



EU Election Observation Mission to Nicaragua Presidential and Parliamentary Elections 2006

Preliminary Statement

Competitive elections so far adequately administered, but significant reform required to strengthen the institutional capacity and independence of the election administration

Managua, 6 November 2006

*Following an invitation from the Supreme Electoral Council (CSE) and the Ministry of External Relations to observe the National Elections (Presidential elections, Parliamentary elections and Central American Parliament elections) on 5 November 2006, a European Union Election Observation Mission (EU EOM) was deployed to Nicaragua on 23 September 2006. The Mission is led by **Chief Observer Mr. Claudio Fava, Member of the European Parliament (MEP)**. In total, the EU EOM deployed 150 observers from 20 EU Member States plus Switzerland in all 15 departments and in the two autonomous regions to assess the conduct of the electoral process in line with the standard EU methodology and the “Declaration of Principles for International Election Observation” adopted at the United Nations in October 2005. The EU EOM focused its observation activities on the presidential and parliamentary elections.*

A Delegation from the European Parliament, led by Mr. Emilio Menendez del Valle MEP, including six other MEPs, joined the EU EOM over the election day period, and endorses this statement. The statement is issued before the election process is completed. The EU EOM will remain in country to observe the remaining elements of the process, including the tabulation of results, the handling of the electoral challenges and a second round of the presidential election if it is required. A Final Report will be issued around two months after the completion of the entire process, which will provide the mission’s overall assessment of the conduct of the elections as well as detailed recommendations for the future. The EU EOM wishes to thank the CSE, the Nicaraguan authorities and all other actors for the cooperative and helpful welcome it has received throughout its stay in Nicaragua.

Preliminary Conclusions

- **The 5 November 2006 presidential and parliamentary elections have so far been peaceful, competitive and adequately administered. They are considered to be the most important elections held in Nicaragua since 1990, due to the emergence of political forces which provided the electorate with a wider choice. This represented a significant and welcome development in the democratic evolution of the country.**
- **Election day was conducted in a generally calm environment. Voters turned out in large numbers, demonstrating their commitment to a peaceful and democratic process, despite the often slow conduct of polling. On the whole, in polling stations observed, procedures were adequately followed and largely transparent. The presence of attentive party agents in all, and domestic observers in most, polling stations observed, provided effective oversight of the process. Counting was slow but took place in a**

transparent manner, with the procedures largely followed in polling stations observed. Significantly, there were a negligible number of challenges to polling station results.

- The legal framework provides a basis for the conduct of democratic elections. However, the Electoral Law is designed for a bipartisan political system only, and does not facilitate the participation of the emerging political forces. The legal framework does not provide an independent avenue for the final resolution of complaints and appeals.
- Overall, the high degree of politicisation of the *Consejo Supremo Electoral* (CSE) in favour of the *Frente Sandinista de Liberación Nacional* (FSLN) and the *Partido Liberal Constitucionalista* (PLC) casts doubt on its ability to act as an independent institution, rather than its actions being subject to party control. While electoral preparations by the CSE were, in general, logistically adequate, there were shortcomings in the distribution of identity cards and supplementary voting documents, which permitted selective distribution in some areas in favour of the FSLN and PLC.
- The campaign was largely incident-free and was conducted in an atmosphere of respect for freedoms of expression, association and assembly. However, it was characterised by the absence of substantive policy discussion, focusing instead on personal attacks among candidates, emotive slogans and unrealistic promises. The PLC and ALN presidential candidates used inflammatory language against each other and against the FSLN presidential candidate, who focused his campaign on reconciliation and avoided political confrontation. Regrettably, he did not give interviews or participate in public debates.
- Overall, the exploitation of old war-related issues was less evident than in previous elections. In a continuing sign of growing normality, the police and army acted within their institutional framework and made a positive contribution to the establishment of an atmosphere conducive to the conduct of democratic elections.
- Although all political parties contesting the elections gained access to most media outlets, the majority of radio stations, TV channels and print media openly showed clear political preferences in their electoral coverage. Limits in the Electoral Law on daily airtime and space devoted to electoral campaigning were not respected by the media or enforced by the CSE. Several media outlets violated the campaign silence period.
- Regrettably, the campaign period was marked by external interference and pressure that is not consistent with respect for national sovereignty in relation to the democratic process.
- A vibrant civil society, committed to the democratic development of the country, played a significant role in the elections, in particular by closely monitoring all stages of the process and deploying large numbers of well-trained observers over the election day period.

- **Women continued to play a limited role in some aspects of the election process, although they were well represented in the lower levels of the election administration. There are likely to be fewer women in parliament due to political parties placing women candidates in lower positions on party lists in comparison to previous elections.**
- **To improve the conduct of future elections and to accommodate the emerging political forces, significant reform is required to improve the legal framework and strengthen the institutional capacity and independence of the election administration.**

Preliminary Findings

Political Context

The presidential and parliamentary elections of 5 November 2006 are considered to be the most important elections held in Nicaragua since 1990. They follow a long and deep institutional crisis within the executive and legislative powers which came to a head in 2005. This resulted in a deadlock that had a negative impact on the economy and on good governance.

In this context, the most significant development was the emergence of the *Alianza Liberal Nicaragüense* (ALN) from a split within the PLC, and the revival of the *Alianza Movimiento Renovador Sandinista* (A-MRS) from a split within the FSLN which grew in support and became an important challenger. A small fifth party, the *Alternativa por el Cambio* (AC), has been active under different names for some time. The emergence of these political forces challenges the bipartisan nature of the political system, traditionally dominated by the FSLN and the PLC, and is a significant development in Nicaraguan politics.

In this changed political landscape, all contesting forces suffered from the change of political affiliation by various candidates prior to election day. Many of these candidates openly announced their change of affiliation and resigned from their positions. Others retained their original candidacy but openly expressed their support for a different party or alliance. This phenomenon created confusion in the electorate and highlighted the low ideological content of political party messages.

Legal Framework

The 2006 presidential and parliamentary elections took place under the same legal framework that has governed elections since 2001. This consists of the 1987 Constitution, the 2000 Electoral Law, the 1993 Citizens' Identification Law and a set of regulations approved specifically for these elections.

While providing a framework for the conduct of democratic elections, the Electoral Law has been the subject of growing concerns by the emerging political forces and civil society organisations. The current political situation has highlighted a number of ambiguities and gaps in a law designed for a bipartisan political system, such as the appointment of the third member of local electoral councils, and the onerous requirements for the creation and participation of new political parties. Despite its ample regulatory powers, the CSE did not issue regulations in relation to a number of principles set out in the Electoral Law, for example, in relation to the

general and permissive provisions on political party financing that allow private donations from individuals, including foreigners, without any limit.

The complaints and appeals regulations are basic. In particular, the challenges regulation (*Normativa de Impugnaciones*) has been the focus of a long negotiation among the CSE and the political parties, which did not result in adequate clarification of the procedure to be followed in the case of damaged or altered results forms.

Election Administration

The electoral management body, the CSE, is recognised in the Constitution as the fourth power of the state and is granted extensive authority in the administration of the electoral process. Significantly, the CSE is responsible for adjudicating all electoral disputes and appeals, with almost no recourse possible to the judicial system.

The CSE is a technically competent body, but is limited in its independent operational capacity by its politicised nature. The CSE Board and its central Secretariat are dominated by the FSLN and to a lesser extent by the PLC. This politicisation is enshrined in the Law throughout the CSE's territorial structure, where the two political forces that obtained the largest share in the last elections are entitled on a rotating basis to the president and first member in each of the three-member tiers of election administration. Such institutionalised politicisation provides these two parties with advantages. As a result, the election administration does not retain the full confidence of voters or all contestants.

In particular, by failing to issue a clear instruction on the allocation of the third member of polling station committees (JRV), the CSE permitted a wide range of different interpretations and practices at municipal level. Nevertheless, the electoral preparations were logistically adequate and the training of polling station committees was well conducted.

The politicisation of the election administration casts serious doubts on the real ability of the CSE to act as an independent and effective institution, rather than its actions being dependent on and subject to party control. This was reflected in the limited transparency of its activities and in the difficult communication with its field structure, especially in areas like public information, electoral disputes and campaign financing.

Voter Registration

The CSE is responsible for maintaining both the Civil Register and the Voter Register. Civil registration is delegated to municipal offices, over which the CSE exerts no real control. Voter registration relies on citizens' initiative to add, update and delete their personal data. The Voter Register is generally considered to be over-inclusive in terms of deceased voters, and under-inclusive of citizens who recently reached voting age or who belong to disadvantaged categories. However, recent audits conducted by civil society organizations suggested that the voter register includes close to 90% of the population of voting age, a proportion that is in line with acceptable international standards.

The issuing of ID cards, the only valid proof of voter eligibility, is a cumbersome and time-consuming procedure that permitted political discrimination in favour of the FSLN and PLC in

the application and distribution process at the local level. The excessive bureaucracy involved in the ID card process required once more the last minute production of many supplementary voting documents (DSVs), a measure allowed by the Law to facilitate the enfranchisement of eligible citizens who experienced application problems. According to the CSE's estimates, at least 100,000 ID cards and DSVs remained undelivered prior to election day.

The problems encountered in the application and distribution of ID cards are not new and are linked to structural deficiencies in the voter registration system, including a lack of public information, civic education and adequate planning. Outside electoral periods, only Departmental Electoral Councils (CEDs) are open for ID card applications or amendments, disadvantaging large sectors of the rural and economically deprived population.

Campaign

The electoral campaign was, on the whole, free from serious incidents, and the fundamental freedoms of expression, assembly and association were respected. The preferred forms of campaigning were door-to-door activities and small meetings with a limited number of large-scale rallies, organised primarily for the closing of the campaigns of the presidential candidates. On the whole, the campaign was characterised by an absence of substantive policy content, remaining largely silent on crucial issues such as economic reform and poverty alleviation. It centred instead on personal media attacks among some candidates, emotive slogans and unrealistic promises. In this context, towards the end of their campaigns, the presidential candidates of PLC and ALN increased their use of inflammatory language against each other and the FSLN candidate. The ALN and MRS focused mainly on the negative effects of the *Pacto*, the power-sharing agreement between PLC and FSLN that gave rise to the constitutional and Electoral Law amendments of 2000 and the division of key posts within the state institutions. The FSLN candidate, on the other hand, focused his campaign on reconciliation themes but avoided any political and personal debate with the other candidates.

Overall, the exploitation of old war-related issues was less evident than in previous elections, perhaps due to the high number of new voters who do not have direct knowledge of that period. In a continuing sign of growing normality, the police and the army acted within their institutional framework and positively contributed to an atmosphere conducive to the conduct of democratic elections.

The politicisation of the election administration was a cause of concern for the emerging parties, particularly ALN and MRS, and for civil society in general. However, the reasons for this concern were mainly related to FSLN and PLC domination of the CSE rather than to its politicisation as such. Some senior electoral officials and other institutional figures became involved in personal arguments with presidential candidates. The electorate however remained calm and demonstrated a high level of commitment to determining their future through democratic means, despite episodes of confrontation between the executive and the electoral administration.

Regrettably, the campaign period was marked by external interference and pressure that is not consistent with respect for national sovereignty in relation to the democratic process.

Sensitive topics related to fundamental human rights emerged as electoral issues with clear manipulative intention. In particular, the issue of abortion in cases of medical need suddenly became an electoral topic and regrettably ended with its hasty criminalization in the National Assembly ten days before the elections, with the support of all parties except the MRS.

Nicaragua has a vibrant civil society, committed to the democratic development of the country, which played a significant role in the elections, in particular by closely monitoring all stages of the process and deploying large numbers of well trained observers over the election day period.

Media Coverage

Overall, the media provided a variety of opinions that covered the spectrum of the five political forces competing in the elections, within a context of respect for freedom of expression. However, the clear political leanings that characterise most of the media were reflected in the electoral coverage of national radio stations, TV channels and newspapers favouring particular parties and presidential candidates.

For a month prior to election day, the EU EOM monitored a total of 15 media outlets.¹ Findings show that although all political parties gained access to most of the media, an imbalance in the amount of time/space and/or the tone devoted to political parties was registered in the majority of the radio stations, TV channels and print media monitored. All together, the results show that FSLN got the highest electoral coverage in all radio stations (67% of the total airtime, excluding electoral propaganda), TV channels (35%) and print media (30%). Imbalance was reflected as well in the tone of this coverage, resulting in FSLN receiving the highest amount of reports both in negative (13%) and positive (73%) tone in radio and TV (18% of negative coverage and 36% of positive coverage), and the highest amount of negative reports (47%) in the print media. The PLC received 24% of the total coverage on TV, 8% on radio and 25% in print media; ALN 22% on TV, 15% on radio and 24% in print media; MRS 13% on TV, 8% on radio and 15% in print media and AC 6% on TV, 3% on radio and 7% in print media.

The only state radio station, *Radio Nicaragua*, allocated airtime to all five parties contesting the elections, with the ALN (30.4%) and the FSLN (30.1%) receiving the most coverage. Analysis of the tone, however, shows that while ALN received 19.5% of negative coverage, FSLN registered 38.3% of negative coverage.

Party campaigns in the media focused more on personalities and slogans, and lacked concrete information about their platforms. In a welcome initiative, several TV and radio stations and newspapers produced special programs and editions to inform the population about the different political contestants, including political debates, interviews with candidates and policy proposals by parties on different topics. However, most of these initiatives lacked information on the FSLN due to its presidential candidate's decision to not give interviews or participate in public debates. This deprived the electorate of information on the FSLN's political proposals.

The Electoral Law contains provisions regulating political party access to media but does not regulate the allocation of free airtime to political parties and candidates during the election

¹ Radios: *Radio Nicaragua* (state radio), *La Nueva Radio Ya*, *Radio La Corporación*, *Radio La Primerísimo*, *Radio 580*. TV channels: *Canal 2*, *Canal 4*, *Canal 8*, *Canal 10*, *Canal 12*. Print media: *La Prensa*, *El Nuevo Diario*, *Bolsa de Noticias*, *Trinchera de la Noticia*, *Confidencial*.

campaign. The limitations on daily airtime to be devoted to electoral campaigning were not implemented by any of the 15 media monitored by the EU EOM and nor was any enforcement action taken by the CSE in this regard. No action was taken either to stop advertisements and paid programs containing inflammatory messages or attacking the personal integrity of candidates.

All electoral spots were removed by TV channels, radio stations, newspapers and magazines 72 hours before election day in line with campaign silence provisions. However, several media outlets violated the campaign silence period, reproducing campaign songs (*Canal 4* and *La Nueva Radio Ya*), airing studio programs in which analysts and candidates campaigned in favour of one or other political option (*Canal 2*, *Canal 8* and *Canal 10*), or publishing opinion articles clearly in favour of a specific vote (*La Prensa* and *El Nuevo Diario*).

During the monitoring period, several civic and voter education campaigns by private organizations such as *IPADE*, *Etica y Transparencia*, or *Movimiento por Nicaragua* were aired on TV and radio stations. However, the CSE only broadcast one campaign on the collection of ID cards.

Participation of women

The percentage of women candidates in these elections is far lower than their percentage as registered voters. Out of the 10 Presidential and Vice-Presidential candidates, only one Vice-Presidential candidate is a woman. The percentage of female candidates for the National Assembly is 23%, the same percentage as female membership of the outgoing Assembly. However, the lower ranking of women on their respective party lists in comparison with previous elections, is likely to result in a lower percentage of women elected. In the election administration, there is only one woman on the main board, as substitute commissioner. Women's representation increased at lower levels, with 20% at the departmental level, 40% at the municipal level and over 67% at the polling station level.

Ethnic minorities

The regional parties of the Atlantic Coast that represent ethnic minorities are only able to compete in national elections if they form alliances with national parties. A surprising new alliance of FSLN and YATAMA (*Yapti Tasba Masraka Nanih Aslatakanka*), two parties that were formerly enemies, was formed for these elections. These parties, which in the past had fought against each other, have already been in government together in the North Atlantic Region. Two other national parties formed alliances with much smaller regional parties, the PLC with the *Partido Indigenista Multiétnico* (PIM), and ALN with the *Partido Movimiento Unidad Costeña* (PAMUC).

Election Day

Election day took place in a generally calm and peaceful environment. Voters turned out in large numbers, demonstrating civic maturity and their commitment to a peaceful and democratic process, despite the long hours spent queuing. Polling procedures were on the whole adequately followed, despite the often late openings and the slow conduct of polling.

Political party agents were present in all polling stations observed by the EU EOM, with FSLN agents present in 99%, PLC agents in 98%, ALN agents in 88%, MRS agents in 76%, and AC agents in 27% of the polling stations visited. Domestic observers were present in 90% of the polling stations observed, for both polling and counting. Voters were not allowed to vote with documents other than the ones officially permitted, and the identity of the voters was checked against the voter lists in 98% of the polling stations observed. Significantly, special attention was devoted to facilitating voting for disabled voters.

The closing and the counting proceeded slowly, but largely in accordance with the established procedures and in a transparent manner. In 3% of polling stations observed, voters queuing at the end of polling hours were not allowed to enter the polling stations. Delays in the pre-counting stages were often determined by the very similar colour used for the four ballot papers. Significantly, the number of observed polling stations where a challenge was made was only 1%. The results were properly posted in 100% of the polling stations observed, and copies provided to all party agents present in 97% of stations observed. The partial preliminary results announced by the CSE were slow.

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