política que se produzca repercutirá en quien no participe y en sus hijos".

El doctor Lacalle compareció en el programa "A Fondo", dirigido por el periodista Carlos Briceño en el canal de televisión 8, esta mañana. Estuvo acompañado de la señora Jennifer McCoy, presidenta ejecutiva del Centro Carter, que ha observado 15 procesos electorales en distintos países desde su fundación. El centro ha abierto ya una oficina en Managua.

El doctor Lacalle dijo que los reclamos de la tardanza en la obtención de los documentos electorales puede considerarse como "un atraso normal en todas partes". "Las garantías electorales que existen en Nicaragua no tienen nada que envidiarle a nadie", sostuvo.

Insistió en que corresponde a los partidos políticos intervenir en el control de la elaboración del padrón electoral, con participación constante y que los fiscales de cada partido tienen el compromiso de reclamar y exigir, conforme la Ley, antes, durante y después del depósito de los votos.

Los ciudadanos, insistió el doctor Lacalle, tienen que ser activos en política. El ex presidente, que fue legislador y sufrió la represión de los grupos armados durante el eclipse de la democracia en su país, apuntó con un dedo índice a las cámaras de televisión y dijo enfático: "los derechos que no se ejercen, después no se pueden reclamar". Recordó que haber estado preso "con la capucha puesta varios días", reforzó su fe en las soluciones políticas no impuestas, sino consensuadas.

Invitó también a los nicaragüenses a meditar sobre el error de la guerra y a impedir una solución violenta de los problemas políticos del país, participando en política plenamente, y votando.

En opinión del ex presidente uruguayo, lo saludable del discurso electoral de Nicaragua puede definirse en dos cosas, una, que ningún candidato amenaza con la violencia, si no gana. Otra, que ningún candidato se proclama como el único salvador indispensable que va a salvar al país. Tampoco ningún candidato amenaza a otro.

Como político experimentado en un país como Uruguay, con tradiciones democráticas que se remontan a 160 años atrás, el doctor Lacalle hizo en "A Fondo" un estupendo resumen de lo sencillo y complicado, a la vez que es el proceso democrático y lo simple de su elemento principal que está en manos de cada ciudadano votar. Recordó que ningún proceso electoral puede ser absolutamente puro, como ninguna agua, ni la purificada es absolutamente potable.

Lacalle aconsejó el debate entre los candidatos en el cierre de campaña, como medio de enfrentar puntos de vista opuestos, que se hayan mal interpretado en el fragor de la lucha electoral.

También defendió el otorgamiento de fondos del Estado para los partidos que deseen participar, como medio de evitar que sólo los adinerados entren en la política, aunque esto parezca un derroche que podría parecer inadecuado en un país pobre, que tiene pendientes muchos gastos sociales urgentes.

Lacalle también aceptó que la democracia conlleva el peligro de la fragmentación del voto, pero hay que aceptar esa situación. Tal es el caso, dijo, en que una pequeña fracción elige a un diputado, que puede ser la clave de importantes decisiones en el Congreso y que una sola persona venga a tener una influencia tal vez decisiva en un asunto de gobierno.

La señora McCoy recordó que, aparte de la cédula, los votantes nicaragüenses dispondrán de dos documentos más que les garantiza el derecho al voto y sostuvo que el uso de tinta indeleble es esencial para impedir que cualquier votante vaya a votar a varios municipios.

McCoy insistió en que el sistema computarizado de control de la elección garantiza al máximo que los resultados anunciados sean el fiel reflejo de los votos depositados.

Lacalle insistió en que, según el conocido dicho, "la política es demasiado importante para dejársela a los políticos", insistiendo en que todo ciudadano debe participar en el juego democrático, como ejercicio esencial para él, su familia y su Patria.

Lacalle también comentó sobre alusiones negativas al ex presidente de los Estados Unidos, James Carter, que da su nombre al centro, y recordó que Carter es un hombre que se deja guiar por sus convicciones y es un cristiano prácticamente que se rige por la norma de hacer el bien a su prójimo en la medida de sus posibilidades.

Dio a entender que Carter es sólo un miembro del "Centro Carter" y un número de otras personas que lo integran tiene en dicho centro una capacidad muy amplia de actuación y decisión.

Jimmy Carter

Nicaragua's Next Step Toward Democracy

Nicaragua and the United States face a critical juncture on Oct. 20. Nicaraguans will go to the polls to elect a successor to President Violeta Barrios de Chamorro and to test their emerging democratic institutions. The United States will confirm its commitment to democracy by letting Nicaraguans decide their own fate and then supporting those choices if the process is fair.

In 1990 Nicaraguans took a historic step by conducting elections and peacefully transferring power from one party to another for the first time in the country's history. It took a revolution and nearly a decade of civil war to reach that point. And it took a sea-change in international attitudes to provide the critical support and mediation to reinforce those who were committed to democracy and national reconciliation.

In 1986 Costa Rica President Oscar Arias presented a plan to his fellow Central American presidents to enable them to forge a regional peace pact and emerge from crippling civil conflicts. Arias insisted that a genuine democratic process in Nicaragua required that the U.S. government stop its military aid to the contras. The Reagan administration argued that free elections would never occur in Nicaragua if military aid to the contras was halted, but Congress, led by Speaker Jim Wright, agreed with Arias and suspended aid. In 1989, U.S. Secretary of State James Baker and Speaker Wright fashioned a bipartisan accord between the executive branch and Congress that ended U.S. military support for the contras and helped create the conditions for peaceful elections.

Likewise in 1989, the Sandinista government of Daniel Ortega moved up the election date and invited the United Nations, the Organization of American States (OAS), the Council of Freely Elected Heads of Government and other international observers to monitor the Feb. 25, 1990, elections. The council, a group of 27 former and current heads of government from the Americas and based at the Carter Center, mediated election disputes and sought to give the opposing candidates and the general public faith in the electoral process. On the eve of the election, many in the United States and Nicaragua were certain that the Sandinistas would commit fraud to remain in power and that the contras would not return peacefully to their homes. They were wrong.

Next Sunday, Oscar Arias and Jim Baker will join me and former Ecuador President Osvaldo Hurtado in leading another council delegation to monitor Nicaragua's elections. In contrast to 1990, Nicaraguans have stopped fighting and are becoming reconciled under the leadership of President Chamorro. But they are still very divided as to the best route to economic recovery and are struggling to revamp their weak political institutions. The polarization of the elec-

torate is evident from the polls, with most support going to two candidates — Daniel Ortega and former Managua mayor Arnoldo Aleman—while the other 21 candidates languish in a fragmented center.

Besides electing a president, Nicaraguans are voting for mayors and their representatives to the National Assembly, the Central American Parliament and municipal councils. With six different ballots, a new voter registration system and new elections officials, these elections are extremely complex administratively. Electoral preparations have been delayed, and officials are late in delivering the voter ID cards and voting materials needed on election day.

Added to the technical and infrastructural difficulties in carrying out elections in a poor country are the political tensions that always lie under the surface in a society as polarized as Nicaragua. So far, the campaign has been peaceful, and the political parties have not attributed the delays to any political motive. But given that the elections will inevitably have some technical imperfections, the risk is that such administrative irregularities could be viewed by one side as politically motivated by the other.

Nicaraguans have an opportunity on Oct. 20 to take another step down the long road of democracy and to make some choices about how to solve the pressing national problems of severe unemployment and critical poverty. If they are to find permanent solutions to these problems, Nicaraguans must learn to foster a democratic climate beyond election day, one where losers learn to work constructively, not as obstructionists, to help shape the country's future, and where winners resist the temptation of triumphalism and instead listen to diverse points of view on Nicaraguans' common problems.

As Nicaraguans hold faith in the promise of democracy to improve their lives, the support of a united international community is equally imperative. Some in the United States are still fighting the Cold War in Nicaragua, opposing candidates rather than supporting democracy, exacerbating divisions rather than promoting reconciliation. But our council will continue working with the monitors from the OAS, the European Union and elsewhere to try to address legitimate concerns while reducing the level of fear and suspicion between the parties. International observers to Nicaragua's election will be there not only to monitor election practices but also to provide international support for democracy.

Former president Jimmy Carter is chairman of the Carter Center in Atlanta.

WASHINGTON POST - October 13, 1997

THE WASHINGTON POST - October 14, 1996

Nicaraguan Elections

For a time, Nicaragua seemed to be at the heart of American foreign policy. Peace and the democratic elections of 1990, won by Violeta Chamorro, restored the country to its familiar place on the outskirts of American attention. But now this small Central American state is again in a hemispheric spotlight. Its elections next Sunday will mark the way for a country still struggling to consolidate democracy and to launch a real economic revival.

Mrs. Chamorro, a martyr's widow, turned out not to be a great political leader. But she did turn out to be a brave symbol of her country's escape from Somoza and Sandinista dictatorship alike. The vote she won left Nicaragua mostly at peace but riven politically in a way that has made governance painful, democracy fragile and the economy a disaster. The bitter issue of Sandinista property confiscations remains unresolved. The removal of the army from Sandinista to official civilian hands cannot be said to be nailed down. The armed bands roaming in the north, mostly of the right, are trouble.

Sandinista Daniel Ortega, professing himself now an ex-Marxist, is one of two major presidential candidates. The other, playing right to his left, is the former Managua mayor Arnoldo Aleman. Each characterizes the other as irredeemably authoritarian and seems to have a sure third of the vote. They are

competing for the third third occupied by sliver parties in a messy middle.

Mrs. Chamorro's landslide in 1990 made election irregularities irrelevant to the outcome. This year's expected closer vote could exaggerate their importance. But well-organized party poll-watchers make up a first line of defense, and a practiced international observer corps, including Jimmy Carter and former Reagan and Bush official James Baker, make up a second. The standard should not be whether there are irregularities but whether those that doubtless will come reflect one or another party's political design.

Daniel Ortega's political ambitions have tested American steadiness. Senator Jesse Helms mischievously intervened in behalf of one class of property-theft victims, those who are now American citizens; the result was to complicate closure and to thin promised American aid. The other day the Clinton administration itself suggested that it could not work with Mr. Ortega, who had in fact accepted the vote that ousted him in 1990. This left an impression of political intervention that, fortunately, the State Department subsequently removed.

Jimmy Carter is right to say that the United States should be prepared to support the Nicaraguan people's choice "if the process is fair."

— THE WASHINGTON POST

In Nicaragua, Showdown Between Left and Right at Polls

By LARRY ROHTER

MANAGUA, Nicaragua, Oct. 20 — More than six and a half years after they cast the ballots that ended the Sandinista Revolution, Nicaraguans returned to the polls today, patiently enduring long delays and long lines to vote in an election that offered them a clear, even stark, choice between parties of the right and left.

Hundreds of the nearly 9,000 polling places set up for the vote opened hours late because of tardy delivery of ballots, inaccurate voter lists or other administrative shortcomings. And thousands of would-be voters were unable to cast ballots because the Supreme Electoral Council failed to issue them registration cards.

But enthusiasm ran high among voters, and the authorities were predicting a turnout of more than 80 percent.

"This is a chance to erase the past and do something completely new to bring us peace and work," Juan Brenes, 22, a first-time voter in the town of La Paz Centro, said after he had waited four hours to cast his ballot. "We can elect a president who can raise Nicaragua up, and I am happy to have had that opportunity."

Although 24 parties are competing in the vote, the presidential race has boiled down to just two candidates. Most public opinion surveys show Arnoldo Alemán, a former Mayor of Managua who is the leader of the rightist Liberal Alliance, with the support of more than 40 percent of the voters, giving him a narrow lead over former President Daniel Ortega Saavedra of the Sandinista National Liberation Front.

If no candidate wins 45 percent in this round, a runoff between the two top vote-getters will be held later this year, with the victor scheduled to be sworn in on Jan. 10.

Nearly 2.4 million Nicaraguans registered for the election, which will also choose 90 members of Parliament as well as mayors, city council members and delegates to the region's Central American Parliament.

As they waited calmly for hours, first under a steaming tropical sun and then in drenching afternoon showers, voters seemed fully aware of the significance of the occasion. This will be the first time in Nicaragua's 172-year history as an independent country that a democratically elected civilian president has handed over power to another.

In contrast to the Feb. 25, 1990 election, which resulted in the victory of Violet Barrios de Chamorro, today's vote was remarkably free of political tension and fears of fraud or voter intimidation.

"I have wanted to bequeath this country a free and transparent election, and here it is," President Chamorro proudly declared this afternoon after casting her ballot.

Foreign election observers had predicted that given the complex ballot and Nicaragua's lack of experience with elections, the vote would be marked by logistical problems.

At a news conference on Friday, former President Jimmy Carter, leading a delegation that also included former Secretary of State James A. Baker 3d, expressed "confidence in the integrity of the Supreme Electoral Council" and said he detected no signs of organized irregularities.

But the widespread administrative lapses and the possibility that thousands of voters might be unable to take part in the elections clearly upset Mr. Alemán's camp, which would like to avoid the strain and cost of a runoff and had been predicting a first round triumph.



James Francis Price

In a Managua suburb yesterday, voters lined up to cast ballots in a presidential election pitting Daniel Ortega Saavedra, leader of the former Sandinista Government, against Arnoldo Alemán, former Mayor of Managua.



Logistical problems delayed voting in Managua and other cities.

This game is not going into extra innings," Mr. Alemán's running mate Enrique Bolaños Geyer vowed late last week.

With a minimum voting age of 16 and more than half of Nicaragua's citizens 16 or younger, Mr. Alemán and Mr. Ortega both made special efforts to appeal to first-time voters, who they regarded as idealistic and impressionable. That endeavor was

Daniel Ortega and a former Mayor of Managua may face a runoff election.

rewarded with a high turnout, but young voters appeared to be just as divided as their elders.

Though he was born the great-grandson of the Sandinista's first president, Mr. Ortega was named for one of their revolutionary heroes, Fidel Castro. His brother, a high school senior, said he was voting for Mr. Alemán.

He recalled learning arithmetic by being taught that two rifles plus two rifles made four rifles, and said he found Mr. Ortega's pledge to guard bloodshed and property confiscations if returned to office unconvincing.

"We don't want to go back to that sort of thing ever again," he said as he waited to vote in the northern city of Leon. The Sandinistas promised before to change things for the better, but they wrecked this country.

But at a polling place a few blocks away, Lucia Mercedes Estro Esquivel and her friend Carolina Saffra, both 17-year-old high school seniors, argued otherwise.

Not only has Mr. Ortega recognized the mistakes he made and wants to rebuild the country, Carolina said, but his egalitarian platform has been made more valid than ever by the events of the last six years.

During the time of the Sandinistas, all of us ate the same, Lucia said. "But with this Government some people eat and some don't."

It was another indication of the civil spirit and seriousness with which Nicaraguans approached today's vote, a newly organized non-partisan group called Ethics and Transparency was able to mobilize more than 4,000 people to serve as election monitors.

"I don't belong to any political party, but I view this as a patriotic duty," said Mercedes Morales, the leader of an Ethics and Transparency observation team at a polling place in La Paz Centro. "We all want peace and we all want these elections to be honest and just."

THE NEW YORK TIMES - October 22, 1996 (1 of 3)

RIGHTIST IS VICTOR OVER SANDINISTAS IN NICARAGUA VOTE

CLOSER U.S. TIES ARE SEEN

Alemán Also Favors a Further Freeing of the Economy — Ortega Won't Concede

By LARRY ROHTER

MANAGUA, Nicaragua, Oct. 21 — Decisively rejecting a bid by the former guerrilla fighters of the Sandinista National Liberation Front to return to power through the ballot box, Nicaraguan voters have instead turned further to the right, electing a candidate who advocates untrammelled free enterprise and a closer relationship with the United States.

Incomplete official returns and informal ballot counts compiled by foreign election observers gave Arnaldo Alemán, a former Mayor of Managua who ran under the banner of the Liberal Alliance, a lead of nearly 10 percentage points over his rival, former President Daniel Ortega Saavedra, the Sandinista leader. Though Mr. Ortega has yet to concede defeat, Mr. Alemán was quick today to proclaim himself the winner.

"With full confidence, I can confirm our victory," Mr. Alemán, a 50-year-old lawyer and coffee grower, said this afternoon as his supporters gathered at party headquarters to celebrate their triumph over the revolutionaries who ruled this country for more than a decade. "We have consolidated democracy in Nicaragua."

At a news conference this afternoon, however, Mr. Ortega challenged that statement, saying that "at this moment we cannot recognize the results because we have found a series of anomalies" in the vote. With Sandinista supporters chanting "Fraud, fraud!" Mr. Ortega said the "serious irregularities" would require a complete recount, but he provided no evidence to support his complaint.

With just over half of the nearly two million ballots cast on Sunday counted by early tonight, Mr. Alemán had 48.5 percent of the vote, enough to spare him the runoff with Mr. Ortega he had hoped to avoid. In a demonstration of the importance Nicaraguans attach to the vote, more than 80 percent of all eligible voters

took part in the election, in which 24 different parties offered candidates for President.

Mr. Alemán's apparent victory completes a stunning transformation of the political landscape in this country. Viewed less than a decade ago as a den of Communist subversion by the Reagan Administration, which sponsored a long and bloody guerrilla insurgency aimed at overthrowing the Sandinistas, Nicaragua will now be led by a man whose economic program would not be out of place in the Republican Party platform.

The outcome is a resounding defeat both for the Sandinistas as a party and for Mr. Ortega personally. Pushing aside the protests of many members of his party, Mr. Ortega had abandoned many planks of his party's leftist platform in an effort to win over voters suspicious of the Sandinistas' past.

"Like 1990, this vote was a referendum on the Sandinistas and their years in power," a Latin American diplomat here said today. "The results make it clear the people voted not so much for Alemán as they did against Ortega."

Mr. Ortega lost the presidency to Violeta Barrios de Chamorro in the 1990 election. She was prohibited from seeking re-election by constitutional reforms enacted during her administration that barred two consecutive terms for a President. She said from the start of her six-year term, however, that she did not intend to seek another.

THE NEW YORK TIMES - October 22, 1996 (2 of 3)

Rightist Is Winner Over Sandinista in Nicaraguan Vote

The Sandinistas came to power in 1979 with broad popular support after overthrowing the 45-year dictatorship of the Somoza family. But they quickly plunged into confrontation with the United States and eventually alienated the middle class and the poor with confiscations of property, restrictions on constitutional rights and a policy of universal military conscription.

Victory for a Nicaraguan who supports a freer market and U.S. ties.

The results announced to day gave Mr. Ortega, 50, virtually the same share of the vote he received as the losing incumbent in 1990, about 40 percent. Those Sandinistas who doubted his strategy are said by party insiders to be angry at the sacrifice of the party's commitment to socialism and revolution with nothing concrete to show in return.

For Daniel, this defeat may prove to be even more costly than 1990, a former member of Mr. Ortega's Cabinet predicted. "The orthodox group within the front is going to be handing him the bill for this loss very soon."

Mr. Alemán, in contrast, campaigned against both the recent and more distant past, criticizing Mrs. Chamorro and the Sandinistas for the economic decline that has made this country the second-poorest in the Western Hemisphere, with an



Arnoldo Alemán, 50, second from left, the right-wing candidate who was elected Nicaragua's new President, addressed supporters with his running mate, Enrique Bolanos, in Managua yesterday.

Reuters

average per capita income of only \$470 a year. He vowed to resolve outstanding land disputes and to take other steps to attract foreign investment and reactivate the economy.

Sharply critical of what he describes as Government inefficiency and corruption, Mr. Aleman advocates giving private investors, both foreign and Nicaraguan, a freer hand to generate jobs and trade. That puts him on the right of the Latin American political spectrum where the tradition of the state as the main engine of economic development remains strong.

In a television interview this afternoon, Mr. Aleman said he would pursue a policy of "national unity" and called on the Sandinista Front to be "a constructive force" and not "the destabilizing element it has been in the past." He described as "cordial" his relationship with the Nicaraguan Army and the police, which remain controlled by Sandinista officers.

"I invite Comandante Ortega to call on all to close ranks, to put down party flags and raise our blue-and-white national banner to help build Nicaragua," Mr. Aleman said shortly after visiting the graves of his parents and his wife. He also pledged "to work day and night to constantly combat poverty" and "to undertake the reconstruction of Nicaragua."

Mr. Ortega's initial response, however, was cautious and doubtful. In public declarations this afternoon, he urged Sandinista loyalists not to be discouraged by the preliminary results, and complained of "some anomalies and maneuvers designed to perturb the process" of casting and counting the vote.

In Sunday's balloting, many of the country's 9,000 polling places opened hours late, were burdened by incomplete voter lists, had to close early because they ran out of ballots, or simply turned away voters who had



Daniel Ortega Saavedra, Sandinista leader and former President of Nicaragua, speaking to the press yesterday, called for a recount.

not received their registration cards. Foreign election observers were critical of the Supreme Electoral Council for those failings today but attributed the shortcomings to ineptitude rather than fraud.

Former President Jimmy Carter, here as the leader of a bipartisan delegation of American observers, said today that Mr. Aleman's victory indicated that Nicaraguans "are looking for a fresh face and for what people think would be the best relationship with the United States." Among Nicaraguan voters, Mr. Carter added, there is "a presumption that Aleman will have a more receptive ear in Washington."

The Clinton Administration, which during the campaign expressed doubts about Mr. Ortega's commitment to democracy, was quick to pledge its support for Mr. Aleman. At a news conference here this morning, J. Brian Atwood, head of the American Government's official observer delegation here and administrator of the Agency for International Development, said he had already met with Mr. Aleman and expressed a desire to "work closely with him to spur economic development."

Mr. Aleman may also have been helped by a belated and indirect endorsement from Nicaragua's most important spiritual leader, Miguel

Cardinal Obando y Bravo. In a homily delivered at a Thursday evening Mass, the Roman Catholic prelate said that "good Christians should take certain prudent steps" before casting their vote, and then turned to a parable to illustrate his point.

In what was universally interpreted here as a reference to Mr. Ortega's change of image and program after losing power six years ago, the Cardinal warned of a snake that had been cast out into the cold and was rescued by a passerby. The man, explaining that circumstances had changed, put the snake to his chest to warm it and restore it to life. The snake bit him and killed him.

"That is why in these days we should reflect on what is most beneficial for the nation," the Cardinal concluded. Having done that, a near majority of voters evidently decided that Mr. Aleman was their only viable option.

Rosa Maria Martinez, a teacher and Aleman supporter, said, "We want a resounding change for Nicaragua — economic, political and social — and that's what he has offered us. Historically, Nicaragua has always been betrayed by its rulers. So we hope that with this one we will find peace and the change of direction that we need."

Scourge, and Sometime Victim, of the Sandinistas

José Arnaldo Aleman Lacayo

By LARRY ROHTER

MANAGUA, Nicaragua, Oct. 22 — Almost as soon as he became Mayor of Nicaragua's capital in 1990, Arnaldo Aleman set about erasing all signs of the 11-year tenure of the Sandinista National Liberation Front. Revolutionary murals were painted over, Sandinista loyalists were stricken from the municipal payroll, and free gas and light service to the tomb of the front's founder was cut.

But Mr. Aleman, a conservative 50-year-old lawyer and coffee grower, had an even more scornful fate in store for the four gigantic initials of the Sandinista Front that were painted on a mountainside overlooking Managua and had come to symbolize the supremacy of the party of revolution. He had the letters F.S.L.N. rearranged so that they spelled FIN, Spanish for "the end."

Now Mr. Aleman has been elected President of this poor and polarized Central American country on a platform that promises he will do for Nicaragua exactly what he did in Managua.

With three-quarters of the ballots in the election on Sunday counted by tonight, he has 48.9 percent of the vote, giving him a comfortable lead of 10 percentage points over the closest of his 23 rival candidates, former President Daniel Ortega Saavedra, the Sandinista leader.

"Under my Government, the people of this country are going to get the change they desire," Mr. Aleman pledged in a recent interview. "The only thing the Sandinistas did during the 1980's was to destroy. But we are going to rebuild what they destroyed,



Reuters

just as we did in Managua, so that we have an economy that gives people jobs and a state based on the rule of law."

Mr. Ortega has thus far refused to concede defeat, and his complaints of "anomalies" in the vote led today to announcement of an agreement that will postpone the official declaration of Mr. Aleman's victory until the Sandinistas have had an opportunity to examine official vote tallies. But Mr. Aleman, normally a fierce critic of Mr. Ortega, has been uncharacteristically restrained and conciliatory in his public statements.

"I extend my hand to him," Mr. Aleman said during a television interview on Monday of the man whose Government threw him into prison just seven years ago. "We must be able to forgive, because without par-

The election victor says Nicaraguans will get 'the change they desire.'

don, without unity, we will not be able to move this country ahead."

José Arnaldo Aleman Lacayo was born in Managua on Jan. 23, 1946, into what he has described as "a family with roots in the soil, united, simple, hard-working, honest and Christian." His father, Arnaldo Aleman Sandoval, was a lawyer who would inspire four of his five children to follow him in that career and a disciple of the Liberal Party controlled by the dictator Anastasio Somoza.

During much of his own adult life, Mr. Aleman has been contemptuous of politics and politicians, preferring to devote his energies to business and serving as a lawyer for banks and food companies. But during the years of Sandinista rule, he was forced into the public arena as a leader of national associations of coffee growers, farmers and ranchers opposed to land seizures and price controls.

Then, in 1989, in what his friends describe as a galvanizing experience in his life, Mr. Aleman's own properties were seized and he was arrested and sentenced to seven years in jail. While in prison, his wife, Dolores, with whom he was raising two sons and two daughters, became ill with what was diagnosed as brain cancer.

but despite his pleas, friends say, Mr. Aleman was not permitted to visit her in the hospital before she died.

Mr. Aleman remains a widower and visited his wife's grave as soon as it became clear Monday that he had triumphed. But his only sister, Amelia, along with her two daughters, became part of his household after his wife's death, and she is expected to serve as the First Lady of the new administration.

"That was a very painful time for me, but it made me determined that my children should not grow up under a totalitarian system," Mr. Aleman recalled recently of his imprisonment. "That is what finally pushed me into politics."

On the campaign trail and in his contacts with ordinary people, Mr. Aleman seems to relish the image of the jolly fat man, the "Rey Momo," or King of Carnival, who is a stock figure in Latin American folklore, renowned for his appetite, ebullience and humor. When a Nicaraguan cartoonist portrayed him as a superhero called "Gordoman," or "Fatman," Mr. Aleman happily adopted that symbol and incorporated it into his campaign.

"He is an exuberant sort of guy who bubbles forth," said former President Jimmy Carter, who has had much contact with Mr. Aleman lately as the head of a delegation of former Western Hemisphere heads of state observing the election here.

But Mr. Aleman also has a reputation as a volatile, explosive personality, and the Sandinistas made much of that during the campaign, running a series of television advertisements that showed Mr. Aleman losing his temper in public or berating or threatening those who disagreed with him. "This is a fellow with a strong authoritarian streak in his character," a European diplomat here said.

Mr. Aleman denies the often repeated accusations he was once a sympathizer of the Somoza dictatorship, dismissing them as Sandinista propaganda. But former college classmates recall that Mr. Aleman became a member of a Somoza university youth group during his days at the National Autonomous University of Nicaragua in Leon, and during the recent campaign members of the Somoza family were occasionally observed traveling in his entourage.

Mr. Aleman has also developed close ties to the Cuban exile community in Miami, some of whose leaders have expressed an eagerness to do business in Nicaragua. In an interview in August, he denied rumors that the Cuban-American National Foundation was helping finance his campaign, saying that he had accepted only "technical assistance" and advice from Miami exile groups.

During his five years as Mayor of Managua, Mr. Aleman won the grudging respect of many of his adversaries by paving streets, building parks, erecting housing and rebuilding markets, even in neighborhoods known to be Sandinista strongholds. As President, he vowed, he will follow the same policy and try to convert skeptics into believers.

"The Bible says you shall be known by your acts," he said. "Thanks to the Sandinistas, ours is a beggar country today. But we will never go back to that again. This time we are going to have a real revolution, a revolution of people, that will build a new country."

THE NEW YORK TIMES - October 23, 1996

THE WASHINGTON POST WEDNESDAY, OCTOBER 23, 1996

pp. A26

Nicaragua's Presumptive President, Aleman, Promises to End Sandinista Legacy

By Douglas Farah
Washington Post Foreign Service

MANAGUA, Nicaragua, Oct. 22—Conservative businessman Arnoldo Aleman, the unofficial winner in Sunday's presidential election, is poor or telling the story of how his arch-enemies, the leftist Sandinistas, turned him toward politics.

As Aleman's wife lay dying of cancer in 1989, the Sandinista government placed him under house arrest. When he started hemorrhaging, Aleman was not allowed to accompany her to the hospital.

The Marxist Sandinista government, fighting a war against U.S.-backed Contra guerrillas, also confiscated five of his farms.

That is what made me a politician, Aleman said in an interview last week. The Sandinistas made me a politician.

Aleman, 50, a heavyset lawyer who gives speeches like an old-time populist, promises to end the legacy of the Sandinistas here. He defeated former president Daniel Ortega, a leader of the Sandinistas, who had run Nicaragua between 1979, when they overthrew the right-wing Somoza dictatorship, until 1990, when they lost to Violeta Chamorro, who became president.

Though Aleman won the presidency handily, he leads a coalition of Liberal Party factions. The Sandinistas remain the largest and most disciplined party in Nicaragua. And Aleman's bitterness, still apparent in interviews and public appearances, leads many to fear that he will do lit-

Tensions Ease as Carter Says Sandinistas Accept Voting Results

Washington Post Foreign Service

MANAGUA, Nicaragua, Oct. 22—Former president Jimmy Carter, who played a key role in Nicaragua's transition to democracy six years ago, said today the leftist Sandinista party has agreed to accept voting results as tallied by the Supreme Electoral Council.

The announcement seemed to defuse tension created Monday night when Daniel Ortega, the former Sandinista president and a candidate in Sunday's election, demanded a check of voting stations, alleging irregularities in the tallies relayed by telegram to the council.

With 73 percent of the vote counted today, conservative businessman Arnoldo Aleman maintained a commanding 48.4 percent to 38.6 percent lead. That lead was not expected to change significantly in the final count, meaning Aleman seems to have secured the 45 percent vote needed to win the presidency in the first round of voting.

ties that are broken open at children's birthday parties.

Carlos Tuneremann, former ambassador to the United States under the Sandinistas, who has since broken with Ortega, acknowledged that the Sandinistas abused the confiscation of property.

But that should not be at the top of Aleman's agenda, Tuneremann said. "There are so many overwhelming problems, and the problems of poverty, that he should make [those] the priority. If he starts with wanting to get revenge, he will only create confrontation."

Aleman promised that owners of small properties would be allowed to keep them, but that Sandinista leaders with large properties and luxury houses will either have to return them or pay the original owners full market value. Among those to be targeted, Aleman said, is Ortega, who paid only \$1,000 for a luxurious house and four other properties valued at hundreds of thousands of dollars.

"We believe in reconciliation, but with justice," Aleman said. "We will not throw them out onto the street. But they have to pay off or give back what they took."

Aleman proposes a program called "Buying Peace," which would compensate original land owners for their property, and estimates the cost at about \$500 million. He said he hopes international aid would help pay for the program.

Aleman Backed the Chamorro coalition in the 1990 presidential race, and became mayor of Managua. The city is still struggling to recover from a 1972

earthquake, and most of the downtown area is still vacant, with a few decaying buildings housing new urban migrants. In five years as mayor, Aleman initiated several large urban infrastructure projects, including rebuilding a popular walkway along Managua Lake, known as the Malecon. He broadened and repaved roads and added traffic circles, fountains and traffic lights. He also painted over the Sandinista murals and billboards that decorated the city.

Aleman used direct confrontation with the Sandinistas—unlike President Chamorro, who negotiated with them—to build a wide following that led to his presidential victory.

"If I fulfilled my promises to you as mayor," Aleman said after declaring victory, "How can I not keep my promises to you as president?"

homes and urban properties were also seized.

"People are scared of Aleman," said Alfredo Cesar, a conservative politician who worked with the Contra rebels in the 1980s. "The talk of [reversing] the land reform and things will give the Sandinistas a political reason not to let him govern."

While many of the properties were turned over to social uses, the Sandinista leaders kept many of the best properties for themselves, legalizing their actions just before leaving office in 1990. The final giveaway is known derisively as the pinata, after the papier-mache figures stuffed with can-

return property confiscated by the Sandinistas to its original owners. He also promised to set up a Truth Commission to investigate human rights abuses and allegations of corruption after the 1990 elections. Abuses before that were pardoned under a broad amnesty.

It is unclear how many properties the Sandinista government seized in 1979, when it declared that all property belonging to the Somoza family, its close political allies and leaders of the army was property of the state. Hundreds of thousands of acres of farmland were turned over to peasant cooperatives, and hundreds of

WASHINGTON TIMES - October 29, 1996 (1 of 3)

Carter, Baker stress Nicaraguan reconciliation

THE WASHINGTON TIMES

On Oct. 21, the morning after Nicaraguan national elections, several senior U.S. statesmen sat with a small group of reporters, including Tom Carter of The Washington Times, and discussed the Nicaraguan elections, U.S. policy in Nicaragua in the 1980s and future U.S. policy toward that nation.

Former President Jimmy Carter led the discussion, along with James Baker, secretary of state under President Bush. Also attending was Bernard Aronson, assistant secretary of state for inter-American affairs under Mr. Bush, and Robert Pastor, a senior adviser to Mr. Carter while he was president.

Question: What does it say to you that after the campaign transformation of Daniel Ortega from a leftist revolutionary to a moderate he gets exactly the same percentage of votes this time as he did six years ago?

Jimmy Carter: He has a hard core of support.

Q: Were you surprised by Mr. [Arnoldo] Alemán's early-morning victory statement before the electoral council has declared him winner?

Mr. Carter: I'm not surprised. I hope he'll be gracious if he is the victor, but I haven't seen any indications of graciousness on either side — yet.



AP
Jimmy Carter listens to the translation of a question at a news conference last week in Managua.

ident Bush had not abandoned their commitment to the Contra cause.

Q: Mr. Baker, do you accept that word "abandon"?

Mr. Baker: No. I would phrase it differently. I do think we changed the policy. What we did was we decided to see whether we could achieve a compromise with congressional Democrats that would protect the Contras and relocate them and provide funds for humanitarian assistance. I wouldn't say we abandoned the Contras, but we certainly changed the policy.

Mr. Carter: When President Bush took over, there was a bipartisan approach. Secretary Baker came down to the Carter Center, met with me, Oscar Arias and other leaders from Latin America, and that started the possibility of the 1990 elections. It was enlightened American policy.

Mr. Baker: It was a tough negotiation. It was tough with guys on our side. It was tough with [Sen.] Chris Dodd [Connecticut Democrat] and [Rep.] Joe Moakley [Massachusetts Democrat] because this had been the most divisive foreign policy issue in domestic politics.

Q: Regarding Aleman's reconciliation with Daniel, what should he do?

Mr. Carter: I don't think he has to offer him a cabinet position, but just a statement that brings the Nicaraguan people together and all the parties can work in harmony, something of that nature.

Mr. Baker: I'd like to go back to that abandoned-the-Contras situation. One of the arrows in his quiver [Mr. Carter had in convincing Mr. Ortega to accept the 1990 election] is that we did not abandon the Contras. We maintained them as a fighting force with humanitarian and relocation assistance, and if Ortega had thumbed his nose at the elections results, that was always in the background. I feel certain that under those circumstances we could have gone back to Congress and gotten more military aid.

Mr. Carter: That is true.

Robert Pastor: The real innovation of Mr. Baker's bipartisan accord with Mr. Wright [former House Speaker Jim Wright, Texas Democrat] was taking it out of politics. It distinguished between the military aid and the economic and humanitarian aid by removing the military aid for the time being and enforcing the ceasefire during the entire electoral process of that year. Enough space was permitted within Nicaragua to mediate the electoral process. There was no war going on.

Q: A lot of people standing in

line expressed a desperate hope that the voting would change their lives for the better. Do you think it will?

Mr. Carter: There is hope. We see the tremendous potential here. If you go north of here and go to the cotton fields, you see the potential is enormous. The biggest impediment to economic growth and agriculture and investment is lack of clear title to property. That was the most important issue we had to address in the 1990 elections, because there was fear that the original owners would have a right to take back all the small houses and farms. But the decree signed in 1979 by the victorious revolutionaries included Mrs. Chamorro's own signature.

There was an agreement that there would not be a massive taking away of those houses from those who had them since the revolution. It is still a difficult issue, and now the U.S. Senate — Senator Helms — has greatly increased the number of people who have the right to get their property back. And the delivery of a lot of American aid is predicated on everybody in Miami, who may have left even before the revolution getting full claim on their property.

That is why the Aleman plan is so troubling. If you go back to square one and don't accept the payment of property to the original owners in bonds guaranteed by the government, given value by the sale of the telephone company, then you are back to square one.

Mr. Baker: The land title is a difficult issue, but Nicaragua is not going to make it or not on the basis of U.S. aid. Although that has been and is important. What is critical and most important is that conditions are appropriate for investment. All this farmland that could be devoted to agribusiness uses, if you ever straightened out the land titles, could bring in a lot of investment.

Mr. Aronson: That is why national reconciliation is not just a peace-and-brotherhood issue. If you don't have a guarantee of stability, investors are going to walk away from Nicaragua. They will take one more look after this election. If what they find is a climate where it is not safe to invest — if there is political instability and uncertainty about land and law — they will walk away. There are so many places in Latin America and Central America where the conditions are safe where it is attractive.

The point about U.S. assistance is our budget is being cut, it is not going to go up. This country is not going to rise or fall based on U.S. assistance. It would be better if we were doing more than we are doing, but the real key here is to create a climate that will attract private and foreign investment. If they don't do it in the first year, the investment community will walk away.

That is the real test for Aleman and Ortega. Both of them have to reach out and create some kind of working relationship. If Aleman is bent on revenge, or if Daniel wants to "govern from below" using his popular base and the threat of violence, it is not going to work.

Mr. Baker: The new government has about 18 months, and if they don't have policies in place by then, investors will go somewhere else.

Q: The Aleman campaign has proposed a "truth commission" to get at past crimes in the country. Did you speak with him at all about that?

Mr. Carter: I may have misunderstood him, but I think he said the Sandinistas had accused Mrs. Chamorro's government of improprieties, and one of the main reasons of the truth commission is to disprove these allegations.

Q: What can Mr. Aleman do to reconcile the heavy polarization that exists in Nicaragua?

Mr. Carter: I hope that whoever is victorious will reach out a tentative friendly hand and over a period of weeks move to consolidate a cooperative government.

What will be more significant is the makeup of the National Assembly. A presidential veto here can be overridden by 51 percent, the same majority it takes to pass a law. The president has been deprived, in the new constitutional arrangements, of a tremendous amount of authority. Early returns show [a divided assembly], who knows what kind of coalitions will be put together.

This is a polarized nation, and there is no doubt that Aleman and Daniel represent the two polarities. But they have a structure to alleviate the damage that can be caused in a polarized society.

Q: What do you think of Aleman's "Plan to Buy Peace," to pay off folks who had their land confiscated under the Sandinistas with \$500 million in foreign, probably U.S., aid?

Mr. Carter: It's a foolish proposal.

James A. Baker III: I told him [Mr. Aleman] I thought that proposal will not fly and it would work to the detriment of Nicaragua. It essentially amounts to a default on general obligations of Nicaragua. That would cut them off from access to financial markets and economic assistance in terms of investments and loans.

[Mr. Aleman's] campaign manager agrees. He's been trying to get them off this kick. It is probably good politics, but not very good policy. They will not find someone to give them \$500 million. Secondly, they really should not think in terms of defaulting on their obligations.

Mr. Carter: We've spent a lot of time down here working on the title-to-land issue, which is charged with such great emotions — not only here, but in Jesse Helms' [Foreign Relations] committee. We got a consensus with all the major parties, the labor unions and property owners. Aleman was represented, Daniel was there personally. And we worked out a formula that everyone agreed to that has now gone to parliament — to sell the telephone company and use part of the income to substantiate bonds, at about 40 percent. The sale of the telephone company is held up now, partly because Aleman has renounced the overall plan.

Now he and his vice president are talking about paying off people at 100 percent and the bonds at 15 percent. That would be a default on the economic obligations of Nicaragua.

When you ask where are they going to get the \$400 [million] or \$500 million [so there won't be a default], they say friends and gifts from the World Bank and the U.S. government. It is a foolish proposal, from which they are going to have to back down.

Q: Do you think the current level of U.S. aid to Nicaragua is where it should be?

Mr. Carter: Even under enlightened administrations, by Democrats and Republicans, there has been an uncertainty about U.S. aid and a spasmodic delivery of aid that has cut down on its value. Senator Helms has had a great deal to do with how much money comes to Nicaragua and the criteria that have to be met in order to get aid. It has been off and on to the Chamorro government. It may be that a new and established government would have a more beneficial result on U.S. aid distribution.

Q: How has Daniel Ortega changed from the man you knew in 1979, until today?

Mr. Carter: He's matured. When I first met him in 1979, he was like a college kid who had won a revolution and didn't know a darn thing about running a government. He was a young revolutionary who knew how to fire an AK-47 and overthrow a dictator but didn't know how to run anything.

There is more of a comparison between then and 1990. I was contacted by the Sandinistas when I was in Ghana and asked if I would be willing to come down here and monitor the election. I was being asked to confirm what the Sandi-

nistas thought would be an inevitable victory since the U.S. government had said the elections in 1984 were not substantive.

When President Bush was elected, the [Sandinistas] turned to the Carter Center and out of that was evolved the 1990 elections, which turned out to be quite honest. When the Sandinistas lost, this was when we had to convince them to accept the elections.

They did accept the 1990 elections when they had total control of the military and could have disavowed it. I think that shows a certain amount of maturity. My guess is that they will comply with these results peacefully and assume again the role of an opposition party.

Mr. Baker: One thing that will promote reconciliation here is because we in the United States have taken this out of domestic politics. There are still some on the far right side of my party and far left side of President Carter's party that would dearly love to return to the thrilling days of yesterday.

The important thing that happened in 1990 is that Democrats and Republicans in the United States got together and decided to take Central American foreign policy out of the domestic debate in the United States, and I think that is really important to continue.

I don't think that Ortega would have accepted the results in 1990 had President Carter not been down here in 1990 to encourage that. That was an example of Democrats and Republicans in the United States working together to achieve a beneficial result. I think we'll see a follow-on in this election.

Mr. Carter: We could have never come down here if Pres-



Daniel Ortega



Arnoldo Aleman

EL NUEVO DIARIO - November 2, 1996 pp. 16

Declaración conjunta de observación post electoral

Observadores atentos a revisión

Recibimos este escrito:

DECLARACION CONJUNTA DE OBSERVACION POST-ELECTORAL

Managua, 1o. de Noviembre de 1996

Nosotros, los grupos de observación electoral abajo firmantes deseamos informar al pueblo de Nicaragua sobre nuestra continua observación del proceso electoral de 1996.

Cada grupo ha conservado la presencia de una parte de sus delegados en el país para observar el proceso post-electoral y dar seguimiento a aquellas irregularidades que destacamos en nuestras declaraciones el día de las elecciones. En el transcurso de estos diez días, hemos enviado equipos de observadores a los departamentos de Managua, Masaya, Matagalpa, Carazo, Rivas, León, Chinandega, Estelí, Madriz, Nueva Segovia, Granada y Chontales. A su vez nos hemos reunido con los Presidentes de los Consejos electorales de la RAAS y RAAN, así mismo hemos estado en contacto con otros observadores, quienes han visitado los departamentos restantes.

Nuestro trabajo ha estado centrado en la observación de la revisión de las actas de escrutinio, telegramas, recuento de boletas y los resultados preliminares que están siendo procesados en los Centros de Cómputos departamentales. Por otra parte, hemos hablado con las autoridades electorales a nivel nacional y departamental, con fiscales y líderes de varios partidos políticos. Además, estamos actualmente siguiendo el proceso de transcripción de los resultados departamentales en el Centro Nacional de Cómputos ubicado en el Centro de Con-

venciones Olof Palme.

Nuestra presencia ha sido bien acogida por la Presidenta Violeta Chamorro y el Consejo Supremo Electoral, así como por los fiscales y funcionarios electorales, quienes están emprendiendo grandes esfuerzos para concluir este proceso.

Reiteramos nuestras felicitaciones al pueblo de Nicaragua por su alta participación en las elecciones nacionales y continuaremos observando el proceso post-electoral hasta la publicación por parte del Consejo Supremo Electoral de los resultados finales.

**CENTRO CARTER
CENTRO PARA LA DEMOCRACIA
FUNDACION INTERNACIONAL PARA
SISTEMAS ELECTORALES
INICIATIVAS HEMISFERICAS/WOLA
INSTITUTO NACIONAL DEMOCRATA
PARA ASUNTOS INTERNACIONALES
INSTITUTO REPUBLICANO
INTERNACIONAL**

LA PRENSA - December 9, 1996

Observadores ratifican victoria de Arnoldo Alemán

NOHELIA GONZALEZ

Pese a las deficiencias presentadas durante las elecciones de octubre, el resultado reflejó en términos generales la voluntad del pueblo nicaragüense y los alegatos de fraude carecen de sustento, señaló en su declaración final el Centro Carter.

El ex presidente de Estados Unidos, Jimmy Carter y ex secretario de Estado, James Baker y los ex presidentes latinoamericanos Oscar Arias, Oswaldo Hurtado y Luis Alberto Lacalle ratifican en su pronunciamiento final que el nuevo presidente de la República, es el Dr. Arnoldo Alemán.

Realizan un llamado al "liderazgo responsable" y solicitan a los dirigentes políticos aceptar los resultados de las elecciones y trabajar juntos para mejorar la economía de Nicaragua y fortalecer el sistema electoral.

Agregan que el proceso electoral de 1996, que se destacó por una elevada participación ciudadana, por ~~agenc~~ por primera vez observadores nacionales, revi-

sión minuciosa de votos y recuento parcial pacífico, confirma que los nicaragüenses han avanzado mucho en el camino de trasladar los conflictos a la arena política.

El proceso electoral nacional cumplió exitosamente con tres de las cuatro condiciones requeridas que permiten una adecuada expresión de voluntad ciudadana: inscripción, campaña electoral libre y voto secreto.

Sin embargo, la cuarta condición que es el conteo de votos limpios y exacto fue el problema más difícil, ante los alegatos de los partidos sobre presuntas anomalías que condujeron a una larga revisión del proceso, del cual resultó la anulación del seis por ciento de las mesas electorales.

Asimismo, manifiestan su esperanza de que el Consejo Supremo Electoral proporcione más información sobre sus decisiones incluyendo la ~~forma~~ ~~usada~~ ~~para~~ ~~asignar~~ ~~escaños~~ ~~legislativos~~, y sobre los problemas presentados a fin de que el sistema electoral pueda mejorarse.

About The Carter Center

The Carter Center brings people and resources together to resolve conflicts; promote democracy; fight disease, hunger, and poverty; and protect and promote human rights worldwide. It is guided by the principle that people, with the necessary skills, knowledge, and access to resources, can improve their own lives and the lives of others.

Founded in 1982 by Jimmy and Rosalynn Carter in partnership with Emory University, the nonprofit Center undertakes action-oriented programs in cooperation with world leaders and nongovernmental organizations (NGOs). In this way, the Center has touched the lives of people in at least 65 countries.

The Center's programs are directed by resident experts or fellows, some of whom teach at Emory University. They design and implement activities in cooperation with President and Mrs. Carter, networks of world leaders, other NGOs, and partners in the United States and abroad. Private donations from individuals, foundations, corporations, and multilateral development assistance programs support the Center's work.

The Center is located in a 35-acre park just two miles east of downtown Atlanta. Four circular, interconnected pavilions house offices for the former president and first lady and most of the Center's program staff. The complex includes the nondenominational Cecil B. Day chapel, other conference facilities, and administrative offices. The Jimmy Carter Library and Museum, which adjoins The Carter Center, is owned and operated by the National Archives and Records Administration of the federal government and is open to the public. The Center and Library are known collectively as The Carter Presidential Center.

More information about The Carter Center, including Center publications, press releases, and speeches, is available on the Internet's World Wide Web. The Carter Center site is at: <http://www.emory.edu/CARTER-CENTER>



The Carter Center is located in a 35-acre park in Atlanta, Georgia.