Statement of The Carter Center's First Pre-election Delegation to Observe the 2001 Nicaraguan Elections

July 16-22, 2001

On May 18, 2001, Nicaragua's Supreme Electoral Council (CSE) extended an invitation to The Carter Center to observe the November 2001 national elections in which the Nicaraguan people will select a president, vice president, deputies to the legislature, and representatives to the Central American Parliament. The Carter Center accepted that invitation, and organized a pre-election delegation to visit Nicaragua July 16-22, 2001 in order to assess the political climate and preparations for elections.

The delegation met with election authorities, political party representatives, civil society groups, domestic and international observers, religious leaders, the military and members of the diplomatic community in and around the capital city of Managua. In addition, a member of the delegation traveled to the North Atlantic Autonomous Region (RAAN) in order to better understand the preparations being made there for elections. We are grateful to the CSE for offering us full access to all relevant information during the entire electoral process.

The delegation was led by Dr. Shelley McConnell, Associate Director of the Center's Latin American and Caribbean Program. David Dye, the Center's representative in Managua for the 2001 elections, accompanied the delegation and provided political analysis. Dr. Luis Alberto Cordero and Argentine anthropologist Nicolas Fernandez Bravo consulted on technical preparedness and the electoral context in the RAAN. Thomas Roberts served as the delegation's assistant. The Carter Center's 2001 election mission was made possible through a grant from the United States Agency for International Development (USAID).

Having concluded our initial evaluation, we offer this statement to the public in order to share our findings and make suggestions to help assure that these elections provide the best possible opportunity for Nicaraguans to exercise their right to elect new government representatives.

Conclusions of the Electoral Assessment

- 1. The CSE has made substantial progress toward holding elections as scheduled on November 4, 2001. Signs of this progress include the accreditation of political parties, registration of candidates for the presidency and vice presidency, registration of candidates for the legislature and Central American Parliament, and verification of the voters list.
- 2. The CSE is implementing a Complementary Plan for Citizen Cedulation (*Plan Complementario de Cedulación Ciudadana*) to help assure that as many citizens as possible have a voter identification document (*cedula*) in hand and are registered to vote. This is a laudable step and we hope that the officials are able to reach the ambitious targets they have set for themselves. According to a report of the CSE's Division of Cartography and Statistics, 269, 669 *cedulas* still remain to be delivered, and the Plan proposes to deliver 146,643 of them as well as to process all 47,650 pending applications which have been delayed by legal problems or inconsistent information. The Plan hopes to accommodate 35,000 citizens who have not yet applied for a *cedula*, out of an estimated 83,248 cases. We urge that Nicaraguan consulates in neighboring countries make Nicaraguans abroad aware of all opportunities to obtain a *cedula*.
- 3. The CSE is developing a plan for the transmission of the vote, and assured us it intends to test that system thoroughly and under the scrutiny of election observers, party agents and the media. Failure to hold

promised simulations of the transmission process for the municipal elections resulted in an unanticipated interruption of the flow of results, which generated public uncertainty that could be highly problematic under the pressures of a presidential race. Given this history, it would be an inexcusable lapse if such simulations were not conducted now.

We urge that the CSE announce very soon the dates for a sequence of simulations of the vote transmission process. We recommend that three simulations be held, starting with a representative sample of 25% of the voting tables, and that the final test include a 90% sample. We ask that the CSE provide for the full transparency of the process by giving qualified international and national observers access to the technical specifications of the transmission software.

- 4. The political parties are engaged in normal pre-campaign activities such as fundraising, developing campaign strategies, commissioning opinion polls, preparing media messages, and training their pollwatchers. The RAAN is among the areas preparing for elections, and there are no indications to date that the region's citizens will opt for mass abstention as they did in the municipal election process. However, special care should be taken to assure a good election on the Atlantic Coast where geography and cultural differences should be accommodated in election planning.
- 5. For the first time, the CSE has asked the political parties to share in the responsibility of training electoral officials for the *Junta Receptora de Votos*. The CSE has funds for the training programmed in its budget, and will develop the training materials and provide supervision. The political parties expressed to us their intention to conduct such training, together with training for their pollwatchers. This system is somewhat unusual; elsewhere the training of all election officials has been considered the sole responsibility of the election authorities.

We are concerned that training programs designed to teach party pollwatchers to protect their party's interests might include content that is inappropriate for election officials, who must be oriented to behave in a neutral manner as public servants. We are further concerned that the differences between the political parties in terms of their organizational capacity may be reflected in the quality of the training that various officials will receive. The CSE should explain its decision to the public, provide assurances that the training by all parties meets a high standard, and invite election observers to attend training sessions to help monitor the quality of training.

6. The CSE should inform the public about the actions it is adopting to assure the efficient and continuous operation of its computer equipment and backup systems, which we understand have not received adequate maintenance in recent years and betray signs of wear. Because Nicaragua is scheduled to hold regional elections early next year, and must begin organizing those elections before the national election process is complete, the demands on the CSE's human resources and computer systems will be considerable, and appropriate investments should be made to assure that the CSE has the capacity to conduct its work efficiently.

The international donor community has already given substantial support to Nicaraguan elections, and it is the responsibility of the Nicaraguan government to allocate and disburse funds for all elections in a timely manner and in accordance with its budget.

7. The number of parties presenting candidates in the election is far lower than in past years, due in large part to legal reforms that made participation more difficult. The small number of parties can simplify electoral administration, and later simplify governance in a legislature using proportional representation, but also means that voters' political preferences may be more diversified than the ballot indicates.

Some of the CSE's decisions with respect to certifying parties and candidates remain controversial. A troubling number of those with whom we spoke expressed the belief that the rule of law has not been applied equally to all prospective parties and candidates, particularly in the disqualification of one person's candidacy. The CSE should make every effort to facilitate participation in the elections within the bounds of

the law, and should request the speedy cooperation of other state agencies such as the courts and the Gazette where their action is needed to promote equal participation.

8. The CSE's inability to form a quorum of 5 out of its 7 members has on two occasions in recent months rendered this highest electoral authority unable to make decisions. Such impasses threaten to disrupt progress in electoral preparations and potentially interfere in the timely completion of steps in the electoral calendar. Numerous Nicaraguans and members of the international community told us they feared the CSE might not be able to form a quorum on election night to announce the results of the election, a prospect that could shatter public confidence in the CSE as an institution.

To demonstrate their institutional autonomy and commitment to a smooth electoral process, we urge that the CSE Magistrates not wait for legislative action affecting the quorum, and instead step forward themselves to make an explicit public commitment that for the remainder of this electoral cycle they will act in a responsible manner to assure that the CSE will have a quorum for the orderly conduct of its business and decision-making.

9. Although the CSE Magistrates assured us their organization is independent and functions in a non-partisan manner, most other Nicaraguans with whom we spoke felt that the party-based structure of the electoral branch makes it responsive to party politics. Citizens with widely differing political preferences expressed fear that party-based electoral administration at the departmental and municipal levels would be biased in favor of the party that named the president of the Consejo Electoral Departamental or Consejo Electoral Municipal.

This concern shows how partisan structures undercut public confidence in election administration in a polarized political context such as post-war Nicaragua. We therefore repeat the recommendation we made last year that Nicaragua develop a neutral, professional election administration whose functionaries are not selected on a partisan basis.

- 10. Civil society is organizing to support a free and fair election process through such projects as election observation and civic education. Domestic observers are organized into a Consortium to coordinate their efforts and maximize their impact. We urged them to determine rules for recruitment that will help assure the neutral conduct of their members. They intend to provide broad coverage on election day at more than half of the voting tables. Ethics and Transparency intends to conduct a "quick count" on the presidential election, which they did successfully in 1996, that should raise voter confidence.
- 11. The international community of democratic countries is keenly interested in this election and is providing appropriate donations to help assure that Nicaraguans can freely select their leaders. Such support includes funds for technical work in the CSE and for election observation. The Organization of American States (OAS) has already placed its initial team of observers in Nicaragua, and will augment its presence to approximately 60 observers and conduct a "quick count" on the presidential race.
- 12. The political climate for elections is generally good. Pre-campaign rallies have been peaceful, and civil liberties such as freedom of expression and organization are being respected. Some brutal acts of violence have been committed in the mining region of northeastern Nicaragua, including assaults on law enforcement personnel. The Carter Center condemns those acts and calls upon their perpetrators to desist from any further violence. We were reassured by the Armed Forces that they will cooperate with election authorities to provide for the security of the election process as envisioned under the law and in keeping with democratic practices.
- 13. Underdevelopment continues to pose challenges to election processes in Nicaragua, especially on the Atlantic Coast and in the mountains. The country is suffering from drought and high unemployment rates, and many people have inadequate caloric intake. This contributes to migration which complicates issuance

of national identity cards and voter registration. Although Nicaragua's infrastructure has improved in many respects, substantial deficits remain, and these complicate the logistics of election organization, including distribution of materials and ballots as well as transmission of the results after the polls close.

Nicaragua still lacks a "registration culture", and work is needed to improve the municipal records of births, marriages and deaths so that an accurate voter list can be maintained. Such obstacles can be overcome where the political will and technical competence to do so exists. The international community cares about the quality of democracy in Nicaragua and will continue to support democratic improvements.

Plans for The Carter Center's Election Observation

This is not the first time The Carter Center has responded to Nicaragua's request for international observation of its elections. In 1990, 1996 and again in the municipal elections held last year, The Carter Center organized election observation missions to Nicaragua. Those missions were led by members of the Council of Presidents and Prime Ministers of the Americas, a group of 35 current and former leaders from throughout the hemisphere supported by The Carter Center in Atlanta, Georgia. The Center is a non-profit, non-governmental and non-partisan organization chaired by former President Jimmy Carter whose goals are to promote peace, democracy and world health.

In 2001 The Carter Center hopes to field 30 election observers, with at least one in each Department. The first observers will arrive in early October. Most have had prior experience in election observing. They come from Europe and South America as well as the United States and Canada. Further details about the mission will be released at the time of our second pre-election visit scheduled for the first week of October.