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**REPORT OF THE ELECTORAL OBSERVATION MISSION,
NATIONAL GENERAL ELECTIONS,
REGIONAL ELECTIONS IN COSTA ATLÁNTICA
NICARAGUA, 2001-2002**

This document is being distributed to the permanent missions and
will be presented to the Permanent Council of the Organization.



Organización de los Estados Americanos
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Organization of American States

17th and Constitution Ave., N.W. • Washington, D.C. 20006

SG/UPD-863/02 December 27, 2002

Excellency:

I have the honor to address Your Excellency to request your kind assistance in having distributed to the members of the Permanent Council the attached report of the OAS Electoral Observation Mission in Nicaragua. The report reflects the activities undertaken by the Mission during the observation of the general elections in Nicaragua, held on November 4, 2002 and the regional elections in Costa Atlántica, held on March 3, 2002.

Accept, Excellency, the renewed assurances of my highest consideration.

Luigi R. Einaudi

Assistant Secretary General

In charge of the General Secretariat

His Excellence

Denis G. Antoine

Ambassador, Permanent Representative of Grenada

Chairman of Permanent Council of the

Organization of American States

Washington, D.C.

ORGANIZATION OF AMERICAN STATES

**REPORT OF THE
ELECTORAL OBSERVATION MISSION
NATIONAL GENERAL ELECTIONS
REGIONAL ELECTIONS IN COSTA ATLÁNTICA
NICARAGUA, 2001-2002**

Unit for the Promotion of Democracy

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CHAPTER I. INTRODUCTION

A. REQUEST FOR THE OBSERVATION MISSION

The Electoral Observation Mission in Nicaragua, to cover elections on November 4, 2001 for the positions of President and Vice President of the Republic, National and Departmental Deputies in the National Assembly and Deputies in the Central American Parliament was organized in response to a request from the Government of the Republic of Nicaragua to the General Secretariat of the Organization of American States.¹

In a message from the Ministry of Foreign Affairs of the Republic of Nicaragua, dated April 17, 2001, the Secretary General of the OAS was asked to send an electoral observation mission to observe the various stages of the general elections process.

The Secretary General accepted the invitation in a note dated May 8, 2001, in which he indicated that the appropriate steps would be taken to ensure that the OAS participated in the observation of important aspects referred to in the electoral calendar approved by the Supreme Electoral Council (CSE). Likewise, he proceeded to appoint Mr. Santiago Murray, Coordinator of the Area for Strengthening Electoral Processes and Systems of the Unit for the Promotion of Democracy, as head of the mission.

Consequently, on May 16, 2001, the parties proceeded to sign the agreement on Immunities and Privileges for the International Observers between the General Secretariat of the Organization of American States and the Government of the Republic of Nicaragua, as well as the Agreement on Electoral Observation Procedures, signed with the Supreme Electoral Council.

For the mission, the principal objective was to observe all stages of the electoral process with a view to reporting in a timely fashion to the member states of the OAS and to its Secretary General on the results of its work and verifying that the aforementioned process complied with international norms and standards of legitimacy and transparency, thereby guaranteeing the "integrity, impartiality, and reliability of the electoral process.

In addition, the mission undertook to analyze the current electoral organization model in Nicaragua, evaluating technical electoral procedures and corroborating compliance with the elections schedule.

B. THE APPLICABLE LEGAL FRAMEWORK

The Nicaraguan Constitution recognizes the use and exercise of the human and political rights of all Nicaraguans, including universal, equal, direct, and secret suffrage, to be established as a right and not as an obligation. The voting age is 16.

The Constitution also clearly recognizes the right to equality and prohibits any kind of discrimination based on birth, nationality, political beliefs, race, sex, language, religion, opinion, economic position, or social status.² It is incumbent upon the State to eliminate

¹ First phase: from May 2001 to September 29, 2001. Second phase: October 1 – November 9, 2001.

² EL (Election Law), Article 27

de facto obstacles to equality among Nicaraguans or to their effective participation in the political, economic, and social life of the country.³

C. THE ELECTION LAW

The Election Law⁴ comprises regulations regarding:

The electoral authorities (constitution, activities, membership, workings, bodies)
 Political parties (constitution, organization, inscription, etc.)
 Electoral processes
 Electoral criminal offenses

The Election Law establishes the concepts underlying the establishment and structure of the electoral authorities (*el poder electoral*), which comprise the following bodies:⁵

The Supreme Electoral Council (CSE)
 The Electoral Councils in the Departments (CED)
 and the Autonomous Regions of Atlántico Norte and Atlántico Sur (CER)
 The Municipal Electoral Councils (CEM)
 The Ballot Receiving Boards (JRV)

It should be pointed out that only the Supreme Electoral Council⁶ is permanent; the other bodies are formed exclusively during the election period.

For the organization and structure of elections, each Department and the Autonomous Regions have a Departmental or Regional Electoral Council⁷, as the case may be, and there is a Municipal Electoral Council in each of 151 municipalities on Nicaragua. Each of these Councils is composed of a President and two members, all with their respective alternates.

The Ballot Receiving Board⁸ is the body that is responsible for guaranteeing the voting process. It is supposed to maintain order in the polling station during registration, verification of identity, and voting as well as receive and process objections. A sufficient number of ballot receiving boards are to be set up in each municipality, with no more than 400 voters exercising their right to vote in each board.

D. STRUCTURE AND MOVEMENTS OF THE MISSION WITHIN NICARAGUA

Taking part in the mission were 78 observers from 23 member states and 4 permanent observer states⁹ 15 local headquarters were established, 13 of them in the

³ EL, Article 48

⁴ It entered into force in the early months of 2000 and is composed of 197 articles, under 13 titles.

⁵ EL, Article 5

⁶ Its functions are listed in Article 10 of the Election Law.

⁷ EL, Article 16

⁸ EL, Article 23

⁹ Santiago Murria: Chief of Misión

Moisés Benamor: Deputy Chief of Misión

departmental capitals of: Carazo, Chinandega, Chontales, Estelí, Nueva Segovia, Boaco, León, Madriz, Masaya, Managua, Granada, Río San Juan, Jinotega, and 2 in each of the Autonomous Regions of Atlántico Norte and Atlántico Sur (RAAN and RAAS). With this distribution and suitable means of transport and communications for visiting each of these centers, all 151 municipalities in the country were covered in the run-up to the elections.

The mission's main base was in Managua, and it was there that the bulk of the work of coordination and financial administration, planning, execution, follow-up, and evaluation of each element in the process was carried out, with a view to achieving all of the mission's objectives.

Various aspects were considered in the deployment of the observers, among them geographical and demographical factors, as well as financial constraints.

E. DISSEMINATION OF THE WORK OF THE MISSION

To achieve greater coverage of the elections, the mission designed a web page¹⁰ and updated it constantly. That page contained general information on OAS electoral observation missions and especially developments in the electoral process being observed, including the preliminary reports and press releases that had been issued.

Carla Vaccarella: Alternate Deputy Chief of Misión

Alfred Barr	Euza Pereira Ramos	Marleng Molina
Alejandro Balsells	Felix Ortega	Mathías Kruger
Alexandra Barrantes	Francisco Villagrán	Mayumi Chansik
Alfredo Fisher	Gilberto Caniza	Miriam Medel
Alfredo Lara Curbelo	Gladys Salazar	Naohito Watanabe
Amelia León	Guillermo Forti	Octavio Rodríguez
Ana Borges	Guillermo Olave	Osmán A. Valdés
Ana Ma. Cáceres	Janelle Conaway	Ovidio Vargas
Ana Ma. Cadavid	Jerome Mindes	Rafael Dendia
Ana Munevar	Judith Lobos	Rafael Salazar
Andrew H. Kaufman	Judy Armas	Robert Gersoni
Anita Widmark	Julio R. Saavedra	Sergio Robles
Antonio Amarante	Louis Frantz	Silvia Fernández
Beatriz C. Zucchi	Luc Lapointe	Tatsushi Ryosenen
Bernice Robertson	Lucía Salazar	Verdiana García
Carlos Fdo. Galán	Luis Angel Buscaglia	Victoria Figueroa
Carlos Smith	Luis Beccar	Walter Galmarini
César Conde	Ma. José Cossianovich	William Berenson
Chang sac-don	Magdalena Forero	Yamileth Bermudez
Claudio Valencia	Ma. Paulina García	Yoon Chansik
Denise Allen	Magdalena Cabrera	
Dominique Reyes	Manuel Ruíz	
Dorimain Martin	Marcela Garzón	

¹⁰ <http://www.upd.oas.org/EOM/Nicaragua01/Portada.htm>

CHAPTER II. THE MISSION DURING THE PRE-ELECTION PHASE

In the run-up to the elections, the mission contacted all those involved with political issues: the electoral candidates, the legal representatives of all the political parties, representatives of Nicaraguan civil society, and international observer organizations, such as the European Union, the Carter Center, the Democratic National Institute, and the International Republican Institute.

Similarly, the mission was in constant contact with the authorities, which allowed it to obtain excellent and timely information concerning the electoral process. During this period, the mission carried out spot observations of the various stages in the process prior to election day.

A. THE SIGNATURE VERIFICATION PROCESS

One of the key issues in the early stages of the electoral process was verification of the signatures of the political parties. Under the Elections Law, a political party has to present to the CSE three percent of signatures supporting candidacies.¹¹

The verification process was split into two stages: the first, numerical verification stage to check the validity of the information, consisted of typing into the computer the ID numbers on the lists of signatures, using software that verifies that all the citizen's data (name, family names, etc.) are correct.

This system shows when a political party reaches 72,632 (three percent) valid signatures, the number required to obtain certification of compliance. Once this number was reached, the second stage began.

During the second signature verification phase, a random sample is taken of the signatures validated in the first stage. According to the scheme devised by the CSE, the sample was to consist of 416 signatures, which were checked against the registers kept in the signatures archives.

This activity was carried out without any major snags in these elections, due to factors such as the impartiality shown by the representatives of the Nicaraguan organization known as Ethics and Transparency, who were the guarantors of the process, flawless training of CSE staff, and, ultimately, the quality of the signatures submitted by the political parties.

The mission paid close attention to the process by which the Movimiento de Unidad Nacional (National Unity Movement -MUN) was deprived of its legal standing when it failed to obtain the three percent of valid signatures required by law. This case merited special attention because the revision of signatures submitted by this party was kept pending for several weeks after the CSE objected to it. Finally, after evaluating three draft resolutions, the Supreme Court of Justice decided not to approve the legal status of this party, thereby preventing it from taking part in the November 4 elections.

¹¹ Article 65.9 of the Nicaraguan Election Law

B. THE ELECTION CAMPAIGN

The mission attended various different campaign meetings and kept in constant contact with the members of the political parties in charge of running their election campaign.

Starting on August 18, the official opening day of the election campaign, there were demonstrations, house-to-house visits, radio announcements and displays of visual propaganda, such as posters, flags, banners, and so on.

In the run up to the elections, the mission observed an atmosphere of partisan tension, verbal attacks, destruction of opponents' propaganda, and isolated instances of violence, due to the pronounced polarization between the parties that is still to be seen in Nicaragua. It should be pointed out that these acts of violence did not increase in tempo as election day approached.

The mission received numerous denunciations and/or complaints about the destruction of this or that party's propaganda, and also regarding the use of State resources for the election campaign. The mission followed up on all these cases.

The two main parties, the Frente Sandinista de Liberación Nacional (National Liberation Sandinista Front - FSLN) and the Partido Liberal Constitucionalista (Constitutionalist Liberal Party - PLC) closed their campaigns on October 27, in the Department of Masaya. Attendance and each party's ability to drum up support were notable. During closure, some acts of violence were observed, particularly toward the end of the meetings.

The Partido Conservador (Conservative Party - PC) did not hold an end-of-campaign meeting because of financial constraints. According to statements made by this party, on several occasions it had to refrain from holding meeting or taking part in activities for lack of funds.

C. THE ELECTORAL VERIFICATION PROCESS

The electoral verification process was conducted between June 24 and July 8. To analyze this process, the mission took into account the figures provided by the electoral authorities in the Final 2001 Electoral Verification Report. The first data to emerge from that report showed that there were no problems with approximately 82.99 percent of citizens covered in the first verification phase (52.29 percent of the official roll), meaning that they were correctly located by the ballot receiving board. The situation of many of those not located was also corrected in time.

In addition, the mission observed that in the days prior to the elections, approximately 90 percent of citizens managed to attend the verification process days, bringing their IDs with them.

D. THE IDENTITY CARD REGISTRATION PROCESS

Despite the considerable effort made by the CSE to attend to each and every request for a registration card, it proved necessary to implement a supplementary citizen

registration scheme called “backpack plan” (*plan mochila*)¹², the purpose of which was to ensure that the majority of citizens was registered on the electoral roll and had an I.D. This required huge effort and logistics on the part of the Council and the (1,296) citizens who helped hand out the documents. The scheme also contemplated incorporating in the roll citizens who had not applied for a document and it served in addition to verify that citizens were assigned the correct polling stations.

In special cases where it proved impossible to deliver the document on time, such as persons who were not legally registered in the civil registry, or people reaching voting age on the day of the elections and who were eligible to vote, a substitute document was provided, which allowed them to vote.

In cities such as Managua, the “backpack plan” employed points of delivery. Several such points or centers were opened in each district of the capital, where citizens who had received their notification, could pick up their registration card.

Radio spots were used to encourage more people to go and claim their I.D. from the urban and rural centers, thereby facilitating the delivery of the documents.

The registration scheme was satisfactory thanks to the collaboration of each and every one of the players involved, such as the electoral authorities and the personnel hired by the CSE.

The scheme also showed that in most cases where the registration cards were not delivered, the citizen was not present in his or her supposed place of residence (due to internal and/or external migration) or else had died.

Total number of citizens who requested I.D.s	3,021,983
Total number of I.D.s produced	2,897,161
Total number of I.D.s handed over	2,684,435 (70.39%)
No. of I.D.s not delivered	212,726
Substitute documents not delivered	107,689
No. of people to help with “backpack” plan	1,296

***Table provided by the CSE**

E. TRAINING FOR ELECTIONS

During the pre-election phase, training was offered to all those involved in the electoral process.

They included:

Members of the Ballot Receiving Boards (JRVs)

Electoral police

Staff, supervisors (*fiscales*), and staff of the computerized vote-count centers.

¹² Financed by USAID.

The training documents, and handbooks for the instructors and members of the JRVs, were in print by September. The facilitators (instructors) took it upon themselves to prepare members of the JRVs during day sessions, at weekends, in each department and municipality, as of October 6 and 7.

Attendance was low in almost all departments and the mission noted shortcomings in the training due to lack of familiarity with the material and with the Election Law itself. Moreover, according to the CSE, for lack of funds many workshops were postponed and did not take place on the days for which they were originally scheduled. For that reason, a second round of training called "rescue training" had to be organized.

Nevertheless, it emerged that many of those who attended training courses for members of the ballot receiving boards had had experience in previous elections, which helped the training process. As regards election material, the mission was able to ascertain the availability of handbooks and procedural guidelines.

F. ELECTION MATERIALS

Four kinds of ballot papers were printed: for the election of the President and Vice President; for the election of National Deputies; for the election of Departmental Deputies; and for the election of Deputies to PARLACEN. Each of them has special characteristics and security features.

Due to the increase in the number of JRVs when the electoral roll closed¹³, final delivery of the ballot papers was postponed until September 30, when all of them were delivered to be stored directly in the CSE warehouse.

After the initial print run of almost twelve million ballot papers, approximately three million five hundred thousand additional ballot papers had to be printed, because of the large number of citizens who had registered in the electoral roll.

Distribution of the election materials to the departmental election centers (CED) took place on October 25, as programmed in the election schedule. The material was prepared according to a prepackaging system. It comprised:

- 400 ballots per JRV
- Minutes for registering the constitution and closing of the polling booths
- Forms
- A stapler
- An ultraviolet light lamp
- Indelible ink
- Ballot boxes
- Pencils
- Stamps
- Additional materials (caps, flashlights, etc.)

On October 30 and 31, in both rural and urban areas, election materials were distributed to the municipal election centers (CEM) in each department. The trucks leaving

¹³ Under the Election Law, no more than 400 voters are allowed per ballot receiving board.

each of the CEDs were duly escorted by police and the army; they were also observed by the legal representatives and departmental supervisors of the three parties, as well as national and international observers.

The material was received by each of the 151 CEMs in Nicaragua and stored in vaults to ensure maximum security. Nevertheless, the mission observed that some municipalities lacked the requisite conditions for optimum storage of the material.

G. TESTS OF TRANSMISSION OF ELECTION RESULTS AND PRACTICE RUNS

With a view to identifying any possible snags and problems that might occur during transmission of the results on election day, during the final days and months in the run up to the elections, frequent result transmission tests were conducted from the tallying centers in each department and municipality.

Experts taking part in the mission attended these tests, in which the top priority was detailed observation and verification of each of the mechanisms to be used on election day, in order to ensure that they worked properly. An effort was made to detect errors and analyze the findings. Thus four dummy runs were carried out on September 9 and 23 and October 7 and 21. The mission observed that no complete drill, with all the components functioning as an integrated process, was carried out.

It was recommended that the CSE take a number of important factors into account to enable it to take expeditious and effective decisions. These included: establishing transmission priorities, defining expectations with regard to the information to be transmitted, defining the system to be used to transmit and receive results, the implementation of security measures to protect the tellers' minutes with the results and procedures for supervising reception of them, training of staff in the tallying centers, and the establishment of contingency plans for the transmission of the results.

As a result, the CSE took the following decisions:

The setting up of HICOM14 equipment to receive the JRV tellers' minutes from the CEMs.

It was decided first to receive the tellers' minutes from the municipalities and then to retransmit them.

Each JRV compiled only one set of minutes, with the results of the four vote-counts, to be transmitted to the CED,

The minutes of the JRV from the Municipality of Managua were taken directly to the National Tallying Center (CNC).

The data transmission process used in the last general elections consisted in the transmission of the minutes, one by one, via fax, from the CEMs to the systems installed in the National Tallying Center (HICOM, VMS, etc.) The systems had an installed capacity of 160 incoming-call telephone lines. This time a similar system called RightFax was used to

14 Communication equipment, comprising an automatic fax receiver, capable of attending 160 telephone lines simultaneously and with capacity to accept two minutes from each JRV through transmission of the fax to be sent to each municipal center, and thence to a server for fax printouts.

receive the minutes of the Municipality of Managua, which were sent from fax machines installed in the Voting Centers (CV).

The system used for counting the votes in the minutes faxes through to the National Tallying Center (CNC) contained software for reading the data and set of security safeguards at different levels to ensure that the data inputs were consistent with the data in the minutes themselves.¹⁵

H. ELECTORAL ROLL

Publication of the list of ballot receiving boards and delivery of the preliminary electoral roll took place on September 18. That same day printing of the roll began, for distribution to the JRVs. The CSE was responsible for checking the electoral roll following publication of the preliminary version. The final version was published on October 5.

Some inconsistencies emerged, due to the large numbers of people abroad, people who had died, and minors listed in the roll, which gave rise to delays in the electoral process.

The CSE kept an electoral roll of citizens that allowed for no more than 400 persons per ballot receiving board. Thus, voters exceeding that number had to be relocated to a new board. This meant that there were some JRVs with very few voters.

Theoretical ("virtual") electoral roll	2,966,322
Real electoral roll	2,560.000
Total number of citizen identities verified	1,500.000
Total number of citizens included in the electoral roll post verification	250,000

***Table provided by the CSE**

It is worth pointing out that there was a notable increase in the electoral roll this year, due to the fact that approximately 8.31 percent of the Nicaraguan population came of age since the last municipal elections in 2000.

¹⁵ Nicaragua had had previous experience with the use of this equipment, except for the RightFax, which is very similar to ICOM as regards automatic fax reception. It had also had experience with sending minutes via fax for tallying in the CNC, nationwide. Vote counting systems continued to use basically the same technology as that used in the last municipal elections in 2000.

Total number of voting centers	4,352
Total number of ballot receiving boards	9,502
Number of members on each board	04
Total number of JRV members	38,000
Total number of electoral police agents	9,502

Data provided by the CSE

One of the snags that caused most delay on election day was the arrival of people at the polling stations, wanting to vote, who were not listed on the roll. One example was people who had moved to a new address; they had to prove that they lived in the territorial district of the ballot receiving board in order to be included in the roll.

I. THE ACCREDITATION PROCESS WITH THE CSE

This was one of the more confusing issues in the run up to the elections. The accreditation of some members of the Tallying Centers turned out to be a serious problem in some Departments, such as Chontales, because at the last moment the police were put in charge of authorizing their credentials, which gave rise to a certain amount of confusion and delays in handing out the document.

In Managua there were serious problems with the accreditation of members of the JRVs and the political party supervisors (*fiscales*). On November 3, one day before the elections, the mission was told that members of the JRV and supervisors inside the National Stadium in Managua, where the municipal tallying center was to function, had been evicted. Finally, it was agreed to prepare emergency credentials because the national police lacked the necessary resources to complete the accreditation process.

J. THE MEDIA AND THE ELECTORAL PROCESS

The media in Nicaragua are highly politicized. Nevertheless, the mission kept on good terms with all of them. In most cases the information was timely and correct and the media invariably attended the press conferences called by the mission.

The mission kept close tabs on any information in the media pointing to acts that allegedly disturbed the peace of the election process. It did receive some denunciations of improper use of radio and television stations for political propaganda. Likewise, there was a noticeable increase in party-political tension caused by verbal violence.

On the positive side, the electoral authorities resorted to the media on several occasions to call for calm and prudence during the election campaign and especially on election day.

CHAPTER III. POLITICAL CONTEXT OF THE ELECTION

A. POLITICAL PARTIES

Under Nicaragua's Election Law, a political organization has to have legal standing and comply with a series of corporate formalities and requirements¹⁶ in addition to being accredited by the CSE in order to be considered a political party.

For the November 4 elections, there were three parties authorized and accredited by the CSE to take part in the elections for President and Vice President of the Republic in 2001:

The Sandinista National Liberation Front (FSLN)
 The Constitutionalist Liberal Party (PLC)
 The Conservative Party (PC)

Alliances were also formed between the following political parties:

The Nicaraguan Resistance Party (PRN) entered into an alliance¹⁷ with the PLC.
 The Nicaraguan Christian Path (CCN) entered into an alliance¹⁸ with the PLC.
 The Christian Democratic Party entered into an alliance with the FSLN.

The candidates put forward by the three parties for President and Vice President were:

FSLN

President: Daniel Ortega
Vice President: Agustín Jarquín

PLC

President: Enrique Bolaños
Vice President: José Rizo

PC

President: Alberto Saborío Morales
Vice President: Consuelo Sequeira

B. THE CONSERVATIVE PARTY AND ITS PRESIDENTIAL TICKET

The first incident to arise in the leadership of the Conservative Party had to do with the destitution of that party's then candidate for the Vice Presidency, Mr. José Antonio Alvarado, since he did not meet the legal requirements¹⁹ to participate in the political contest. Finally, on June 18, by a majority vote, it was decided to block him from standing.

Subsequently, after a new presidential ticket had formed, consisting of Noel Vidaurre and Carlos Tünnermann as candidates for the Presidency and Vice Presidency, respectively, there was a crisis inside the party, which culminated in the resignation of both candidates just months before the elections. This situation further complicated the

¹⁶ EL, Article 65

¹⁷ EL, Article 55 addresses the right for political parties to form alliances.

¹⁸ EL, Article 55 addresses the right for political parties to form alliances

¹⁹ EL, Article 77

Conservative Party's participation in the electoral process, because it had to contend with two major upsets related to its presidential ticket in mid-campaign.

The mission agrees with analysts and experts on the subject that this situation probably adversely affected intentions to vote for that party. Only days before the elections was a new and final presidential ticket put together, composed of Alberto Saborío and Consuelo Sequeira. Although both candidates did campaign, for most of the population the elections had become a two-party affair in which the FSLN and the PLC occupied center stage.

The plight of the PC was closely scrutinized and analyzed by all political players, and by the Electoral Observation Mission, due to the major impact it could have on the voting preferences of the Nicaraguan people on election day and in the run up to it.

C. OPINION POLLS

In the months prior to the elections, various different consulting firms carried out public opinion polls to obtain a statistical measure of citizens' partisan inclinations toward the different candidates and political parties

According to data from polls conducted by such firms as Borge y Asociados²⁰ and Cid/Gallup, for the first few months of the year (from February to May), the Sandinista Front (FSLN) had a considerable, almost 10-point, lead over the Constitutionalist Liberal Party (PLC). However, that lead diminished from mid-year on, as the gap between the two parties began to narrow. By August the PLC had begun to pass the FSLN, and that trend continued until the elections were over, thereby validating these consulting firms' predictions.

It is interesting to note that in September Cid/Gallup conducted a poll to measure how much trust citizens had in the international organizations observing the electoral process for the general elections in November. The Cid/Gallup poll results showed that, of the various observation organizations, Nicaraguan citizens had most trust in the OAS.²¹

D. THE CONFLICT INSIDE THE SUPREME ELECTORAL COUNCIL

During the electoral process, the mission expressed its concern at the fact that the CSE was internally inoperative for 14 days in June. The reason for that was the refusal by three judges to take part in CSE meetings due to disagreement as to how the Election Law should be interpreted with respect to disqualification of candidates.

That dispute caused a delay in meeting the deadlines established in the election schedule regarding the opening of the period for objections and it also generated doubt and uncertainty as to how the CSE would act on the day of the elections.

²⁰ February: FSLN (31%), PLC (24.1%), PC (16.5%); March: FSLN (33.4%), PLC (24.8%), PC (14.1%); May: FSLN (33.2%), PLC (27.3%), PC (15.3%); June: FSLN (35.3%), PLC (28.8%), PC (13.3%); July: FSLN (37.3%), PLC (36.6%), PC (7.3%); August: FSLN (35.8%), PLC (38.6%), PC (4.5%); September: FSLN (42.3%), PLC (44.9%), PC (3.6%); October: FSLN (42.3%), PLC (44.9%), PC (3.6%)

²¹ Information taken from website of Cid/Gallup-Public Opinión #37- September 2001

The mission urged the CSE and the various political parties to seek opportunities for dialogue and consensus. In that way it was able to persuade the judges to sign, in the presence of the national and international community, a formal commitment to constitute and keep the legal quorum²² of seven judges during the announcement of the results of the elections. This initiative aimed to put an end to speculation and concern in public opinion about the possibility of the electoral process being truncated.

This agreement was signed by the ten principal and alternate judges of the CSE. The resolution stipulated that the judges would declare themselves to be in permanent special session from 6:00 p.m. on November 3, 2001, the eve of the elections, until the day on which the winners were proclaimed, and it included a commitment, moreover, to incorporate the alternate judges should any principal judge be absent, as provided in Article 6 of the Elections law.

CHAPTER IV. ELECTION DAY

On election day approximately 1,200 voting centers were observed, distributed over 151 municipalities in 13 Departments and the country's two autonomous regions. The conditions for voting were excellent, as regards both the calm in which they took place and exemplary citizen participation. The latter was a key factor in completion of the whole process and it deserves tribute as a model of civic commitment and of the desire of the Nicaraguan people to hold peaceful elections.

As for the process itself and how it was run, the mission observed that election materials were distributed on time and that the ballot receiving boards were duly constituted, even though most of them opened late. Similarly, the various procedures applied in the voting phase were observed to be slow, which meant that polling stations closed late.

The transmission of the results dispelled concerns about the technical capacity of the equipment and systems used in these elections. Even so, the reading and inputting of the votes took time and caused delays, so that it was not until 72 hours after the elections that the CSE was in a position to announce preliminary results of the vote. Nevertheless, that was a substantial improvement compared to the previous elections.

All this prompted the Secretary General to give a press conference on behalf of the mission as election day closed, in which he underscored the success of the elections as an example of Nicaragua's strengthened political culture and steadfast commitment to the recently signed Inter-American Democratic Charter.

A. INSTALLATION OF THE POLLING STATIONS

²² EL, Article 12

Observations on election day began at 6:00 a.m., when the observers traveled to the different ballot receiving board²³ in their municipalities, in order to be there when the stations opened.

The main causes of delays were meticulousness and mistrust with regard to the whole process (rectification of materials, counting, and re-counting of the ballots).

B. THE VOTING

Given that many boards opened as much as two hours late, at the entrance to the Voting Centers there were large irritated groups of people who had been lining up since the early hours waiting to exercise their right to vote.

Boards with numerous voters were observed and others with very few. This was because some boards had been constituted at the last moment to accommodate those that exceeded the ceiling of 400 voters per board, following the reorganization of the electoral roll.

Conditions in the polling stations were not ideal. In some cases, people were forced to work in too cramped a space, bearing in mind the long hours they were required to work that day.

Another factor that delayed the voting process was the inclusion of new voters on the electoral roll. It was observed that large numbers of people were added to the roll by signing the Legal Promise Document (Acta de Promesa de Ley - APL). In many JRVs as many as 15-25 people were added to the roll. There were also communication flaws, give that, up to election day itself, there were circulars with instructions from CEMs to JRVs about how, if there were two witnesses present, a person with the wrong address in his I.D. could be included in the roll of a JRV. There was also some confusion in several JRVs about who could act as a witness. In some cases, only witnesses on the JRV's roll were accepted; in others, persons on the roll of the whole Voting Center were accepted; while in some others anyone could be a witness.

Despite these delays, the day went by in an atmosphere of calm. The political parties worked effectively together and, generally speaking, the armed forces and police did a good supervisory job. National and international observers were seen at the JRVs, during the voting process and until the polling stations and vote count closed.

C. CLOSURE OF THE JRVs AND VOTE-COUNTING

The polling stations had been scheduled to close at 6:00 p.m., but, since they had opened late, they were also late in closing. The Council issued a resolution ordering all boards not to close until the last citizen waiting in line to vote had been attended to.

As at the opening of the polling stations, a considerable amount of meticulousness was observed during the vote counting. Despite the mistrust, the members of each board treated each other with respect. The process transpired completely normally, with adequate security and in accordance with the law.

²³ All in all, there were 9,502 JRVs throughout the country.

D. TRANSMISSION OF RESULTS AND TALLYING CENTERS

The transfer of the materials to the tallying centers was conducted with complete calm and under normal conditions and under the surveillance of the police and the army. In several departments contingency plans were put in place to guarantee security on election day. These plans covered law and order, access routes, and protection of the tallying centers.

The tallying process consisted of a series of stages to ensure that the data were correctly recorded:

Reception stage

Reading stage

Verification stage

Quality control stage

Fixing of arithmetic inconsistencies

The chair, members, and supervisors on the JRVs went up to the corresponding receiving table, handed over the packages with the counted and uncounted ballots and the working materials. The file with the minutes was received at the table and transferred to the arithmetic checking area for verification, after which the counted ballots were registered. In this "arithmetic headquarters" big blackboards had been installed which showed the results as the material was checked. When this process ended, the boxes were placed in storage with a certificate attached.

Every now and again, partial listings of results were produced and handed to the political party supervisors.

Despite the delays, 100 percent of the vote-count minutes were transmitted to the tallying center by November 5.

CHAPTER V. THE POST-ELECTORAL POLITICAL CONTEXT

Since 1990, Nicaragua has held legitimate periodic elections, thanks to which Nicaraguan citizens have developed a political culture of participation, respect, and tolerance. Political parties have played a very important part in this regard, especially by stressing the need for dialogue and negotiation to address the various political crises that have arisen.

Nevertheless, there has been a certain amount of mistrust of electoral processes, reflecting in some cases a malaise with respect to the laws that have governed the organization of elections. There is also criticism, in some quarters, of the composition and performance of the electoral authorities.

A. POLEMIC WITHIN THE CSE (proclamation of seats for deputies)

This draft is subject to revision and shall not be available to the public pending its consideration, where appropriate, by the
 Permanente Council

The Mission observed, during the election for President and Vice President, and during the election for Deputies to the National Assembly, numerous moments of polemical discussion and controversy within the Supreme Electoral Council.

The crisis triggered by that got to a point at which the proclamation of the candidates elected took place in the absence of three principal judges, all of whom belonged to the Sandinista National Liberation Front. This meant that the statutory quorum was not met.

According to the allocation of seats by the CSE, the National Assembly was composed of 52 liberal deputies, 37 Sandinistas, and 1 conservative, elected by direct vote, plus the former President of the Republic, Arnaldo Alemán, and the candidate who came second, in this case Daniel Ortega.

Sandinistas and Conservatives at first rejected the resolution proclaiming the distribution of seats, adamantly objecting to its legal contents, and claiming before the Supreme Electoral Council that the figures had been altered. The Sandinistas claimed at least two more deputies, one in Boaco and the other in RAAN.

The Department of Boaco is a constituency in which 67,026 valid votes were counted and for which two deputies should be assigned. The results of the vote-count gave the PLC 45,863 votes, the FSLN 18,752 votes, and the PC 2,411 votes. Article 147 of the Election Law establishes that: "The election of deputies by departmental constituency and the autonomous regions shall be effected by initially assigning to each political organization a seat based on an electoral²⁴, departmental, or autonomous region coefficient," as a result of which both deputy seats for this department were assigned to the PLC. With its aforementioned 18,752 valid votes, the FSLN did not attain the electoral coefficient required.

As a result, this party lodged an appeal against making the electoral results official, stating that the law had been broken and calling the proclamation of the elected deputies "null and void."

On December 10, the judges of the Constitutional Chamber of the Supreme Court of Justice (CSJ) resolved unanimously to turn down the appeal filed on November 21 on the grounds that it ran counter to a "consummated act," due to the fact that the results had been published on November 23. Also because the appeal had been lodged against the quorum and not against the election results.

The Observation Mission expressed its concern at the lack of quorum and the obvious difficulty of the members of the CSE in resolving the matter. It urged the CSE and the various political parties to reflect with a view to finding a definitive settlement and avoiding situations of this kind in future for the sake of the electoral process.

²⁴ The law determines that to determine the departmental electoral coefficient, the total number of valid votes must be divided by the number of deputies to be elected, plus one. In the case of Boaco, 67,026 valid votes divided by three gives a coefficient of 22,342.

B. LEGAL STATUS OF THE PARTIDO CONSERVADOR

On November 21, the day the electoral results were proclaimed, the CSE decided to withdraw the Conservative Party's legal status. This decision meant that the aforementioned group would lose its status as a political party, given that it had not obtained the minimum four percent of the votes for the presidential elections, as required by the Elections Law.

This issue gave rise to discussions between the CSE and the parties, since the PC lodged several appeals in which it invoked the Nicaraguan Political Constitution²⁵, which points out that this percentage is equivalent to four percent for national elections, including the election of deputies.

For its part, the Sandinista Front also asked the CSE to dismiss the Conservative Party and redistribute the seats for deputies.

Despite the poor performance of the PC in these last elections, a considerable number of Nicaraguans voted for conservative candidates seats as national deputies in the National Assembly, allowing this political party to meet the four percent requirement²⁶ clearly stipulated by Article 74 of the Election Law. Similarly, the resolution aimed at withdrawing the PC's legal status did not have the five votes in favor required by the judges of the CSE for its suspension or cancellation.²⁷

In February 2002, the PC leadership received a notification from the Appeals Court of Managua, according to which the effects of the CSE resolution would be suspended. That resolution reinstates the PC's rights and duties as a political party, enabling it to take part in regional elections on March 3, 2002.

All these setbacks led to a series of conflicts among the judges on the CSE, inducing them to interrupt important internal activities of the Council and creating widespread unease and uncertainty among the Nicaraguan population, with regard to the Costa Atlántica elections scheduled for March 3.

The Mission called upon the CSE to foster an opportunity for dialogue and consensus building among its members, promoting a culture of respect and tolerance, thereby preventing confrontation and political instability from becoming alternative mechanisms for settling disputes.

It was also observed that there is still an attitude of acute party-political confrontation in Nicaragua, which is why the CSE judges were called upon to engage in dialogue and reminded of their personal and historic responsibility to fulfill the mandate conferred on them by the Constitution.

C. CONCLUSION

²⁵ Article 173.12

²⁶ 99,673 citizens voted for PC deputies, equivalent to 4.67 percent in those elections

²⁷ EL, Article 12

Party interests and confrontation form the backdrop to electoral legislation in Nicaraguan today. Although election day itself was exemplary in Nicaragua, the days following it turned into a test of strength and power between bands, which involves political confrontation and is, undoubtedly, the product of the current mechanisms regulating and controlling electoral behavior and procedures.

The pre- and post-electoral phases were the most complex moments of the electoral process observed by the mission. Those phases revealed the magnitude of the political strife in Nicaragua and its direct impact on the organization and management of electoral processes. A way out of the current situation requires, immediately, a period of reflection to review and examine the factors that prevent the currently designated authorities from achieving, on the basis of their democratic yearnings, a negotiated resolution of the pressing and difficult problems that have undermined the credibility and confidence of the population in Nicaraguan democracy.

CHAPTER VI. DENUNCIATIONS, COMPLAINTS, AND CLAIMS OBSERVED

To ascertain the degree of observance and application of the electoral legal framework in resolving the denunciations, complaints, and claims brought to the attention of the authorities, the mission monitored the procedures applied by the different electoral authorities in respect of these petitions.

The political parties used the legal term “denunciation” to refer to complaints and/or denunciations on account of breaches of the Code and Regulations on Electoral Ethics, to denounce deeds that could constitute electoral or criminal offenses, as well as to denounce, object to, or challenge acts of an administrative nature carried out or sponsored by electoral authority officials.

The electoral framework applied to denunciations made to the electoral authorities in the recent elections comprised: The Political Constitution of Nicaragua, the Election Law, and Resolutions of the Supreme Electoral Council. To respond to the cases brought to their attention, the authorities of the Directorate General for Attending to Political Parties (DGAPP) and the Departmental and Municipal Electoral Councils mainly applied the rules contained in the CSE resolution entitled “Procedural Rules Governing the Exercise of the Rights established in the Regulation on Electoral Ethics.”

All in all, 89 denunciations were received, of which 11.24 percent corresponded to breaches of electoral ethics, 40.5 percent corresponded to electoral offenses, 15.73 percent were about criminal acts, and 25.84 percent referred to administrative disputes among members of the Municipal, Departmental, and Regional Councils, while the remaining 6.74 percent concerned issues to do with CSE resolutions, vote-counting, data transmission, and other aspects of the elections.

A. COMPLAINTS ABOUT BREACHES OF ELECTORAL ETHICS

These refer to breaches of electoral ethics, such as: public declarations denigrating the moral and political image of the presidential candidates, verbal aggression, television and radio programs promoting campaigns contrary to commitments undertaken, and the use of the colors and legal terms proper to another political party. Approximately half these

complaints were made to the CSE, 20 percent in the Department of Granada, and 30 percent in the Departments of Bluefields, Jalapa, and Masaya. The resolutions adopted by the electoral authorities in respect of this group of complaints were legally correct, showing respect for ethical standards and complying with stipulated procedures.

B. DENUNCIATIONS OF ELECTORAL CRIMES

The electoral crimes denounced were: destruction, damage, and disfiguring of election propaganda; the use of State property for political campaigning (including in this category the placing of election propaganda in public buildings), and the use of national symbols for political campaigning. The enforcement of substantive norms and procedures established to deal with these cases was hampered, not by the electoral authorities, but by flaws in the way the denunciations were made. (25 percent of the denunciations received replies alleging lack of jurisdiction or inadmissibility).

The mission observed a certain amount of disorder in the handling of the documentation and scant communication among the different bodies making up the electoral authorities. A third of the denunciations submitted to the Mission are not registered with the Directorate General for Attending to Political Parties as having been filed by the different CEMs, CEDs, and CERs.

C. DENUNCIATIONS OF COMMON CRIMES

The denunciations referred to acts against law and order during the election campaign, as well as harassment, threats, physical and verbal aggression by sympathizers or militant members of opposed political parties, theft of propaganda, murder, theft of I.D.s, and loss of documents. The applicable legal framework in such cases is the Penal Code and Code of Criminal Procedures in force. These denunciations should not have been filed with the electoral authorities, which explains why most of the resolutions passed regarding them declined jurisdiction.

D. DENUNCIATIONS ON ACCOUNT OF ADMINISTRATIVE DISPUTES

Twenty-three complaints were made about failure to fulfill functions, anomalies, communication (notification) problems, lack of coordination of activities, challenges to appointments to posts within the electoral authorities, and loss of documents, and so on. Situations arising out of partisan disputes among members making up the CEMs, CEDs, and CERs.

E. SUNDRY COMPLAINTS ABOUT INCIDENTS THAT COULD DISTORT THE ELECTORAL PROCESS

Six denunciations were received that did not qualify as such.

Nevertheless, since they directly or indirectly threaten the transparency and legality of the electoral process, we include them in this report.

It should be noted that all these complaints are still being processed:

Complaint about the recruiting and training of the electoral police.
Incorporation of the municipalities of Nueva Guinea, Muelle de los Bueyes, El Rama, and El Ayote into the Atlántico Sur Autonomous Region constituency

(These two cases are being handled by the Supreme Court of Justice).

Three complaints filed by the FSLN requesting an information technology audit of the Electronic Vote-Counting System and a copy of the records, software, servers, etc.

A complaint filed by the PLC-led Alliance denouncing boycotting and tampering with the data transmission process on election day.

The mission observed the following problems and weaknesses in the handling of complaints:

Delays in transferring information from one body involved to another.

Overly informal complaint documents. Many did not meet established requirements, such as: presentation to the competent authority; basic information about the complainant; a clear account of what happened; full identification of the perpetrators; and evidence to substantiate the allegations.

Denunciation to the Directorate General for Attending to Political Parties of deeds that constitute electoral or common crimes. Since this was not the appropriate body to address them, they were immediately turned down.

F. GENERAL COMMENTS ON THE DENUNCIATIONS/COMPLAINTS

The mission observed that relatively few corrective and disciplinary punishments were imposed for breaches of ethical standards, which was in line with the complaints made to the Mission regarding immorality. Generally speaking, the pre-established ethical framework was respected.

Our analysis of the procedure used and type of decisions issued by the electoral authorities for such complaints shows that the latter were in accordance with the law, which clearly helped to implement preventive mechanisms to ensure respect for the law and to create a climate of respect, transparency, and reliability of the electoral institutions.

At the date of this report there are still denunciations being processed, despite the fact that many were brought to the attention of the different instances of the electoral authorities; that there was a suitable legal framework in place; and that training for their resolution was given (though perhaps not the most suitable given the brevity of the period over which it was provided) to competent officials throughout the country.

G. RECOMMENDATIONS REGARDING PRESENTATION AND HANDLING OF COMPLAINTS

It is necessary to establish a correlation between complaints and resolutions since, otherwise, the process could be impaired and a precedent of lack of respect for the law could be established for future processes due to failure to impose punishment. In the light of the foregoing and in order to overcome the shortcomings in the system applied in these elections, the Mission takes the liberty to make the following recommendations to the electoral authorities:

Provide adequate training to the legal representatives of political parties regarding the correct procedures for presentation of their complaints. In addition, it is necessary to ensure imposition effective punishments, together with the necessary follow-up to monitor their fulfillment. In other words, an electoral authority should not merely issue

resolutions, but should also supervise execution of the punishment in cases of breaches of a electoral ethics.

Seek to ensure timely transmission of complaints to the competent authorities. If complaints are presented for electoral crimes, common crimes, and administrative disputes, the electoral body that receives them should be expressly empowered to transfer those complaints, ex officio and immediately, to the appropriate authority. Process all complaints received expeditiously and establish information mechanisms to make public the results of those proceedings. In particular, allegations of internal disputes should receive a timely legal response, disregarding political loyalties and placing emphasis on professional efficiency. Furthermore, any punishment or corrective measure imposed should be disclosed, in order to implement an institutional culture that makes it possible to establish precedents for dealing with possible disputes of a similar nature.

Implement strict mechanisms for detailed filing of complaints, petitions, and claims submitted, as well as an adequate communication system between the electoral authorities concerned with these activities.

CHAPTER VII. THE ELECTIONS FOR THE AUTONOMOUS REGIONAL COUNCILS IN ATLANTICO NORTE AND ATLANTICO SUR

On December 7, 2001, in a communication from the Ministry of Foreign Affairs of the Republic of Nicaragua, the Secretary General of the OAS was requested to extend the Electoral Observation Mission carried out the previous year for the general elections of November 4, 2001, in order to observe the regional elections of Atlántico Norte and Atlántico Sur to be held on March 3, 2002.

The Secretary General accepted the invitation in a note dated January 29, 2002, making way for the continuation of all the the electoral observation activities mentioned in the respective electoral calendar previously approved by the Supreme Electoral Council (CSE).

A. STRUCTURE AND COVERAGE OF THE OBSERVATION MISSION

The Observation Mission was installed in Nicaragua on February 10, 2002, in order to monitor the stages in the electoral calendar for the months of February and March.

With 19 observers²⁸ from 12 countries (10 in RAAN, eight in RAAS, and one Managua), the Mission observed the electoral process as a whole, as well carrying spot

²⁸ Santiago Murray: Head of Mission
Moisés Benamor: Deputy Head of Mission
Carla Vaccarella: Alternate Deputy Head of Mission

Alfredo Fisher
Carl Frederik
Jarle Kottman
Ma. Paulina García
Motohiro Hoshi
Sergio Robles

Andrew Kauffman
Felix Ortega
Karin Metell
Mathías Kruger
Osman Valdéz

Bernice Robertson
Herminio Castillo
Luc Lapointe
Mette Kottman
Reidum Roalt

observations on election day. Three headquarters were set up: one in Managua and two in the Autonomous Regions of Atlántico Norte and Atlántico Sur.

Electoral experts carried out monitoring activities in areas such as, electoral organization, electoral roll, mapping, and information technology, among others, in order to prepare evaluations and analyses, as well as suggestions and recommendations for the electoral authorities and for the electoral process itself. Furthermore, meetings were held with representatives and candidates of the political organizations that took part in the contest.

B. POLITICAL AND LEGAL BACKGROUND TO THE ELECTION

The Law on Autonomy of the Costa Atlántica Region of Nicaragua, or Law No. 28, provides that the State shall pass a law creating "Autonomy Regulations" for the ethnic communities that inhabit the Costa Atlántica Region, guaranteeing them the effective exercise of their rights as Nicaraguan citizens.

The Law on Autonomy of the Costa Atlántica Region creates two autonomous regions: the Autonomous Region of Atlántico Norte (RAAN), with its administrative seat at Puerto Cabezas; and the Autonomous Region of Atlántico Sur (RAAS), with its administrative seat at Bluefields.

The 2000 electoral law introduces significant changes with respect to the conditions of participation for political organizations in the coastal regions, such as elimination of Popular Subscription Associations (ASP) [CHECK] and the requirement for traditional organizations in coastal areas to form regional parties, as well as creation of election procedures for the Costa Atlántica regions divided into electoral districts (circunscripciones). 29

The law provides the following administrative bodies for both of the Costa Atlántica autonomous regions: a regional council (composed of *45 members*), a regional coordinator, and municipal and community authorities of the municipal subdivisions.

In accordance with the change introduced by the 2000 electoral law, which makes it a requirement to have received at least 3 percent of the vote in the previous elections in order to have legal standing, only five of the 14 political parties that took part in the 1998 regional elections were present at this year's elections. The following parties took part:

Sandinista National Liberation Front (**FSLN**) - National
 Constitutionalist Liberal Party (**PLC**) - National
 Nicaraguan Resistance Party (**PRN**) - National
 Children of Mother Earth (**YATAMA**) - Regional
 Coastal Unity Movement Party (**PAMUC**) - Regional

C. OVERALL CONTEXT PRIOR TO THE ELECTION

The Mission set itself the task of observing every aspect of the run up to the election:

29 The RAAN and the RAAS have 15 electoral districts each. (Election Law, Art. 142).

With respect to the issue of identity documents, a massive document delivery plan was implemented in those municipalities where there was a large number of identity documents awaiting distribution. This process progressed slowly due to the shortage of resources in both regions.

Approximately 60 percent of all identity documents were delivered. For instance, in RAAN, with a week to go before the elections, there were some 5,131 identity documents waiting to be distributed.

The election materials were adequately received and distributed on time at all municipalities. It was observed that both the electoral authorities and the security forces had the necessary resources to protect the materials. In the run up to the elections the only snag that occurred was the result of the failure to print ballot papers that included the Partido Conservador, which, as mentioned, was the result of having been excluded from the election process³⁰.

The vast majority of polling stations met the necessary conditions for the voting process to be carried out correctly, such as suitability of premises, location, etc. However, problems were noted with the energy supply to some polling stations.

The Mission attended the different training workshops for members of JRVs, electoral police, and tallying center officials. It was observed that they were well organized and prepared by the instructors, but that attendance was low, which made it necessary to hold "rescue workshop" for JRV members.

The Attorney General's Office organized a special training activity mainly for the benefit of political parties, the media, and police. It focused on specific aspects of the legal framework for elections.

The results transmission equipment (fax machines) was installed on time, making it possible to carry it out transmission tests.³¹ Nevertheless the minutes-transmission process was observed to be excessively slow.

With respect to the electoral campaign, it would be fair to say that it was calm and created little controversy, probably due to the lack of funds on the part of the political parties

D. ELECTION DAY

The Costa Atlántica regional elections in Nicaragua was held with an electoral roll that contained 199,262 voters³²; of those some 35 percent ³³ reside in urban areas and around 65 percent³⁴ in rural areas.

³⁰ The Appeals Court finally awarded the Partido Conservador a writ of amparo and the Supreme Court of Justice decided not to revoke that party's legal standing.

³¹ A HICOM was set up with 15 automatic fax reception lines; the system for data reception, vote counting, and results transmission was that same as that used for the general elections of November 14, described on page 10 herein.

³² 114,280 voters in the Atlántico Norte Region and 84,982 voters in the Atlántico Sur Region.

³³ 69,932 voters

³⁴ 129,330 voters

The electoral authority set up 425 polling stations where 968 ballot receiving boards were installed, 35 percent³⁵ of which were sited in urban areas and 65 percent ³⁶ in rural areas.

On election day the Mission observed approximately 200 polling stations in 14 municipalities. At the polling stations visited the Mission noted that the distribution of election materials, opening of polling stations and the installation of JRVs occurred on time. The Mission also observed the presence of members of polling booths, supervisors, representatives of political organizations, and the electoral police.

After the polls closed, the tallying and results transmission process proceeded in complete normality, in spite of some delays in the transmission of results caused by certain problems of a technical nature.

There were no disturbances of the peace despite the fact that some media outlets constantly urged the citizenry to confrontation at JRVs. All the JRVs were duly covered by the electoral police, supervisors, and national and international electoral observers.

A considerable number of people abstained from voting; according to calculations made this was as high as 65 percent. The Mission called on the electoral authorities to conduct an in-depth examination of this problem and to identify mechanisms that might make it possible to increase citizen participation in the autonomous regions.

Despite the tension and uncertainty generated by the controversial issue of voting by means of a Legal Promise Document (Acta de Promesa de Ley - APL), it was observed that a minimal percentage of voters used this mechanism.

E. VOTING WITH A WITNESS (APL)

In the run up to the elections the Mission clearly observed the controversy that arose in connection with the instrumentation of a voting mechanism by means of the so-called Legal Promise Document (APL). Under this mechanism any citizen who has a valid document to vote but is not listed on their local electoral roll may exercise their right to vote in the presence of two witnesses who attest to the domicile or place of residence of the voter.

This system of voting sparked controversy among the majority of representatives and supervisors of political parties (with the exception of the PLC) and civil society organizations, which claimed that this situation would lead to the irregular transfer of voters from outside the region, undermining the legitimacy of the electoral process. This situation further exacerbated the crisis in CSE.

The Observation Mission mentioned that the opposing positions held by the members of the CSE with respect to the elections, and in particular, as regards voting with witnesses, were obstacles that the citizenry ultimately had to confront. This was reflected on election day when citizens who came forward to vote at JRVs with witnesses were accepted in some cases but not in others. It might be considered that the main cause of the high

³⁵ 217 JRVs

³⁶ 481 JRVs

abstention rate and delays at polling booths was due to the confusion caused by a voting with witnesses.

In the opinion of the Mission, mechanisms should be created to enable the CSE to organize itself better to inform the public before and during the electoral process in order to ensure greater clarity and confidence in the system. The foregoing would substantially reduce the high level of abstention in Nicaragua.

CHAPTER VIII. CONCLUSIONS

The general elections held in Nicaragua culminated with the activities that the OAS carried out in observing three consecutive electoral processes: The municipal election (already covered in the respective report), the general elections, and, finally, the Costa Atlántica regional elections.

A. REGARDING THE GENERAL ELECTIONS:

Despite the problems that arose during the run up to the elections as a result of the strong partisan tension, the elections went ahead peacefully, demonstrating the maturing in the civic behavior of the people of Nicaragua, as well as a greater understanding of the democratic process, of tolerance and public spiritedness among the parties involved. The Mission observed a high level of participation in the elections of the general public, and there was a massive voter turnout.

Furthermore, it was observed that good judgment was used in the settlement of the disputes that arose before and during election day, as well as a positive predisposition in decision making, which made the better management of the available resources possible.

The armed forces and police played a pivotal role. Deployed en masse, constantly appealing for calm and conducting operations to disarm the public, they were fundamental in maintaining a good electoral atmosphere, particularly on election day.

The Mission also recognizes the work of the media, which kept the public informed and updated during the elections and even after the electoral process had concluded.

Based on its activities, the Mission finds that while considerable progress has been made in the area of training, it is important to underscore that it is still necessary to develop a methodology that enables members of ballot receiving boards to be better acquainted with the law, and their functions and powers, so that together and in an organized manner they can help to improve implementation of training in practice. The Mission also observed a number of delays in the delivery of materials and necessary tools for to carry out these activities.

A high level of dedication on part of the players involved in the electoral process was observed, in particular on election day; such was the case with JRV members who were ready to carry out their duties and contribute to the successful holding of the elections.

There were some flaws in the electoral roll used. However, the vast majority of them were corrected thanks to the verification program implemented before the election, which made it possible to locate a large number of voters. However, it is clear that problems still persist with the correct location of voters.

As to the ID distribution plan, the Mission considers that an optimal effort was made to provide a large number of citizens with the document that would enable them to vote. When the special ID distribution plan was launched there were 391,313 IDs pending distribution; with the help of this scheme it was possible to distribute 264,896 of them (67.7 percent).

In the area of information technology, in these elections improvements were observed in the results transmission system. This was the case with the "HICOM" systems for reception of results via fax, whose installation in advance made it possible to conduct transmission tests. The "RightFax" fax reception system was also used for minutes in Managua, but the late decision to use this methodology prompted doubts regarding its installation and correct use for sending faxes. However, on election day it was seen to work without any problem and, as a result, the reception of minutes was completed as planned.

The planned vote counting systems, as well as the access controls and bar coded minutes provided greater security in the data input process. The system was equipped with a series of explicit controls for each stage of the process, which ensured a high degree of reliability.

This system, moreover, was planned so that it could be audited after the vote count, since it correctly stored the record of minutes entered and challenged, as well as data updates. Furthermore, the operation recorded information on the user who received the data.

With respect to the contingency plans prepared for the tallying and results transmission process, it was observed that an array of failsafe measures were adopted that ensured the reliability of the system in the event of a power failure to the data server check, as well as in the transmission of minutes from each ballot receiving board. These contingency plans prompted a higher level of confidence in the use of the system compared to previous elections.

Political organizations carried out permanent supervision before and during the electoral process, mainly in the area of telecommunications and data reception. On election day they had the possibility, through computer terminals installed by CSE, to evaluate the results of data that were being processed. The Mission observed how the distrust in the use of telecommunications before election day progressively dissipated thanks to the opportunity provided to evaluate the facilities and programming of telephone infrastructure for results transmission. A number of national and international observation missions joined this supervision process as witnesses.

The lack of proper coordination of information technology resources in the electoral process prevented the integrated implementation of the vote-counting and results transmission system. There was evidence of a lack of knowledge of the progress in a given component compared to others. One example of the foregoing is that the company that provided the Internet data publication service was unaware of the progress in telecommunications and unacquainted with the data design of the tallying system.

This unquestionably impaired the efficient use of resources by the Supreme Electoral Council. Furthermore, this shortcoming prevented a dummy run from being carried out to test the integration of all the system components, from minute reception to correct

publication of results. Dummy runs lead to a climate of greater confidence in the use of information technology and make it possible to ensure the security of each component of the system for holding an election.

B. REGARDING THE REGIONAL ELECTIONS:

Two scenarios emerged during the regional elections. In contrast to the paralysis of the central electoral organ, at the regional level there was broad commitment on the part of the regional and municipal electoral authorities to holding the elections. Despite being composed of officials with clearly defined partisan sympathies, the decentralized electoral authorities (Regional Electoral Councils - CER; and Municipal Electoral Councils - CEM) worked to complete each and every one of the procedures necessary to hold the elections of March 3.

The Mission noted the precarious institutional capacity of the CSE of Nicaragua as the maximum electoral authority in the country, as shown by the failure of the institution to reach any kind of internal agreement, and its inability to maintain unity, particularly during an election, despite having all the necessary tools that a collegiate body requires.

CHAPTER IX. RECOMMENDATIONS

Based on the comprehensive observation of the last two election processes in Nicaragua, the Electoral Observation Mission of the Organization of American States makes the following recommendations:

A. GENERAL RECOMMENDATIONS

Efforts should continue aimed at enhancing measures to strengthen democracy in Nicaragua. In that connection programs should be implemented in the areas of civic education, human rights, and strengthening of the concept of citizenship, so that citizens might better understand their rights, duties, and the importance of participation in democratic life and politics.

Nicaragua's election laws should, in the near future, undergo review and examination by all sectors of Nicaraguan society, in order to generate reforms designed to resolve the problems that currently beset the electoral authorities.

Accordingly a comprehensive reform should be considered of the election law, so as to enable the general public and civil society organizations more effectively to exercise citizen participation in the electoral process, and to make it easier to organize and maintain new political parties.

It is necessary to professionalize electoral staff and to depoliticize electoral structures as much as possible, in particular the Supreme Electoral Council (CSE).

The modification should be considered of the mechanisms for structuring electoral councils and JRVs. We suggest the participation of educators, civil servants, and professionals with a higher level of education and without affiliations to any political party.

B. TECHNICAL AND ADMINISTRATIVE RECOMMENDATIONS

This draft is subject to revision and shall not be available to the public pending its consideration, where appropriate, by the
 Permanente Council

1. All the activities involved in holding elections should be properly planned. Such a plan should clearly state the activities to be implemented and those responsible for putting them into effect.
2. Contingency plans for the electoral process should be strengthened through correct distribution of financial resources. Accordingly, it is necessary to continue with the improvement of the budgeting system in organization of elections, so as to ensure better distribution of funds allocated to electoral processes, such as production of credentials, training of JRV members, installation of fax machines, transmission tests, etc.
3. The Council should initiate a process for automation of electoral activities, as is being done in several countries in the hemisphere by means of electronic voting, in order to have elections that are more transparent, efficient, and dynamic.
4. It would be advisable to continue to work in the area of training for polling station members, supervisors, and identified election workers. The possibility could be considered of modifying certain contents, or adding supplementary training for members of JRVs who work in rural areas. The purpose of the latter should be to provide a service for the rural population that is more effective or better suited to their needs, bearing in mind the high level of illiteracy.
5. Training for members of JRVs should be guided by the principles of an institutional service provided by professionals who receive career training in electoral agencies through a permanent electoral training unit. Furthermore it is recommended that these employees be selected without any significant participation on the part of political parties, since, under the current system, these officials their cue from political parties and not from the institution responsible for the organization and execution of the elections.
6. The decisions that in one way or another affect how the voting proceeds on election day should be made sufficiently in advance so that they can be clearly transmitted to all officials at the seminars or training workshop imparted to them, and do not depend on late communications in the days leading up to the event. Without highly effective channels of communication such decisions will create confusion through failure to be applied with uniform criteria by all the bodies involved in the process.
7. Purging and updating of the electoral should be carried out as a permanent task, not merely when there is an election approaching. In the case of Nicaragua we consider that this process should start with the basics, in other words, a complete overhaul of the vital statistics registration system (births and deaths), in order that personal identity documents can be issued based on more accurate information, and so that this procedure or the registration of a death automatically entails the updating and purging of the electoral roll.

Accordingly, a central civil registration system should be created and the entire process for issuing personal identity documents should be evaluated and reorganized. We recommend that this procedure be decentralized to make it easier for citizens to obtain identity documents.

8. It is essential to transmit to the citizenry the importance of registering their vital statistics, applying for and keeping valid their identity document, and registering their

place of residence or changes therein, so that they can vote without any problems. To that end, public-awareness raising campaigns should be carried out through the media.

9. A statistical record should be taken of domicile changes caused by voting by means of Legal Promise Documents (APL). The results should be examined to determine the movements of citizens, and the effects measured so that the electoral roll does not continue to be altered unchecked as a result of such movements, since if the possibility of voting by means of APLs remains, citizens will continue to change their domiciles on election day if that makes it easier for them to vote.

10. A computerized electoral logistics system should be developed wherein it is possible to log the status of procurement, distribution and collection of materials. This will afford tighter controls and security in the treatment of materials, thus avoiding the loss of electoral rolls that help to update changes as a result of the use of APLs.

11. Different alternatives should be explored for counting votes in an efficient, secure, rapid, and transparent manner. While the law provides for the use of fax machines as a vote tally communication method, this is a costly and laborious methodology. Other methods, therefore, could be considered, such as, *inter alia*, the creation of decentralized tallying centers, electronic voting, etc. In that connection it should be borne in mind that decentralized vote tallying is an option that allows that possibility of faster ballot returns, is safe, and reduces the election costs.

12. It is important to plan one or more dummy runs as the national level for general and municipal elections, or a dummy run at the regional level for elections of that type. The aim of this should be to ensure that degree of cohesion is maintained among all the components of an election process, from transmission of minutes to publication of the results. Since all the components are included, all human and technical resources for counting and results transmission are involved, thereby ensuring greater coordination and boosting the reliability of the system in the eyes of the citizenry and political organizations. The specific areas used are transmission, reception, printing, and counting of ballots, as well as publication of the results.

13. A computerized trial and dummy run evaluation system should be developed in order to attend to specific needs of departmental and municipal election centers. This system should be regarded as a call center that where a record is kept of all requests for transmission of results and vote tallying, installations under way, and problems that emerge in the run up to the elections. This information helps to provide an accurate idea of problems as regards the technical needs of elections and, therefore, to ensure better planning of solutions proposed.

14. The Electoral Council should ensure that the knowledge of providers during elections, such as fax reception, vote counting, and publication of results is transmit to its technical staff. This knowledge transfer should be planned and programmed through courses, practical exercises, and delivery of the necessary documents, so these systems can be put into operation and managed Council professionals and technicians without a hitch.

15. Political organizations should be more involved in the technical supervision of the electoral process. This can be achieved through information talks given by the Supreme

Electoral Council on the advantages of the vote-counting and results transmission system. This will require the CSE to adopt decisions in advance on the technological components to be used. In the event of any changes, political organizations should also be made privy to such decisions.

16. As to the voting system used on election day, we recommend a review and evaluation of the mechanisms used to for the installation and opening of JRVs, since the one currently in use delays the start of voting, causing irritation and discomfort to voters.

17. The practice of using four voting booths in each JRV is a good way to expedite voting and reduces waiting time for voters; however it will not be effective unless used correctly. It is necessary to strengthen training for members in this area.

We also recommend an earlier closing time (6 p.m.) for polling stations, and the creation of a mechanism whereby citizens who are standing in line at that time can exercise their right to vote.

18. The voting process should be substantially simplified to avoid delays. The use of mechanisms such as ponchadoras check, ultraviolet lamps, and indelible ink to preventing a person from voting more than once delays the process and sometimes confuses members of JRVs. Generally speaking these mechanisms are used because of the immense lack of confidence created by an inexact electoral roll and and insecure identity documents. On this point we consider it important to reiterate the need for strengthening in these areas.

19. The staff in charge of the data reception procedure should be selected in advance and should, moreover, meet a basic experience requirement, in order to try to ensure continuity throughout the election process.

20. If a decentralized computerized tallying system is used, political organizations should be able to supervise the process at each tallying center, and information on results should be distributed at these centers, regardless of the consolidated information at the central tallying center.

21. The system for publication of results over the Internet should provide data from the start of the vote counting and include information on each minute from each JRV. Furthermore the information should be presented graphically in map form, as well as in the form of statistics.

CHAPTER X. FINANCIAL REPORT

**ORGANIZATION OF AMERICAN STATES
UNIT FOR THE PROMOTION OF DEMOCRACY**

EOM - Nicaragua (General Election)

**CONSOLIDATED STATEMENT OF CHANGES IN FUND BALANCE
From Inception (May 17, 2001) to October 31, 2002**

Increases		
<i>Contributions</i>		
United States *	\$ 600,000	
Japan	89,245	
Sweden	61,438	
Finland	59,785	
Denmark	59,635	
Norway	39,975	
Switzerland	39,700	
United Kingdom	<u>10,000</u>	
Total Increases		\$ 959,778
Decreases		
<i>Returns to Donors</i>		
	2,845	
<i>Expenditures</i>		
Travel	157,841	
Publications and Documents	2,900	
Equipment, Supplies and Maintenance	274,152	
Building and Maintenance	41,692	
Performance Contracts	440,947	
Other Expenses	<u>23,520</u>	
Total Decreases		<u>943,897</u>
Net change during period		15,881
Unliquidated Obligations		<u>4,068</u>
Fund balance at end of period	\$	<u>11,813</u>

* Contribution from USAID reported separately

**ORGANIZATION OF AMERICAN STATES
UNIT FOR THE PROMOTION OF DEMOCRACY**



EOM -Atlantic Coast in Nicaragua 2002

**CONSOLIDATED STATEMENT OF CHANGES IN FUND BALANCE
From Inception (February 01, 2002) to October 31, 2002**

Increases		
<i>Contributions</i>	\$ 99,819	
Sweden	<u>9,895</u>	
Norway		
Total Increases		\$ 109,714
Decreases		
<i>Expenditures</i>		
Travel	11,829	
Equipment, Supplies and Maintenance	7,173	
Building and Maintenance	11,080	
Performance Contracts	35,250	
Other Expenses	<u>8,950</u>	
Total Decreases		74,282
Net change during period		35,432
Unliquidated Obligations		<u>619</u>
Fund balance at end of period		\$ <u>34,813</u>

Certified by: Javier Goldin, Chief
Financial Reporting and Policy Division
Department of Financial Services

Project UPD-EOM/(

This draft is subject to revision and shall not be available to the public pending its consideration, where appropriate, by the
Permanente Council

**ORGANIZATION OF AMERICAN STATES
UNIT FOR THE PROMOTION OF DEMOCRACY**

EOM - Nicaragua (General election) & EOM - Atlantic Coast in Nicaragua

**CONSOLIDATED STATEMENT OF CHANGES IN FUND BALANCE
From Inception (May 17, 2001) to October 31, 2002**

	EOM - Nicaragua	EOM - Atlantic Coast	Total
Increases			
<i>Contributions</i>			
United States *	\$ 600,000	-	\$ 600,000
Japan	89,245	-	89,245
Sweden	61,438	99,819	161,257
Finland	59,785	-	59,785
Denmark	59,635	-	59,635
Norway	39,975	9,895	49,870
Switzerland	39,700	-	39,700
United Kingdom	<u>10,000</u>		
Total Increases	959,778	109,714	1,069,492
Decreases			
<i>Returns to Donors</i>	2,845	-	2,845
<i>Expenditures</i>			
Travel	157,841	11,829	169,670
Publications and Documents	2,900	-	2,900
Equipment, Supplies and Maintenance	274,152	7,173	281,325
Building and Maintenance	41,692	11,080	52,772
Performance Contracts	440,947	35,250	476,197
Other Expenses	<u>23,520</u>	<u>8,950</u>	<u>32,470</u>
Total Decreases	<u>943,897</u>	<u>74,282</u>	<u>1,018,179</u>
Net change during period	15,881	35,432	51,313
Unliquidated Obligations	<u>4,068</u>	<u>619</u>	<u>4,687</u>
Fund balance at end of period	<u>\$ 11,813</u>	<u>\$ 34,813</u>	<u>\$ 46,626</u>

*Contribution from USAID reported separately

Certified by: Javier Goldin, Chief
Financial Reporting and Policy Division
Department of Financial Services

APPENDICES

APPENDIX I
LETTERS OF INVITATION AND ACCEPTANCE



Ministerio de Relaciones Exteriores

17 de abril de 2001

MRE/VM-1DGO1/1118/04/01

Honorable Señor
Sergio Caramagna
Director de la Secretaría
de la Organización de los Estados Americanos
Ciudad

Honorable Señor Caramagna:

Es grato dirigirme a usted, en ocasión de informar por su digno medio a la Organización de los Estados Americanos que, el próximo 4 de noviembre, Nicaragua celebrará elecciones de Presidente y Vicepresidente de la República, Diputados Nacionales y Departamentales ante la Asamblea Nacional y Diputados ante el Parlamento Centroamericano,

El pueblo y gobierno de Nicaragua hemos iniciado los preparativos para estos comicios, con la seguridad de que serán un paso trascendental para el fortalecimiento de nuestra joven democracia y nos permitirán poner de manifiesto, una vez más, nuestra firme vocación de paz y desarrollo. Asimismo, deseamos compartir este ejercicio cívico con los miembros de la comunidad internacional, cuya presencia y solidaridad han constituido un invaluable apoyo a nuestros esfuerzos para consolidar la democracia.

Por tal razón, me honra transmitir a la Organización de los Estados Americanos nuestra más cordial invitación para que designe una misión de observadores electorales, que participe en las diversas etapas de ese proceso electoral, contribuyendo así a fortalecer el clima de confianza, transparencia y civismo, en el cual los nicaragüenses nos proponemos elegir a nuestras autoridades nacionales.

Para su debida información, adjunto copia del Calendario y las Disposiciones referidas a la Observación Electoral Nacional e Internacional, aprobados por el Consejo Supremo Electoral para regir las próximas elecciones de Presidente y Vicepresidente de la República, Diputados Nacionales y Departamentales ante la Asamblea Nacional y Diputados ante el Parlamento Centroamericano.



Hago propicia la oportunidad para renovarle las muestras de mi alta y distinguida

Consideración.

Bertha M. Argüello
Bertha Marina Argüello
Bertha Marina Argüello
Ministra por la Ley

cc: Licenciado Roberto Rivas, Magistrado Presidente del Consejo Supremo Electoral
Ingeniero David Carrillo, Secretario de la Presidencia de la República

Organización de los Estados Americanos **Organização dos Estados Americanos**
Organisation des Etats américains **Organization of American States**

SG/UPD/0340/01



8 de mayo de 2001

Señor Ministro:

Tengo el honor de dirigirme a Vuestra Excelencia en respuesta a la atenta nota de fecha 17 de abril suscrita por la Ministra por la ley, Excelentísima Señora Berta Marina Argüello, dirigida al Señor Director de la Oficina Nacional de la OEA en Nicaragua, mediante la cual comunica que el Gobierno de la República de Nicaragua ha decidido solicitar a la Organización de los Estados Americanos (OEA) la conformación de una Misión de Observación Electoral para las elecciones de Presidente y Vicepresidente de la República, Diputados Nacionales y Departamentales ante la Asamblea Nacional y Diputados ante el Parlamento Centroamericano.

Sobre el particular, me complace manifestar a Vuestra Excelencia que la Secretaria General acoge con interés la invitación de su Gobierno y anticipa su disposición favorable para organizar la Misión solicitada para que participe en las diversas etapas del proceso electoral. En tal sentido, se iniciaría nuestra presencia con la observación de aspectos relevantes contenidos en el calendario electoral aprobado por el Consejo Supremo Electoral.

Asimismo, es oportuno señalar que de conformidad con las disposiciones vigentes, el envío de la misma esta condicionada a la obtención de recursos externos para su financiamiento.

Hago propicia esta ocasión para reiterar al Señor Ministro el testimonio de mi mas alta y distinguida consideración.

A handwritten signature in black ink, likely belonging to Cesar Gaviria, is positioned below the text of the letter.

Cesar Gaviria
Secretario General

Excelentísimo señor
Francisco X. Aguirre Sacasa
Ministro de Relaciones Exteriores
Managua, Nicaragua
Organización de los Estados Americanos
17th Street & Constitution Ave. N.W.
Washington, DC 20006-4499

ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
WASHINGTON, D. C.

EL SECRETARIO GENERAL

SG/UPD/0422/01
25 de mayo, de 2001

Señor Ministro:

Tengo el honor de dirigirme a Vuestra Excelencia con la finalidad de informarle que he designado al señor Santiago Murray, Asesor Especial de la Unidad para la Promoción de la Democracia de esta Secretaria General, como Jefe de la Misión de Observación Electoral para las Elecciones de Presidente y Vicepresidente de la República, Diputados ante la Asamblea Nacional y Diputados ante el Parlamento Centroamericano a celebrarse el próximo 4 de noviembre.

Como es de su conocimiento la Misión ha iniciado una primera fase de actividades, dando respuesta de esta forma a la solicitud de su Ilustrado Gobierno de observar las diversas etapas del proceso electoral.

Hago propicia esta ocasión, para reiterar al Señor Ministro el testimonio de mi mas altas y distinguida consideración.



CCeCesar Gaviria
Secretario General

Excelentísimo señor
Francisco X. Aguirre Sacasa
Ministro de Relaciones Exteriores
Managua. Nicaragua

APPENDIX II
AGREEMENTS BETWEEN THE OAS GENERAL SECRETARIAT AND THE NICARAGUAN
ELECTORAL AUTHORITIES

ACUERDO ENTRE EL CONSEJO SUPREMO ELECTORAL DE LA REPUBLICA DE NICARAGUA Y LA SECRETARIA GENERAL DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS SOBRE EL PROCEDIMIENTO DE OBSERVACION ELECTORAL CORRESPONDIENTE A LAS ELECCIONES GENERALES A CELEBRARSE EL 4 DE NOVIEMBRE DEL 2001

LAS PARTES, el Consejo Supremo Electoral de la República de Nicaragua (el Consejo) y la Secretaria General de la Organización de los Estados Americanos (la SG/OEA),

CONSIDERANDO:

Que el 17 de abril del 2001, el Gobierno de la República de Nicaragua (el Gobierno) invitó al Secretario General de la Organización de los Estados Americanos (el Secretario General) a que enviara una Misión de Observación Electoral de la OEA (la Misión) con el propósito de observar el desarrollo del proceso electoral correspondiente a las elecciones de Presidente, Vicepresidente y Diputados que se realizaran en la República de Nicaragua el 4 de noviembre de 2001;

Que el Secretario General aceptó la invitación del Gobierno, disponiendo el 8 de mayo del 2001 el envío de una Misión a la República de Nicaragua con el objetivo de observar el desarrollo del proceso electoral correspondiente a las elecciones de Presidente, Vicepresidente y Diputados del 4 de noviembre de 2001; y

Que en la Resolución AG/Res. 991 (XIX-0/89) la Asamblea General de la OEA reiteró al Secretario General la recomendación de "organizar y enviar misiones a aquellos Estados miembros que, en ejercicio de su soberanía, lo soliciten, con el propósito de observar el desarrollo, de ser posible en todas sus etapas, de cada uno de los respectivos procesos electorales",

ACUERDAN:

PRIMERO: GARANTÍAS:

- a) El Consejo garantizara a la Misión todas las facilidades para el cumplimiento adecuado de su misión de observación de las elecciones del 4 de noviembre del 2001, de conformidad con las normas vigentes en la República de Nicaragua y los términos de este Acuerdo.
- b) El Consejo se compromete a instruir a las autoridades Departamentales y Regionales para que se le brinde a la Misión destacada en su jurisdicción el pleno acceso a sus instalaciones, así como a la información oportuna acerca del desarrollo y avances de este proceso electoral.
- c) El Consejo, durante el día de los comicios, y los periodos pre-comiciales y post-comiciales, garantiza a la Misión el libre desplazamiento y movimiento en todo el territorio nicaragüense.
- d) El Consejo, durante los días de los comicios, y los periodos pre-comiciales y post-comiciales garantiza a la Misión el acceso a los- locales de votación desde el momento de la instalación de las Juntas Receptoras de Votos (JRV) hasta la terminación del escrutinio a nivel nacional.

SEGUNDO: INFORMACIÓN:

a) El Consejo suministrara a la Misión toda la información referente a la organización, dirección y supervisión del proceso electoral. La Misión podrá solicitar al Consejo o a sus órganos descentralizados la información adicional necesaria para el ejercicio de sus funciones.

b) La Misión podrá informar al Consejo acerca de las irregularidades, deficiencias técnicas e interferencias que observe, y podrá realizar sugerencias que considere oportunas a fin de contribuir a solventar las mismas. Asimismo, podrá solicitar al Consejo la información sobre las medidas que al respecto se hubieren tomado.

c) La Misión transmitirá al Consejo las inquietudes, denuncias o reclamos que los diferentes protagonistas del proceso electoral pudiesen hacer llegar a la Misión, y podrá solicitar al Consejo información sobre las medidas que al respecto se hubiesen tomado.

d) El Consejo proveerá la información requerida correspondiente a los padrones electorales y a los datos contenidos en el computadora referente al mismo, al sistema de votación, al sistema de cómputos y de transmisión de resultados a utilizarse el día de los comicios; y ofrecerá demostraciones de su operación, cuando sea solicitada. El Consejo suministrara a la Misión toda la información requerida sobre el computo provisional y el computo definitivo de las elecciones.

e) El Consejo garantiza el pleno acceso de la Misión a la información resultante de las auditorias y controles de calidad, que el mismo realice antes, durante y después de los comicios.

f) La Misión podrá emitir informes públicos y periódicos como resultado de la observación in situ de este proceso electoral.

TERCERO: DISPOSICIONES GENERALES:

a) El Secretario General designara al Jefe de la Misión, quien representara a la Misión y a sus integrantes frente al Consejo y frente al Gobierno.

b) La SG/OEA comunicara al Presidente del Consejo los nombres de las personas que integraran la Misión, los que estarán debidamente identificados con una credencial de identificación de la OEA y del Consejo, elaborados especialmente para la Misión.

c) La Misión deberá actuar con imparcialidad, objetividad e independencia en el cumplimiento de su cometido.

d) La Misión observara en todas sus etapas el desarrollo de este proceso electoral y colaborará con las autoridades gubernamentales y con la población en general para asegurar la integridad, imparcialidad y confiabilidad del mismo.

e) El Secretario General remitirá al Presidente del Consejo una copia del informe final de la Misión.

f) El Consejo hará conocer y difundirá entre todos los organismos electorales y entre el personal involucrado en el proceso electoral el contenido de este Acuerdo.

CUARTO: PRIVILEGIOS E INMUNIDADES:

Ninguna disposición en este Acuerdo se entenderá como una renuncia a los privilegios e inmunidades de los que gozan la OEA y sus órganos conforme a la Carta de 1a OEA, cuyo instrumento de ratificación fue depositado por el Gobierno el 26 de julio de 1950, al Acuerdo sobre Privilegios e Inmunidades de la OEA, cuyo instrumento de adhesión fue depositado por el Gobierno el 25 de enero de 1961, al Acuerdo entre la SG/OEA y el Gobierno sobre el Funcionamiento de la Oficina de la SG/OEA y el Reconocimiento de sus Privilegios e Inmunidades, suscrito el 2 de octubre de 1989, al Acuerdo entre la SG/OEA y el Gobierno, relativo a los Privilegios e Inmunidades de los Observadores de este proceso electoral, firmado el _____ de _____ de 2001, y a los principios del derecho internacional.

QUINTO: SOLUCIÓN DE CONTROVERSIAS:

Las Partes procuraran resolver mediante negociaciones directas cualquier controversia que respecto a la interpretación y/o aplicación de este Acuerdo. Si ello no fuera posible, cuestión será sometida a arbitraje mediante procedimiento que al efecto se acuerde.

EN FE DE LO CUAL, los representantes de las Partes, debidamente autorizados para ello, firman el presente Acuerdo en dos originales igualmente válidos en la ciudad de Managua, el 26 de Junio del 2001.

POR EL CONSEJO SUPREMO ELECTORAL LA REPUBLICA DE NICARAGUA:

Roberto Rivas Reyes
Presidente

POR LA SECRETARIA GENERAL DE LA ORGANIZACION DE LOS ESTADOS AMERICANOS:

Santiago Murray
Jefe de Misión

APPENDIX III
AGREEMENTS ON PRIVILEGES AND IMMUNITIES OF THE OBSERVERS

ACUERDO ENTRE LA SECRETARIA GENERAL DE LA ORGANIZACION DE LOS ESTADOS AMERICANOS Y EL GOBIERNO DE LA REPUBLICA DE NICARAGUA RELATIVO A LOS PRIVILEGIOS E INMUNIDADES DE LOS OBSERVADORES DEL PROCESO ELECTORAL CORRESPONDIENTE A LAS ELECCIONES GENERALES A CELEBRARSE EL 4 DE NOVIEMBRE DEL 2001.

Las partes de este Acuerdo, la Secretaria General de la Organización de los Estados Americanos (la Secretaria General de la OEA), y el Gobierno de la República de Nicaragua:

CONSIDERANDO:

Que por medio de una comunicación dirigida al Director de la Oficina de la Secretaria General de la OEA en Nicaragua, con fecha 17 de abril del 2001, la Ministra por Ley de la República de Nicaragua, doctora Bertha Marina Arguello solicitó la asistencia de una Misión de Observación Electoral de la OEA para las Elecciones Generales que se llevarán a cabo el 4 de noviembre del 2001;

Que mediante nota del 8 de mayo de 2001, el Secretario General de la OEA aceptó la invitación, habiendo formado un Grupo de Observadores de la OEA para realizar una Misión de Observación Electoral en la República de Nicaragua;

Que el Grupo de Observadores de la OEA esta integrado por funcionarios de la Secretaria General de la OEA y observadores internacionales contratados por la Secretaria General de la OEA para participar en esta Misión de Observación Electoral;

Que el artículo 133 de la Carta de la OEA dispone: "la Organización de los Estados Americanos gozará en el territorio de cada uno de sus miembros de la capacidad jurídica, privilegios e inmunidades que sean necesarios para el ejercicio de sus funciones y la realización de sus propósitos"; y

Que los privilegios e inmunidades reconocidos a la OEA, la Secretaria General de la OEA y su personal en la República de Nicaragua, además de lo previsto en la Carta de la OEA, están establecidos en el Acuerdo sobre Privilegios e Inmunidades de la OEA, cuyo instrumento de adhesión fue depositado por el Gobierno de la República de Nicaragua el 25 de enero de 1961, y en el Acuerdo General entre la Secretaria General de la OEA y el Gobierno de la República de Nicaragua sobre el Funcionamiento de la Oficina de la Secretaria General de la OEA y el Reconocimiento de sus Privilegios e Inmunidades, firmado el 2 de octubre de 1989,

ACUERDAN LO SIGUIENTE:

**CAPITULO I
PRIVILEGIOS E INMUNIDADES DEL GRUPO DE OBSERVADORES DE LA OEA**

ARTICULO 1

Los privilegios e inmunidades del Grupo de Observadores de la OEA en el Proceso de Elecciones Generales en la República de Nicaragua serán aquellos que se otorgan a la OEA, a los Organos de la OEA, y al personal de los mismos.

ARTICULO 2

Los bienes y haberes del Grupo de Observadores de la OEA en cualquier lugar del territorio de la República de Nicaragua y en poder de cualquier persona en que se encuentren, gozaran de inmunidad contra todo procedimiento judicial, a excepción de los casos particulares en que se renuncie expresamente a esa inmunidad. Se entiende, sin embargo, que esa renuncia de inmunidad no tendrá el efecto de sujetar dichos bienes y haberes a ninguna medida de ejecución.

ARTICULO 3

Los locales que ocupe el Grupo de Observadores de la OEA serán inviolables. Asimismo, sus haberes y bienes, en cualquier lugar del territorio de la República de Nicaragua y en poder de cualquier persona en que se encuentren, gozaran de inmunidad contra allanamiento, requisición, confiscación, expropiación y contra toda otra forma de intervención, ya sea de carácter ejecutivo, administrativo, judicial o legislativo. Dichos locales no podrán ser usados como lugar de asilo por personas que traten de evitar ser arrestadas en cumplimiento de una orden judicial emanada de un tribunal competente de la República de Nicaragua, o que estén requeridas por el Gobierno de la República de Nicaragua, o traten de sustraerse a una citación judicial.

ARTICULO 4

Los archivos del Grupo de Observadores de la OEA y todos los documentos que le pertenezcan o que se hallen en su posesión, serán inviolables dondequiera que se encuentren.

ARTICULO 5

El Grupo de Observadores de la OEA estará: a) exento del pago de todo tributo interno entendiéndose, sin embargo, que no podrán reclamar exención alguna por concepto de tributos que de hecho constituyan una remuneración por servicios públicos; b) exentos del pago de toda tributación aduanera, y de prohibiciones y restricciones respecto a artículos y publicaciones que importen o exporten para su use oficial. Se entiende, sin embargo, que los artículos que se importen libres de derechos, solo se venderán en el país conforme a las condiciones que se acuerden con el Gobierno de la República de Nicaragua; y c) exento de afectación por ordenanzas fiscales, reglamentos o moratorias de cualquier naturaleza. Además podrán tener divisas corrientes de cualquier clase, llevar sus cuentas en cualquier divisa y transferir sus fondos en divisas.

CAPITULO II

DE LOS MIEMBROS DEL GRUPO DE OBSERVADORES DE LA OEA

ARTICULO 6

Serán miembros del Grupo de Observadores de la OEA (en adelante los Observadores) aquellas personas que, previa aceptación del Gobierno de Nicaragua, hayan sido debidamente designadas y acreditadas ante el Consejo Supremo Electoral de la República de Nicaragua por el Secretario General de la OEA.

ARTICULO 7

Los Observadores gozaran durante el periodo en que ejerzan sus funciones y durante sus viajes de ida y regreso a la República de Nicaragua de los privilegios e inmunidades siguientes:

- a) Inmunidad contra detención o arresto personal e inmunidad contra todo procedimiento judicial respecto a todos sus actos ejecutados y expresiones emitidas, ya sean orales o escritas en el desempeño de sus funciones;
- b) Inviolabilidad de todo papel y documento;
- c) El derecho de comunicarse con la Secretaria General de la OEA por medio de radio, teléfono, vía satélite u otros medios y recibir documentos y correspondencia por mensajeros o en valijas selladas, gozando al efecto de los mismos privilegios e inmunidades que los concedidos a correos, mensajeros o valijas diplomáticos;
- d) El derecho de utilizar para su movilización cualquier medio de transporte, tanto aéreo como marítimo o terrestre en todo el territorio nacional;
- e) Excepción, respecto de si mismo y de sus cónyuges e hijos, de toda restricción de inmigración y registro de extranjeros y de todo servicio de carácter nacional en la República de Nicaragua;
- f) Las mismas franquicias acordadas a los representantes de gobiernos extranjeros en Misión Oficial Temporal en lo que respecta a posibles restricciones sobre divisas;
- g) Las mismas inmunidades y franquicias respecto de sus equipajes personales, acordadas a los enviados diplomáticos; y también,
- h) Aquellos otros privilegios, inmunidades y facilidades compatibles con lo antes dicho, de los cuales gozan los enviados diplomáticos, salvo excepción de derechos aduaneros sobre mercaderías importadas (que no sean parte de su equipaje personal) o de impuestos de ventas y derechos de consumo.

ARTICULO 8

La Misión de Observación Electoral de la OEA podrá establecer y operar en el territorio de la República de Nicaragua un sistema de radio-comunicaciones autónomo destinado a proveer enlace permanente entre los Observadores y los vehículos que utilice la Misión de Observación Electoral de la OEA con las oficinas y sedes regionales, como de estas con la sede central en Managua y de esta con la sede de la Secretaria General de la OEA en Washington, D.C., para cuyo logro el Gobierno de la República de Nicaragua prestara toda la colaboración técnica y administrativa que se considere necesaria.

ARTICULO 9

Las disposiciones contenidas en el articulo 7 de este Acuerdo no son aplicables a los nacionales acreditados, salvo respecto de los actos oficiales ejecutados o expresiones emitidas en el ejercicio de sus funciones.

CAPITULO III COOPERACION CON LAS AUTORIDADES

ARTICULO 10

Los Observadores colaboraran con las autoridades competentes de la República de Nicaragua para evitar que ocurran abusos en relación con los privilegios e inmunidades concedidos. Asimismo, las autoridades competentes de la República de Nicaragua harán todo lo posible para facilitar la colaboración que les sea solicitada por los Observadores.

ARTICULO 11

Sin perjuicio de los privilegios e inmunidades otorgados, los Observadores respetaran las leyes y reglamentos vigentes en la República de Nicaragua.

ARTICULO 12

El Gobierno de la República de Nicaragua y el Secretario General tomaran las medidas que sean necesarias para procurar un arreglo amistoso para la solución adecuada de:

- a) las controversias que se originen en contratos u otras cuestiones de derecho privado; y
- b) las controversias en que sea parte cualquiera de los Observadores respecto de materias en que gocen inmunidad.

CAPITULO IV CARACTER DE LOS PRIVILEGIOS E INMUNIDADES

ARTICULO 13

Los privilegios e inmunidades se otorgan a los Observadores para salvaguardar su independencia en el ejercicio de sus funciones de observación del Proceso de Elecciones Generales en la República de Nicaragua y no para beneficio personal, ni para realizar actividades de naturaleza política en territorio nicaragüense. Por consiguiente el Secretario General de la OEA renunciara a los privilegios e inmunidades de estos en caso de que, según su criterio, el ejercicio de ellos impida el curso de la justicia y cuando dicha renuncia pueda hacerse sin que se perjudiquen los intereses de la OEA.

CAPITULO V IDENTIFICACION

ARTICULO 14

El Consejo Supremo Electoral proveerá a cada uno de los Observadores de un carnet de identidad numerado, el cual contendrá el nombre completo, el cargo o rango y una fotografía. Los Observadores no estarán obligados a entregar dicho carnet sino a presentarlo cuando así lo requieran las autoridades de la República de Nicaragua.

CAPITULO VI
DISPOSICIONES GENERALES ARTICULO 15

El Gobierno de la República de Nicaragua reconoce el “documento oficial de viaje” expedido por la Secretaria General de la OEA como documento valido y suficiente para los viajes de los Observadores. Dicho documento requiere visado oficial para que los Observadores ingresen en el país y permanezcan en el hasta el termino de su Misión Oficial.

ARTICULO 16

Este Acuerdo podrá ser modificado por mutuo consentimiento del Gobierno de la República de Nicaragua y de la Secretaria General de la OEA.

ARTICULO 17

Este Acuerdo entrara en vigor en la fecha de su firma y se dará por finalizado una vez que los Observadores concluyan sus labores, de acuerdo con los términos de la invitación hecha por el Gobierno de la República de Nicaragua.

EN FE DE LO CUAL, los infrascritos, debidamente autorizados para hacerlo, firman el presente Acuerdo en dos ejemplares de un mismo tenor, en la ciudad de Washington, a los 16 de mayo del dos mil uno.

POR EL GOBIERNO DE LA REPUBLICA DE NICARAGUA:

Lombardo Martínez Cabezas
 Embajador, Representante Permanente

POR LA SECRETARIA GENERAL DE LA ORGANIZACION DE LOS
 ESTADOS AMERICANOS:

Cesar Gaviria
 Secretario General
 De Nicaragua ante la Organización
 de los Estados Americanos

APPENDIX IV
PRESS REALEASES



Organización de los Estados Americanos

Comunicado de Prensa
012/01)

www.oas.org

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Enero 18, 2001

NUEVO EMBAJADOR DE NICARAGUA REITERA APOYO A LA OEA

El nuevo Representante Permanente de Nicaragua ante la Organización de los Estados Americanos, Embajador Lombardo Martínez, reiteró hoy el firme compromiso del gobierno del Presidente Arnoldo Alemán hacia las metas y objetivos de la OEA, afirmando que su país vive un profundo proceso de transformación.

Tal proceso, expresó al hacer uso de la palabra por primera vez en una sesión del Consejo Permanente de la OEA, "pasa por el desmantelamiento de los obstáculos estructurales cuya vigencia se remonta a la época de la conquista y requieren de tiempos históricos para poder impactar en la esfera de la cultura y por ende en el desarrollo integral de nuestros pueblos"

El diplomático centroamericano se refirió también al proceso de globalización que configura el nuevo marco de relaciones entre las naciones, afirmando que "nunca antes como hoy se nos plantea un escenario tan favorable para alcanzar el sueño de nuestros próceres y poder convertir nuestro potencial de riquezas en fuentes de desarrollo humano sostenible, garantizando con criterios de igualdad de condiciones para todos, el acceso a los bienes de producción y de consumo".

Finalmente, el Embajador Martínez sostuvo que la OEA debe continuar perfilándose en el hemisferio como el vehículo conductor y el medio facilitador para lograr una nueva definición de la seguridad para los Estados de la región.

Antes de asumir sus actuales funciones, el Embajador Martínez fue diputado en la Asamblea Nacional, miembro de la Comisión de Relaciones Exteriores y Ministro de Salud.



Organización de los Estados Americanos

Comunicado de Prensa
106/01)

www.oas.org

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Mayo 16, 2001

NICARAGUA Y LA OEA FIRMAN ACUERDO PARA EL ENVIO DE MISION DE OBSERVACION A LAS ELECCIONES GENERALES

El gobierno de Nicaragua y la Secretaría General de la Organización de los Estados Americanos (OEA) firmaron hoy un acuerdo para el envío de una misión de observación a las elecciones generales que tendrán lugar en ese país el 4 de noviembre próximo.

Con la firma del acuerdo, señaló el Embajador de Nicaragua ante la OEA, Lombardo Martínez, "estamos plasmando la voluntad firme del gobierno y del pueblo de Nicaragua de mostrar al mundo su inquebrantable decisión de llevar a cabo un proceso electoral transparente, diáfano y confiable".

Tras afirmar que la democracia nicaragüense reúne los requisitos de los estándares internacionales, el diplomático centroamericano hizo un llamado para avanzar de la democracia formal a la democracia sustantiva y destacó que la próxima Asamblea General de la OEA elaborará, por mandato de la Cumbre de las Américas, una Carta Democrática Interamericana con la que "se pretende completar las herramientas necesarias para la acción colectiva y multilateral en favor de la defensa pacífica de la democracia".

Por su parte, el Secretario General de la OEA, César Gaviria, destacó el hecho de que la OEA ha participado con misiones de observación en todos los eventos electorales registrados en Nicaragua desde 1990. "Actos como el que hoy nos reúne son una significativa señal para los pueblos de América de que los gobiernos de los Estados miembros y el foro regional al que pertenecen asumen solidariamente el compromiso indelegable de defender la democracia representativa", destacó.

En su fase inicial, la misión de observación electoral de la OEA estará conformada por un núcleo reducido de técnicos y consultores y se extenderá de mayo a septiembre. A partir de octubre se iniciará la segunda fase con una misión conformada por aproximadamente 65 observadores que cubrirá la totalidad del territorio nacional.

En la ceremonia, el Embajador de Nicaragua también hizo entrega al Secretario General de la OEA de una contribución de 5.000 dólares para el Fondo para la Paz y destacó los buenos oficios de mediación del Secretario General Adjunto de la OEA, Luigi Einaudi, que han permitido "disminuir las tensiones en el área fronteriza terrestre y en el Caribe, sin tener que llegar a consecuencias lamentables".

El Embajador Einaudi, presente en la ceremonia, agradeció las palabras del Embajador Martínez y del Secretario General, señalando que la contribución de Nicaragua subraya los principios sobre los cuales fue creado el Fondo para la Paz, "en particular la idea de que todos los Estados del hemisferio deben apoyarse mutuamente para la resolución de disputas territoriales".



Organización de los Estados Americanos

Comunicado de Prensa
003/00)
Junio 12, 2001

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MISION DE OBSERVACION DE LA OEA EN NICARAGUA HACE UN LLAMADO AL DIALOGO Y LA PONDERACION

En respuesta a una invitación del gobierno de Nicaragua, la Organización de los Estados Americanos (OEA) instaló en el mes de mayo en ese país una Misión de Observación Electoral, que estará encargada de acompañar las elecciones generales fijadas para el próximo 4 de noviembre.

La Misión, encabezada por Santiago Murray, asesor especial de la Unidad para la Promoción de la Democracia (UPD), de la OEA, se encuentra desarrollando tareas de monitoreo del proceso en su conjunto y, de manera particular, haciendo un seguimiento del calendario electoral aprobado por el Consejo Supremo Electoral (CSE). De esta forma, la Misión de la OEA busca conocer, analizar, monitorear y evaluar el desarrollo de los distintos componentes y etapas del proceso electoral.

En la actualidad, un grupo de observadores y técnicos en organización electoral y sistemas de información se encuentra trabajando en la capital nicaragüense y en el mes de octubre la Misión de la OEA se verá fortalecida con la presencia de un amplio número de observadores con amplia experiencia internacional.

El Jefe de la Misión de Observación hace un llamado a las autoridades electorales, a los partidos políticos, a los medios de comunicación y a la ciudadanía para que en aras del fortalecimiento democrático del país, el actual proceso se desarrolle en un clima de diálogo, tranquilidad y ponderación, respetando el derecho de todas las fuerzas políticas a expresarse libremente.

Asimismo, la Misión deja constancia de su especial agradecimiento a los gobiernos de Suecia, Finlandia, Dinamarca, Noruega y Suiza que han contribuido para hacer posible la primera fase de la Misión de Observación de la OEA, permitiendo así un adecuado seguimiento de las tareas previas de los comicios presidenciales.



Organización de los Estados Americanos

4. Comunicado de Prensa

(C/NI-001)

Junio 26, 2001

LA OEA Y EL CONSEJO SUPREMO ELECTORAL FIRMAN ACUERDO PARA ESTABLECER MISION DE OBSERVACION

La Organización de los Estados Americanos (OEA) y el Consejo Supremo Electoral (CSE) de la República de Nicaragua firmaron hoy un acuerdo para observar el desarrollo del proceso electoral que tendrá lugar en este país el 4 de noviembre de 2001.

El acuerdo fue suscrito por el Presidente del CSE, Roberto Rivas, y por el Jefe de la Misión de Observación Electoral de la OEA, Santiago Murray, durante una ceremonia realizada en la sede del Consejo.

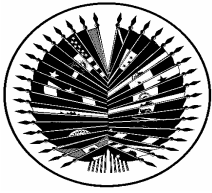
En dicho acto, el Jefe de la Misión de la OEA reiteró un llamado para que "en aras del fortalecimiento democrático del país, el actual proceso se desarrolle sin obstáculos ni interrupciones, en un clima de diálogo, tranquilidad y ponderación que respete el derecho de todas las fuerzas políticas a expresarse libremente".

Mediante dicho acuerdo, el Consejo garantizará a la Misión de la OEA todas las facilidades para el cumplimiento adecuado de sus funciones con motivo de los comicios convocados para elegir Presidente, Vicepresidente y Diputados ante la Asamblea Nacional y el Parlamento Centroamericano. El CSE instruirá a las autoridades departamentales y regionales "para que se le brinde a la Misión destacada en su jurisdicción, el pleno acceso a sus instalaciones, así como a la información oportuna acerca del desarrollo y avances de dicho proceso".

Además de garantizar a la Misión de la OEA "el libre desplazamiento y movimiento en todo el territorio nicaragüense", el Consejo Supremo Electoral también le garantizará el acceso a los locales de votación desde el momento de la instalación de las Juntas Receptoras de Votos (JRV) hasta la terminación del escrutinio a nivel nacional.

Por su parte, la Misión de Observación de la OEA podrá informar al Consejo acerca de las irregularidades, deficiencias técnicas e interferencias que observe y podrá realizar sugerencias que considere oportunas a fin de contribuir a solventar las mismas.

Actualmente, la Misión de Observación Electoral de la OEA ha constituido un grupo técnico de observadores en organización electoral y sistemas de información, que se encuentra trabajando, tanto en Managua como en el interior del país.



ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
Misión de Observación Electoral
Managua, Nicaragua

Organización de los Estados Americanos

5. Comunicado de Prensa
 146/01)
 Julio 9, 2001

www.oas.org

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**LA OEA ABRE PAGINA EN INTERNET PARA RECIBIR OPINIONES
 SOBRE LA CARTA DEMOCRATICA INTERAMERICANA**

La Organización de los Estados Americanos (OEA) abrió hoy una página en Internet para recibir sugerencias y comentarios al texto de la futura Carta Democrática Interamericana. La página busca estimular la participación de las organizaciones no gubernamentales, institutos de investigación, universidades y otros órganos de la sociedad civil en la elaboración de la nueva Carta.

Durante la Tercera Cumbre de las Américas, celebrada en abril pasado en Quebec, Canadá, los Presidentes y Jefes de Gobierno decidieron preparar, en el ámbito de la OEA, una Carta Democrática Interamericana, con el objetivo de fortalecer la capacidad de respuesta de los países en el caso del rompimiento del orden democrático. La propuesta de Carta Democrática, que está actualmente en debate, fue presentada a la Asamblea General de la OEA, realizada entre el 3 y el 5 de junio pasado en San José, Costa Rica.

La nueva página de Internet (http://www.oas.org/charter/esp/charter_es.htm) estará abierta para recibir las sugerencias y opiniones de la sociedad civil entre el 9 de julio y el 10 de agosto de 2001. A través de la página oficial de la OEA (<http://www.oas.org>) también se podrán enviar opiniones sobre la futura Carta Democrática.

El texto final de la Carta Democrática Interamericana será aprobado por los representantes de los 34 Estados miembros de la OEA durante una Asamblea General Extraordinaria que se realizará en Lima, Perú, el 10 de setiembre próximo.



Organization of American States

6. Press Release

www.oas.org

(C-xxx/01)

August 16, 2001

OAS OBSERVATION MISSION IN NICARAGUA **TRUSTS THAT THE PARALYZATION OF THE SUPREME ELECTORAL COUNCIL (CSE) WILL NOT BE REPEATED**

In the course of three months of work, experts and electoral observers of the Mission in Nicaragua have observed various aspects of the organization of the process, as well as the initial activities contained in the electoral calendar. In that connection, the Mission mentions that:

- It noted with concern the paralyzation of the Supreme Electoral Council (CSE) due to lack of quorum for 14 days in the month of June last at a time when it was necessary to decide whether to validate or block Dr. José Antonio Alvarado as vice presidential candidate for the Partido Conservador (PC). That situation led to delays in meeting deadlines in the electoral calendar, leading to speculation and uncertainty regarding how the CSE would act in the future, and even about the possibility that the situation might be repeated on election day or during the vote-counting period. For this reason, the Mission reiterates its position with respect to the importance to explore and finalize formulas to avoid any further paralysis of this branch of government in the future, in particular on November 4.

All things considered, the Mission finds that above and beyond any agreement within the CSE, there are provisions contained in articles 129 and 131 of the Constitution that can be interpreted that the members of the CSE, as the supreme electoral authority, have an obligation to the citizenry to carry out their work and official activities properly.

Furthermore, in the opinion of the Mission, this obligation was formalized as an unrenounceable and nontransferable duty when each individual member took an oath or made a legal promise before the plenary of the National Assembly. Accordingly, the Mission trusts that the paralyzation of the CSE for lack of quorum will not be repeated and prevent the supreme electoral authority in Nicaragua from performing its cardinal function, which is to guarantee the holding of free and transparent elections and to promulgate in a timely manner the results of the official vote count.

- The Mission observes the existence of internal disputes among the principal members of the departmental and municipal electoral authorities in several departments in the country, which have increased in recent weeks. In that respect, the Mission observes that, in the majority of cases, those disputes conflicts reflect opposing partisanship among said members.

Therefore, the Mission urges the departmental and municipal electoral authorities where this situation arises to comply with their mandate as guarantors of the electoral process and to work together in a concerted manner to ensure that their respective electoral councils function properly, given that the success of the election process depends largely on these bodies.

- The Mission notes the absence of a strategic plan to coordinate the activities of the operational bodies of the CSE, which has a negative impact on the performance of planned activities, such as the electoral verification process and the supplementary ID distribution plan, in which the lack of synchronization was observed among the different units and departments of the CSE responsible for these activities. It is suggested that situation should be corrected as soon as possible.

- The Mission welcomes with satisfaction the adoption on August 15 of the work plan for transmission of results on election day. Nevertheless, the delay in the decision on this procedural measure makes it an urgent need to create a training program for all the staff involved in this effort, as well as to design contingency plans to ensure the adequate execution of the system adopted.

- **In the framework of the election campaign that begins on August 18, the Mission calls on the participating political organizations to pledge to lead an electoral campaign free from distressing incidents and to strive to raise the level of political debate in the campaign by presenting concrete proposals and government programs so that the citizenry might know the different the alternative they offer and, thus, exercise their right to cast a properly informed vote.**

Managua, Nicaragua, August 16, 2001



ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
Misión de Observación Electoral
Managua, Nicaragua
 Elecciones Generales del 4 de noviembre de 2001

7. Comunicado de Prensa

(C-003/01)

Octubre 11, 2001

PREOCUPA A MISIÓN DE LA OEA RETRASO EN ENTREGA DE CEDULAS

La Misión de Observación Electoral de la Organización de los Estados Americanos en Nicaragua ha concluido con su primera fase de observación, comprendida entre los meses de mayo a septiembre. Esta fase contó con el apoyo financiero de los Gobiernos de Dinamarca, Finlandia, Noruega, Suecia y Suiza. Durante este período se observaron las distintas etapas comprendidas en el calendario electoral y se visitaron la mayoría de los 151 municipios del país, tal como oportunamente se dio a conocer mediante los correspondientes comunicados de prensa.

La Misión informa que ha desplazado observadores electorales a los 13 Departamentos y a las dos Regiones Autónomas del país. Con este esfuerzo confiamos reforzar el seguimiento a la organización electoral en la totalidad del territorio nacional.

La Misión prosigue sus tareas de observación con énfasis en el plan especial de entrega de cédulas y documentos supletorios, denominado "Plan Mochilero". Actualmente existen 300,000 cédulas y documentos supletorios pendientes de entrega, lo que representa un 10% del padrón electoral. En las actuales circunstancias, en que las encuestas muestran un estrecho margen entre los candidatos presidenciales, la efectiva entrega de estos documentos a la población debe ser un aspecto de interés para las organizaciones políticas participantes y una última oportunidad para que un mayor número de ciudadanos puedan ejercer su legítimo derecho al voto.

Por otra parte, hemos observado las pruebas de transmisión de resultados programadas por el Consejo Supremo Electoral (CSE) los días 9 y 23 de septiembre, así como el pasado 7 de octubre. La Misión reconoce como positivos los esfuerzos desplegados en cada una de estas pruebas. No obstante, se ha constatado que algunas deficiencias detectadas en las primeras de ellas, aún no han sido corregidas. La Misión confía en que éstas sean superadas antes de la realización de un simulacro de ámbito nacional que incluya todos los procedimientos que se aplican en la transmisión y presentación de los resultados el día de la elección.

Desde su instalación, la Misión ha observado la existencia de conflictos entre funcionarios electorales por razones partidarias, los cuales han provocado desconfianza e incertidumbre en la población. Si bien parte de estos conflictos se superaron mediante el compromiso del CSE acerca de la conformación del quórum, la situación tiende a agravarse a nivel Departamental y Municipal por la permanente confrontación de sus miembros. La Misión reitera su llamado para que se generen espacios de concertación que

permitan dirigir los esfuerzos hacia un desarrollo eficiente de las tareas pendientes en estos comicios.

Finalmente, se debe hacer notar que existen retrasos y postergaciones en el cumplimiento de distintas etapas del proceso electoral, entre ellas, la capacitación de miembros de Juntas Receptoras de Votos, así como la adquisición de parte del material electoral. Todo ello obedece a serias limitaciones presupuestarias que están afectando el normal curso de la organización. La Misión exhorta a que las autoridades competentes cooperen en la solución de esta situación.



ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
Misión de Observación Electoral
Managua, Nicaragua

8. Comunicado de Prensa
Octubre 31, 2001

(C/NI-004)

**SECRETARIO GENERAL DE LA OEA
 LLEGARA MAÑANA A NICARAGUA**

El Secretario General de la Organización de los Estados Americanos (OEA), César Gaviria, llegará a Managua el día de mañana jueves 1 de noviembre para acompañar al pueblo nicaragüense en las elecciones generales que tendrán lugar el próximo domingo 4.

Durante su permanencia en la capital nicaragüense, el Secretario General se entrevistará con las más altas autoridades gubernamentales y con los dirigentes de las agrupaciones políticas que participarán en los comicios. El arribo del Dr. Gaviria se producirá alrededor de las 6 y 30 de la tarde.

Actualmente, una Misión de Observación Electoral de la OEA, que encabeza Santiago Murray, se encuentra desarrollando sus tareas en todo el territorio nacional, con la participación de 78 observadores internacionales.



Organización de los Estados Americanos

9. Comunicado de Prensa

(C-005/01)

Noviembre 04, 2001

CIUDADANIA NICARAGÜENSE RATIFICA CON SU VOTO LOS PRINCIPIOS DE LA CARTA DEMOCRATICA

La Misión de Observación Electoral de la Organización de los Estados Americanos en Nicaragua desarrolló desde el mes de mayo tareas de monitoreo del proceso en su conjunto y, de manera particular, hizo un seguimiento del calendario aprobado por el Consejo Supremo Electoral (CSE). Desde el mes de octubre, 78 observadores internacionales ubicados en todo el territorio nacional han seguido el desarrollo de la última fase del proceso.

En un contexto de marcada polarización partidaria que se extendió incluso al calendario y actividades de la organización electoral, la Misión reconoce los esfuerzos del CSE encaminados a garantizar las condiciones necesarias para que el día de los comicios se desarrolle con normalidad.

Una evaluación de los informes recibidos de nuestros observadores durante el transcurso del día de hoy permite señalar que el proceso se desarrolló de forma pacífica. Los ciudadanos y ciudadanas nicaragüenses tuvieron pleno acceso a los centros de votación y ejercieron sin limitación alguna su derecho al sufragio.

En cuanto al material electoral, se observó que su distribución fue oportuna y que las Juntas Receptoras de Votos se constituyeron debidamente; no obstante que, en la mayoría de ellas, la apertura fue tardía. De igual manera se observaron dificultades en la implementación del reglamento para la acreditación de fiscales y observadores electorales.

Se constató, además, que los distintos procedimientos aplicados a la fase de votación fueron lentos y retrasaron el cierre de las mesas electorales. A juicio de la Misión, esta circunstancia tendrá, como impacto inmediato, demoras en la transmisión de los resultados preliminares. Sobre este particular, la Misión espera que el proceso de fiscalización de las líneas de transmisión que actualmente se realizan, logren superar las inquietudes acerca de la capacidad técnica y transparencia de los equipos y sistemas utilizados para este comicio.

La Organización de los Estados Americanos ha acompañado a la población nicaragüense en cinco procesos electorales. En cada uno de ellos hemos identificado un elemento común, el alto valor que la ciudadanía le da a la elección de sus autoridades. En este proceso se debe destacar, una vez más, la masiva participación y conducta cívica que se constató durante el día de hoy.

La Misión formula un llamado a los referentes políticos, autoridades electorales y ciudadanía en general a que aúnen esfuerzos para que la calma, el respeto y la tranquilidad acompañen esta fase del proceso, previo y post divulgación de los resultados electorales.

Ceder a provocaciones que apunten a alterar la normalidad del evento electoral o generar espacios de tensión o perturbación, significaría un serio retroceso en el proceso que Nicaragua ha emprendido para el desarrollo de su cultura política democrática.

La Misión confía que el pueblo nicaragüense continuará fortaleciendo la democracia mediante el cumplimiento del espíritu y la letra de la recién suscrita Carta Democrática Interamericana, firmada el pasado 11 de septiembre, en la que todos los Estados miembros de la OEA reafirmaron su compromiso con la democracia representativa, comprometiéndose a organizar, llevar a cabo y garantizar procesos electorales libres y justos.

Finalmente, la Misión agradece al pueblo de Nicaragua y a las autoridades electorales por su apoyo a las tareas de observación. Asimismo, a los gobiernos de Dinamarca, Estados Unidos, Finlandia, Japón, Noruega, Reino Unido, Suecia y Suiza, por su valiosa cooperación.



ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
Misión de Observación Electoral
Managua, Nicaragua
 Elecciones Generales del 4 de noviembre de 2001

Organización de los Estados Americanos

10. Comunicado de Prensa
 (C-233/01)

www.oas.org

Noviembre 28, 2001

**MISION DE OBSERVACION ELECTORAL DE LA OEA
 EN NICARAGUA HACE LLAMADO AL RESPETO Y LA TOLERANCIA**

El Jefe de la Misión de Observación Electoral de la Organización de los Estados Americanos (OEA), en Nicaragua, Santiago Murray, instó hoy a generar y promover una cultura de respeto y tolerancia de los resultados electorales del pasado 4 de noviembre, "evitando de esta manera que la confrontación y la inestabilidad política se conviertan en mecanismos alternativos para resolver discrepancias".

Durante una sesión del Consejo Permanente de la OEA, que presidió el Embajador de Dominica, Swinburne Lestrade, tanto el Secretario General de la OEA, César Gaviria, como los Embajadores de Nicaragua, Estados Unidos y Canadá, destacaron la transparencia de los comicios y felicitaron al pueblo nicaragüense por su masiva y pacífica participación en las urnas.

Al presentar un informe verbal ante el Consejo, el Jefe de la Misión Electoral de la OEA puso de relieve la "contundente muestra de entusiasmo" de los nicaragüenses para acudir a las urnas y sostuvo que los partidos políticos son claros intermediarios de la representación ciudadana, "por lo que es un deber de estas organizaciones promover de manera conjunta mecanismos concertados de revisión" de las diferentes etapas electorales.

Luego de advertir que en Nicaragua persiste el ánimo de confrontación partidista, "lo que pone de manifiesto una vez más la intolerancia política en la fase post electoral", Murray hizo un llamado al Consejo Supremo Electoral (CSE) a propiciar un espacio para el diálogo y la concertación entre sus miembros, "quienes tienen una responsabilidad personal e histórica de culminar el mandato conferido por la Constitución".



ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
Misión de Observación Electoral
Managua, Nicaragua
 Elecciones Generales del 4 de noviembre de 2001

1. Comunicado de Prensa

(C-006/02)

Febrero 15, 2002

**MISIÓN DE OBSERVACION DE LA OEA CONSIDERA GRAVE
SITUACIÓN DEL CONSEJO SUPREMO ELECTORAL**

La Misión de Observación Electoral de la Organización de los Estados Americanos en Nicaragua manifiesta su preocupación debido a la grave situación que confronta actualmente el Consejo Supremo Electoral (CSE).

La existencia de conflictos entre sus Magistrados, que han derivado en la interrupción de las actividades de ese importante organismo del Estado, está generando descontento e incertidumbre entre la población y representa un serio contratiempo con vistas a las elecciones del próximo 3 de marzo en la Costa Atlántica.

La celebración de elecciones es un factor determinante en el proceso de consolidación democrática del hemisferio. El ejercicio del sufragio fortalece los derechos cívicos y las libertades fundamentales. Por ello, la Misión de la OEA considera necesario que la autoridad electoral realice los mayores esfuerzos para garantizar la celebración de los comicios, preservando el estado de derecho y la práctica efectiva de la democracia como forma de gobierno.

En este contexto, la Misión formula un llamado al CSE para hacer prevalecer su rol fundamental como institución promotora de una verdadera cultura democrática entre los ciudadanos nicaragüenses, objetivos que sólo podrán alcanzarse mediante el diálogo y la concertación. Para ello, la Misión reitera su disposición de apoyar la búsqueda de soluciones de consenso que permitan superar las divergencias y reiniciar, a la brevedad posible, las actividades fijadas en el calendario electoral.

Desde su llegada a Managua, la Misión de Observación de la OEA ha sostenido reuniones con autoridades electorales, representantes y candidatos de las organizaciones políticas que participarán en los comicios del próximo 3 de marzo.

La Misión ha instalado sedes en las ciudades de Puerto Cabezas y Bluefields, en la Costa Atlántica, con la finalidad de dar seguimiento a las distintas etapas comprendidas en el proceso electoral y ha dispuesto el desplazamiento de sus observadores a los 14 municipios de las Regiones Autónomas del país.



ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
Misión de Observación Electoral
Managua, Nicaragua
 Elecciones Regionales del 3 de marzo de 2002

2. Comunicado de Prensa

(C-007-02)

Marzo 1, 2002

**ELECCIONES REGIONALES SE DESARROLLARAN
 EN UN POLEMICO AMBIENTE INSTITUCIONAL**

La Misión de Observación Electoral de la Organización de los Estados Americanos en Nicaragua, mediante el trabajo conjunto de 18 observadores que se encuentran ubicados en las regiones autónomas del Atlántico Norte y Sur, está siguiendo el desarrollo del proceso electoral en sus distintas fases.

Una evaluación de los informes recibidos por los observadores indica que se ha cumplido con las actividades relacionadas a la distribución del material electoral, al desplazamiento de los miembros de las JRV, así como de los policías electorales. Igualmente, se han observado las correspondientes pruebas de transmisión de resultados, durante las cuales fueron detectadas algunas fallas en el sistema de recepción de actas que confiamos se superen a la brevedad.

Ante las distintas inquietudes presentadas a la Misión, respecto a la transparencia del proceso electoral, específicamente por el controversial voto con testigos (APL), la Misión observará de manera puntual esta modalidad de sufragio, con la finalidad de precisar si la misma responde a un ejercicio legítimo de los ciudadanos de la costa atlántica, consagrada tanto en el Estatuto de Autonomía de las dos Regiones de la Costa Atlántica de Nicaragua, como en la Ley Electoral.

La Misión hace un llamado a los partidos políticos para que actúen con ponderación y con respeto al marco jurídico aplicable al proceso electoral, por cuanto manipular las modalidades del sufragio para beneficio propio o impedir el ejercicio del mismo con violencia, son actos inadmisibles en todo proceso electoral ya que atentan contra su legitimidad y transparencia.

La Misión de la OEA considera que las autoridades electorales regionales y municipales están comprometidas con la realización libre y transparente de los comicios del día domingo. Sin embargo, a nivel nacional se observa una ausencia de la institucionalidad del Poder Electoral en su condición de autoridad rectora del actual proceso. Ante esta situación, la Misión ha realizado

distintos esfuerzos con el ánimo de promover el diálogo y la conciliación, pero lamentablemente ha constatado que no existe disposición para que se genere ese espacio de concertación. Por el contrario, se ha percibido que la confrontación se agrava en la medida en que se acerca la fecha de la elección.

La Misión continuará su labor de observar el proceso con la finalidad de promover y acompañar la participación de la ciudadanía costeña nicaragüense, confiando que se respetará el soberano derecho al sufragio y a la celebración de elecciones libres y genuinas.



ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
Misión de Observación Electoral
Managua, Nicaragua
 Elecciones Regionales del 3 de marzo de 2002

3. Comunicado de Prensa
Marzo 4, 2002

(C-008-02)

**INSTRUCCIONES CONTRADICTORIAS AFECTARON
 PROCESO ELECTORAL EN REGION ATLÁNTICA DE NICARAGUA**

La Misión de Observación Electoral de la Organización de los Estados Americanos (OEA) en Nicaragua acompañó el desarrollo del proceso electoral realizado el 3 de marzo en las regiones autónomas del Atlántico Norte y Sur, con la presencia de 18 observadores internacionales.

El día de los comicios se desarrolló con normalidad en sus aspectos organizativos y logísticos. En los centros de votación visitados se constató que la apertura e instalación de las Juntas Receptoras de Votos (JRV) se realizó a tiempo y que los materiales electorales se habían distribuido sin contratiempos. Se constató también la presencia de los miembros de las mesas electorales, fiscales, representantes de las organizaciones políticas, de la policía electoral y una reducida participación ciudadana. Al cierre de votación, el proceso de escrutinio y transmisión de resultados se viene realizando con normalidad.

Como se informara oportunamente, la Misión de la OEA hizo observación puntual de las modalidades en que se ejerció el sufragio, específicamente en lo relacionado al voto con testigo, denominado Actas de Promesa de Ley (APL). Pudo constatar que casos de este tipo fueron más frecuentes en aquellos municipios donde los ciudadanos no fueron incorporados al padrón electoral, no obstante que habían ejercido el sufragio usando esa modalidad, en las elecciones generales del 4 de noviembre pasado.

Aún cuando en las ciudades de Puerto Cabezas y Bluefields se presentaron casos aislados, éstos generaron un ambiente de polarización que afectó el proceso electoral, creando cierta tensión e incertidumbre debido a la permanente difusión de mensajes contradictorios acerca de posibles sanciones a quienes aceptaran el voto con testigos o a quienes lo impidieran.

La Misión constató que las contradicciones en la forma en que los miembros de las mesas electorales interpretaron instrucciones escritas y divergentes por parte de Magistrados del Consejo Supremo Electoral (CSE), impactaron negativamente en el ambiente al interior de las JRV. En el mismo sentido contribuyó a esta situación la confrontación verbal que en repetidas ocasiones se produjo entre los fiscales de los partidos políticos.

Debido a ello, la Misión hace una exhortación a las autoridades electorales para que reflexionen acerca del impacto negativo que tiene en todo proceso electoral la existencia de reglas no debidamente concertadas que impiden su oportuna difusión y perjudican la

labor que le toca desempeñar como la institución rectora de la organización de los eventos electorales.

Igualmente, la Misión observó que la situación de conflicto institucional que persistió durante el día de la elección hizo que algunos medios de comunicación regionales llamaran a la confrontación de la ciudadanía en las JRV. No obstante, es oportuno rescatar y felicitar a la ciudadanía costeña por no responder a estos llamados y actuar de manera pacífica y con apego a la ley.

Conocidos ya los resultados casi en su totalidad y existiendo virtuales ganadores, la Misión confía que la proclamación de los mismos se haga a la brevedad posible, reconociendo así el triunfo de aquellos candidatos que han recibido el respaldo de la ciudadanía para que los representen en los Consejos Regionales. La Misión seguirá con atención la actuación que en este sentido le corresponde desempeñar al Pleno del Consejo Supremo Electoral.

La Misión también se permite hacer un llamado a las autoridades electorales para que en próximos comicios en la Región de la Costa Atlántica se incentiven, promuevan y difundan los elementos culturales de los grupos étnicos, involucrándolos más en las tareas propias de organización y difusión del proceso electoral.

Finalmente, la Misión agradece a los Gobiernos de Suecia, Japón, Noruega y Estados Unidos por su cooperación financiera que ha permitido llevar a buen término las tareas encomendadas para acompañar a la ciudadanía nicaragüense en esta etapa de su vida democrática.



Organización de los Estados Americanos

4. Comunicado de Prensa
055/02)
Marzo 13, 2002

www.oas.org

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MISIÓN DE OBSERVACION DE LA OEA EN NICARAGUA PROPONE REVISAR EL ACTUAL REGIMEN ELECTORAL

La Misión de Observación Electoral de la Organización de los Estados Americanos (OEA) en Nicaragua propuso hoy una revisión en el corto plazo del actual régimen electoral nicaragüense, por parte de todos los estamentos nacionales, a fin de generar reformas que permitan resolver los actuales problemas que confronta el poder electoral en ese país.

Al presentar al Consejo Permanente de la OEA un informe verbal de las elecciones regionales efectuadas en la Costa Atlántica el pasado 3 de marzo, el Jefe de la Misión de Observación Electoral, Santiago Murray, dijo que la Misión constató "la precariedad de la capacidad institucional del Consejo Supremo Electoral (CSE) de Nicaragua que no logró concertar acuerdos en su seno, pese a contar con las herramientas que como cuerpo colegiado le corresponden".

Por otra parte, la Misión manifestó su conformidad con el hecho de que los Magistrados en pleno del CSE se reunieron el día de ayer con el fin de iniciar el procedimiento reglamentario para la debida proclamación de los candidatos electos. "Confiamos que la unidad del cuerpo colegiado no vuelva a interrumpirse y así se logre la continuidad de sus funciones constitucionales", agregó Murray.

Asimismo, la Misión destacó el papel de las autoridades electorales regionales y municipales, quienes en su mayoría demostraron su compromiso de llevar a feliz término el proceso electoral. La Misión contó con la participación de 18 observadores internacionales procedentes de 8 Estados miembros y de España, Japón, Noruega y Suecia, quienes se establecieron en 3 subsedes, una en la ciudad de Managua y dos en las Regiones Autónomas del Atlántico (Norte y Sur).

En la sesión del Consejo Permanente, el Embajador de Nicaragua ante la OEA, Lombardo Martínez, expresó que su gobierno "está plenamente consciente de los enormes problemas y desafíos del proceso de desarrollo de las instituciones democráticas y republicanas".

En su intervención, el diplomático nicaragüense citó al Presidente Enrique Bolaños, quien al iniciar su mandato dijo estar “firmemente comprometido a impulsar una profunda modernización del Poder Judicial, el Poder Electoral y la Contraloría de la República, para hacerlas más democráticas, más participativas, más profesionales, como parte de esta nueva era”.
