

Testimony Prepared for the Hearing on “Democracy Held Hostage in Nicaragua, Part 1” of the House Committee on Foreign Affairs

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‘Nicaragua’s Troubling Elections’

Jennifer McCoy

Director, Americas Program, The Carter Center and Professor of Political Science, Georgia State University

I appreciate the invitation from Chairwoman Ros-Lehtinen to testify at the hearing of the House Committee on Foreign Affairs and Nicaragua.

I was in Nicaragua for the November 6, 2011 elections, as I have been for every national election since 1990. Normally I have led an election observation mission for The Carter Center. This year we declined to mount a full observation mission because we believed the conditions were not in place to adequately evaluate the process. Instead, I led a small unofficial delegation to consult with the international observers and local actors on the ground about their views on the electoral process and moving forward.

Indeed, the elections were not verifiable; that is, it is impossible to independently corroborate the official results because there were insufficient independent observers on voting day and because the national election council declined to post the results precinct by precinct to allow comparison of the results, a departure from past practice.

By most indicators, Daniel Ortega won the presidency – a multitude of polls from various political persuasions prior to the election gave him a large lead; the partial results gathered by national and international observers indicated an FSLN victory.

The problem is that the apparently deliberate obfuscation on the part of the electoral authorities produced suspicions and distrust among an important sector of the population, already skeptical from the clear fraud in the 2008 municipal elections. As a result, all of the losing presidential candidates have rejected the results.

Legitimate questions have surfaced around the legislative elections and the number of candidates won by each party, and especially whether there was manipulation to bring the Sandinista deputies above the 60% required to carry out constitutional change. A number of factors sowed doubts among the opposition and outsiders about the intent and credibility of the elections. These included the strange result that more people voted for legislators than for president, the obstacles impeding the main opposition parties from receiving credentials and entry for a significant number of their party pollwatchers, the late invitations to international observers followed by blocking the entry of a number of OAS observers to their assigned polling location, and the shortened time to enter complaints after preliminary results were announced.

The official observers – the European Union and the OAS – raised serious concerns about the lack of transparency and impartiality exhibited by the National Electoral Council. Additional problems indicate a continued erosion of Nicaragua's democratic institutions, including the constitutional controversies surrounding the approval of Daniel Ortega's third candidacy and the extension of the expired terms of the election council, serious problems in ensuring that all citizens obtain a national ID card, an outdated and inflated voter's list, and rules and practices that advantage the two largest parties from the prior election (even if they have declined in ensuing years) and discriminate against third parties.

These problems are not new. Nicaragua has been unable to develop strong and independent institutions since the populace toppled a dictatorial dynasty in 1979. Every election since 1990 has suffered from disputes, irregularities, or ineptness, and repeated suggestions for electoral reform from election observers have been ignored. But this election was the worst in terms of the obstacles created by the National Electoral Council for citizens, political parties and international organizations to verify the integrity of the process. As a result, it is extremely difficult to either confirm or refute the official results, or to measure the impact of the prior problems in the delivery of voter IDs and composition of the voter's list.

So what can and should the United States, and the larger international community, do to strengthen and encourage democratic governance in the wake of these weaknesses? First, it should recognize that Nicaragua is a poor country – the second poorest in the hemisphere, with a long history of authoritarianism and U.S. intervention. Civil society is weak, the current political opposition is perpetually divided, political parties are dominated by ambitious personalities rather than strong organization, and the political culture is one of negotiation and clientelism. Thus, the conditions are not propitious for strong democratic institutions.

But the news is not all bad. Stemming from the Sandinista Revolution, the police and armed forces are for the most part professional, uncorrupted, and have maintained one of the best security and counter-narcotics records in Central America – a region plagued with violence, gangs, and drug-trafficking. The economy is only recently recovering after suffering hyperinflation and a U.S. economic embargo in the 1980s, and property disputes and labor instability in the 1990s. The Ortega administration has a sound macroeconomic track record, has received IMF approval and consults regularly with the private sector. It has used Venezuelan aid to distribute social services, bonuses, and material goods to the poor.

Within this mixed context, we *should* criticize the lack of electoral credibility, encourage the opposition to present whatever evidence it has about exclusion of its pollwatchers and irregularities in the count, and offer assistance to carry out desperately needed electoral reform. We *should* point out that a politicized judiciary and electoral authority, and lack of accountability mechanisms, threaten the sustainability of the economic gains achieved thus far, as investors will inevitably shy away from contexts lacking in juridical security.

It is tempting to also consider sanctions to highlight the unacceptability of such behavior. But efforts to unilaterally isolate Nicaragua are likely to be counterproductive on several counts:

- First, the predictable Nicaraguan government's characterization of U.S. sanctions as imperialist dominance is likely to resonate with a population imbued with a history of U.S. intervention and choosing sides in its political contests, as recently as the 2006 elections.
- Second, isolation imposed by one country simply does not work, as we have seen with such attempts by the U.S. to change behavior in Cuba and Venezuela.
- Third, harming an economy that is just getting back on its feet is more likely to hasten a return to authoritarianism than strengthen democracy.
- Finally, the U.S. has far less leverage over this poor country traditionally dependent on U.S. aid and trade than in the past: Venezuelan aid now surpasses all U.S. and European aid combined, Nicaragua has diversified its export market, and it has built up sizable reserves to sustain an interruption in either international loans or Venezuelan aid.

Withdrawing from Nicaragua, and other perceived adversaries in Latin America, will simply isolate the United States and leave a vacuum for others. Latin America today is not the same place it was ten or twenty years ago. China has surpassed the U.S. as the largest export market for Brazil, Chile and Peru. The European Union has negotiated trade agreements with much of the region. Latin American governments, buoyed by strong growth in much of the last decade, have developed an independent foreign policy – not just ALBA countries, but Mexico, Brazil, Colombia and Peru.

The real question is how can we engage Latin America to support democracy? A slowness to acknowledge the deep grievances of citizens marginalized by previous governments has led to an artificial polarization between the U.S. and Latin America – where the U.S. emphasizes procedural democracy and Latin Americans emphasize more political and economic participation. A singular focus on U.S. needs for counter-narcotics, counter-terrorism, and immigration control ignored the Latin American agenda of jobs, personal security, and education in the last decade and created resentment across the board. So now, when we expect Latin Americans to follow our lead and criticize each other for political shortcomings, we are often disappointed.

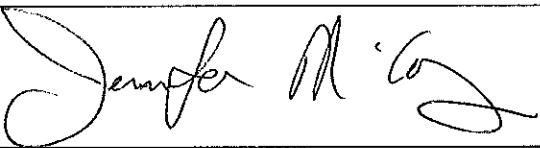
The way forward is to avoid personalizing politics, identifying “friends” and “foes”. It is to engage in pragmatic talks to address the transnational issues of national interest to us all, and that none of us can solve alone – drugs, security, climate change, oil spills, immigration. It is to recognize and appreciate the benefits of living in a relatively stable, democratic and friendly neighborhood. And it is to respect the autonomy and diversity of this maturing continent.

With this foundation, we then can, and must, engage governments and societies in Latin America and the Caribbean in a serious discussion about how to collectively defend and promote democracy.

United States House of Representatives
Committee on Foreign Affairs

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3. Date of Committee hearing: December 1, 2011	
4. Have you received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?	5. Have any of the organizations you are representing received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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