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THE SITUATION IN CENTRAL AMERICA: THREATS TO INTERNATIONAL PEACE AND SECURITY AND PEACE INITIATIVES

### Note by the Secretary-General

- 1. The attached document contains the second report of the United Nations Observer Mission to verify the electoral process in Nicaragua (ONUVEN), which covers October and November 1989. It deals with the preparation of the electoral rolls, the progress of political and electoral activities, the mass media and other relevant issues.
- 2. Mr. Elliott L. Richardson, the Personal Representative of the Secretary-General, was in Nicaragua from 18 to 23 October to review the operation of ONUVEN and to observe personally the voter registration process. He met with the President and members of the Supreme Electoral Council (CSE) and with the regional electoral councils of Granada, León and Matagalpa, regions which he visited during his stay. He also held meetings with all Presidential candidates.
- 3. Mr. Richardson informed me personally of his assessment of the electoral situation in Nicaragua and of the role of ONUVEN, which is headed by Mr. Iqbal Riza.
- 4. The Mission's next report is expected towards the end of January 1990.

# Second report to the Secretary-General by the United Nations Observer Mission to verify the electoral process in Nicaragua

#### I. INTRODUCTION

1. The terms of reference of the United Nations Observer Mission to verify the electoral process in Nicaragua (ONUVEN) provide for the periodic submission of reports to the Secretary-General, who shall in turn inform the Supreme Electoral Council (CSE) of Nicaragua where appropriate. At the same time, the General Assembly, by its resolution 44/10 of 23 October 1989, requested the Secretary-General to report to it periodically during the present session on the progress of the Mission. In accordance with that request, the Mission has prepared this report covering events between the beginning of October and the end of November 1989 and analysing the functioning of the electoral authority, the preparation of the electoral rolls, the progress of political and electoral activities and the use of the mass media during the above-mentioned period.

### II. FUNCTIONING OF THE ELECTORAL AUTHORITY

### A. Activities of the electoral authority

- 2. The first report of ONUVEN (A/44/642) contained an analysis of the first 103 agreements of the Supreme Electoral Council (CSE). The Council continued its task during the period covered by the present report, which analyses the 30 agreements confirmed between 18 September and 1 November 1989. All agreements, except one, were adopted unanimously by the members of the Council. The latest analysis makes it possible to confirm the opinion stated previously that the activities of CSE are in no way biased towards the governing party and that the criteria which it applies are, in general, flexible and demonstrate its concern to ensure, to the extent possible, the broadest possible participation of political groups in the process.
- The fact that CSE decided, by a majority of three to two, not to accede to the request by four parties - the Revolutionary Unity Movement (MUR), the Conservative Democratic Party of Nicaragua (PCDN), the Liberal National Unity Party (PLIUN) and the Central American Unionist Party (PUCA) - and one coalition - the Opposition National Union (UNO) - for a 30-day extension of the deadline for the registration of candidates for municipal councillors which expired on 31 October 1989, does not contradict the above statement. The request was based on the need for more time to hold consultations and draw up lists of candidates. In the discussion which took place in CSE, it was pointed out that the deadline whose extension was requested had been set on 10 July 1989 and that experience had shown that the extension of deadlines caused a number of problems. It was recalled in that connection that, a month after presenting their candidates for representatives to the National Assembly, parties had still not completed the basic information required by law. It was also recalled that the number of candidates for municipal posts was ten times greater than that for the National Assembly, that there were 131 different municipal ballots and that a certain minimum period of time was needed to print the

ballots. The requested extension could seriously jeopardize completion of the printing of ballots by the required date.

- Since the regional electoral councils were set up much more recently, the number of decisions which can be analysed is still limited (see annex II). However, the councils' flexibility and their aim of increasing party pluralism can be observed in their decisions on the appointment of the second of the three members on ballot receiving boards (JRVs). By law, the President and first member of a JRV are freely elected by the corresponding regional council, while the second member is elected at the proposal of the political parties. There are no specific criteria for distributing those posts among the various parties. With regard to the designation of second members, CSE confined itself to stressing the importance of selecting names from all the lists submitted and suggesting that it was advisable that full members and alternates should be from different parties. Eight of the nine regional councils appointed, almost exclusively, second members proposed by the opposition. Only in Region III (Managua) was a different approach taken. In that region, all the candidates proposed by non-UNO opposition parties were appointed, there being only a few of them, and the remaining posts were distributed equally between the Sandinista National Liberation Front (FSLN) and In order to maintain the opposition presence on the JRVs, it was decided that candidates proposed by UNO should be appointed as alternate second members in cases where the full member belonged to FSLN (and vice versa), and to authorize the simultaneous presence of full members and alternates on JRVs.
- 5. Systematic analysis of the agreements and decisions reached by the regional electoral councils has begun. So far, most decisions have dealt mainly with administrative matters and do not reflect a bias towards one party or another; in virtually all cases, decisions were adopted by consensus. The analysis will continue and will include the rulings which regional electoral councils have begun to issue and the action which they have taken on complaints and allegations submitted by the parties which, since they involve breaches of the Code of Electoral Ethics, come within their jurisdiction.

### B. Changes in the structure of the electoral authority

- 6. During the period covered by the second report, there were changes in the composition of the higher organs of the electoral authority. One alternate member of CSE resigned and was replaced by the Assembly. There are six vacant posts on the regional electoral councils: one full member, in the Río San Juan region, and six alternates (who do not receive any remuneration). The vacancies correspond to people who did not accept their original appointment or who later resigned from it. Two of those posts are to be freely designated by CSE and the rest are reserved, in accordance with article 17 of the Electoral Act, for candidates proposed by political parties.
- 7. None of the parties proposed candidates in response to the request forwarded to them by CSE, perhaps because the candidacies were for alternates. Consequently, the Council decided to request those of its members with ties to political parties to hold informal consultations in order to identify possible candidates for

appointment. Annex II indicates the current composition of CSE and of the nine regional electoral councils.

8. The structure of the electoral authority was completed with the establishment of the 4,394 ballot receiving boards (JRVs), which are its final operational level. The submission of complete lists of candidates for second members, poll-watchers and alternates entails the mobilization of over 18,000 people, and that is beyond the capacities of most of the parties taking part in the elections. As a result, in many cases, parties decided to concentrate their candidates on the post of poll-watcher and did not submit lists for second members. Among the opposition parties, only UNO presented a large number of candidates. The conspicuous absence of FSLN candidates in some regions was attributable to the fact that the corresponding FSLN regional offices decided not to submit lists. The filling of all second member posts on JRVs encountered problems on the first and second registration Sundays; those problems were gradually overcome. This issue will be dealt with in greater detail when the preparation of the electoral rolls is analysed.

### C. Handling of complaints and allegations

- The Supreme Electoral Council (CSE) is the body responsible for receiving and processing complaints about the conduct of the electoral process and the political campaign. During the period covered by the first report, CSE had taken action only on a few major complaints, but after 20 September 1989 both it and the regional electoral councils began to deal systematically with the complaints and allegations they had received. To that end, special offices for receiving, processing and following up such complaints were set up at both the national and regional levels. Complaints which fall within the competence of the electoral authority, which in such cases initiates direct investigations, are those relating to breaches of the Code of Electoral Ethics, which was drawn up by CSE itself. Complaints relating to violations of the Electoral Act also fall within the competence of the Council (cases dealing with offences described in articles 196 to 200 of the Electoral Act are transferred to the ordinary criminal courts or to the Office of the Army Legal Adviser). In any remaining cases, CSE informs the plaintiffs that the complaint must be made through the appropriate legal channel. However, in serious circumstances and in cases which require urgent action by the authorities, the office forwards the complaint directly to the relevant bodies. For complaints directly within their competence, the procedure followed by CSE and the regional electoral councils is as follows:
  - (a) An acknowledgement of receipt is sent out;
- (b) The person accused is informed that he has 72 hours in which to respond to the accusation;
- (c) Proceedings are initiated for a period of five days, during which both parties may provide the necessary evidence.

10. It took some time to set up the complaints offices at both the national and regional levels, and during October they focused their limited operational capacity on supporting the voter registration process. Consequently, it was only recently that they began to deal systematically with complaints on other matters, the main exception being complaints regarding mobilization for reservist military service, which were dealt with both formally and informally even during the initial stages of setting up the offices. ONUVEN, for its part, has organized a computerized data base for the classification and subsequent follow-up of complaints and allegations received, directly or indirectly, by the Mission. With the exception of complaints about the registration process, not enough complaints have been received to permit a statistical analysis, although a qualitative assessment has been included in the various sections of the report. Complaints referring specifically to the registration process, which are more numerous, are dealt with in fuller detail in paragraphs 23 to 27. Complaints are followed up in close co-ordination with CSE and the regional electoral councils, which are asked for specific information in the most important cases. As soon as the electoral campaign proper begins, analyses will be made of trends in the different types of case and their distribution by region, and these will be included in future reports.

### D. Assessments of the electoral authority in perspective

- 11. Within the opposition, criticisms of the electoral authority emanate almost exclusively from the Opposition National Union (UNO). They concentrate on two aspects: its composition and its activities. With regard to the former, UNO adduces the same argument that was set forth in the first report, namely: the imbalance of the Supreme Electoral Council, which has only one "real" opposition member. As was noted in the first report, the assessment by ONUVEN has concentrated on an analysis of the activities of the Supreme Electoral Council, and the Council's activities during the period under consideration, including the complicated operation of drawing up the electoral rolls, can once again be commended.
- 12. While criticisms by UNO of the composition of the electoral authority are characterized by their virulence and inflexibility, specific complaints regarding its activities tend to focus on minor incidents to which the electoral authority has usually responded rapidly with effective solutions. Nevertheless, repeated evidence of the electoral authority's impartiality has not altered the coalition's public stance of challenging the composition of CSE.

### III. PREPARATION OF THE ELECTORAL ROLLS

### A. Basic characteristics of the electoral rolls in Nicaragua

13. The fundamental basis for an accurate list of voters should be the Civil Register and an efficient system of personal identification, to facilitate both the preparation and monitoring of electoral rolls and the subsequent identification of voters. The situation in Nicaragua is unsatisfactory in this regard, since the

Civil Register has serious gaps and there is no up-to-date national census, the last such census having been carried out more than 15 years ago. There is no unified personal identification system and, for purposes of voter registration, the Electoral Act provides for the use of birth certificates, driving licences, the cards issued by the Nicaraguan Social Security Institute, passports and various other types of documents as means of identification. Where citizens have no identification papers, they may call on two suitable witnesses to vouch for their identity and age.

14. In the light of these circumstances, the Electoral Act lays down that voter registration will be carried out by means of electoral rolls drawn up by each of the ballot receiving boards (JRVs). These cover a specific geographical area within which they themselves are situated. The boundaries of each area are drawn with a view to ensuring that the number of voters in each does not exceed 400, and that the boards are located at a reasonable distance from voters' homes. 1/ The geographical distribution of JRVs and the fact that both the President and the first member are local residents, facilitates detection of fraudulent registrations, since JRV members and the representatives of political parties — where the latter are themselves local — are acquainted with the local population. This decentralized system of "local control" makes it difficult to carry out fraudulent registrations systematically and on a large scale.

### B. The voter registration mechanism

15. The registration mechanism is a simple one. When the citizen enters, the President of the JRV will ask him for identification and will check his address to make sure that he is registering with the correct JRV. If he has no papers and is bringing witnesses, the latter must vouch for his identity and domicile or fill out the appropriate affidavit. The clerks will record the relevant information by hand in the two electoral rolls provided for in the Act (a copy of a page from the electoral rolls is provided in annex III) and in a supplementary certificate used for subsequent processing of the data at the CSE computer centre. A list of registered voters is also drawn up and displayed publicly on the door of the JRV. The number of the citizen's voter registration card is recorded beneath the box where he puts his fingerprint. At the end of each day's registration, a closing certificate is drawn up in which poll-watchers can record any comments. The electoral materials are packed up and stored at the regional electoral council until the next registration day. Once the registration period is over, a verification period follows, during which the regional electoral council will check the electoral rolls, automatically or at the request of interested parties.

### C. Opposition demands during the national dialogue

16. In the dicussions in the context of the national dialogue, opposition demands regarding the registration mechanism focused on five issues: creation of a national identity document; a maximum of 400 registered voters for each JRV; delivery of the electoral rolls to political parties 60 days prior to the date of the elections; delivery to poll-watchers of copies of the opening, closing and vote

tally certificates; and changes in the registration dates. All the opposition demands were accepted by the Government, with the exception of the demand for the creation of a national identity document, which was ruled out for technical reasons. 2/ During the dialogue some additional issues were raised, such as the delivery to parties of details of the boundaries of each JRV 10 days prior to the registration process, payment of travel allowances to the parties' poll-watchers and the use of pluralistic criteria in appointing electoral bodies' administrative personnel.

17. In terms of the coverage of the voter registration process, UNO parties were demanding, and continue to demand, registration and voting rights for Nicaraguans residing abroad. This demand was not accepted by the Government, and the provisions of the Electoral Act - which is similar in this regard to that of other Central American countries - were maintained whereby actual voting is permitted only within the country, although it is possible to register abroad in specific cases of temporary residence. The regulations issued by CSE did not provide for increased flexibility and, predictably, only about a thousand voters were registered abroad. During the discussions in the International Support and Verification Commission (CIAV) held in New York and Washington, D.C. in early November, the Government offered the Nicaraguan resistance the possibility of registering and voting in the February elections, as part of the terms and conditions for demobilization.

### D. Organization of the registration process

18. The registration process called for an enormous administrative and logistical effort concentrated into a short timespan. It was carried out with insufficient resources and without an adequate transport and communications infrastructure. To give an idea of the magnitude of the task: each period of registration involved the mobilization of 55,000 people, who had first to be trained. Original CSE plans called for two three-day periods, 45 days apart. Registration on four Sundays, as requested by the opposition and agreed to by the Government, complicated the registration process and added significantly to its cost. There was an intensive and effective publicity campaign to encourage registration, which was shared and supported by all the political parties without exception. Both the campaign to encourage registration and the training of JRV members were carried out impartially and efficiently.

### E. Organization of observation by ONUVEN

19. ONUVEN was given complete freedom to observe the registration process. The Mission's permanent staff was supplemented by volunteers drawn from the staff of practically all the United Nations bodies operating in Nicaragua. Special mention should be made of the assistance received from the office of the Resident Co-ordinator of the United Nations system in programming the co-operation and massive human and logistical support provided by the Office of the United Nations High Commissioner for Refugees (UNHCR). This made it possible to expand ONUVEN's efforts considerably keeping an average of 38 observers going in 19 mobile units

throughout the registration period, so that a total of 1,715 observation visits could be made to as many JRVs (i.e. 39 per cent of the total) belonging to 124 municipalities in the nine electoral regions. This work was conducted in co-ordination with the Organization of American States (OAS) in order to avoid any duplication of visits. A considerable number of observers invited by the Government, the Assembly or the Supreme Electoral Council itself also took part in the observation process, so that it can be anticipated that the number of observers from different sources during the elections will be several hundred. Annex IV contains a list of the observers so far registered with the Supreme Electoral Council.

### F. Conduct of the registration process

- 20. As agreed during the national dialogue, voter registration took place on the first four Sundays in October. As of 28 November 1989, the total number of people who had registered was 1,750,500, representing 88.5 per cent of the population estimated by the Nicaraguan Institute of Statistics and Censuses (INEC) and a 12.3 per cent increase over the number of citizens registered for the 1984 elections. Out of that total, 21.65 per cent registered on the first Sunday, 27.35 per cent on the second, 27.93 per cent on the third and 23.07 per cent on the fourth. Although the number of those registered will increase later as a result of the opening of some JRVs which were unable to operate during the normal registration period, it is estimated that the number of additional registrations will not exceed 1 per cent of those already registered.
- 21. During the first registration Sunday, a number of problems of an essentially administrative nature arose, related mostly to the accreditation of opposition party poll-watchers and second members of JRVs; the admission of poll-watcher supervisors to JRVs; the admissibility of various types of documents; the delivery of opening and closing certificates to poll-watchers; the registration of deserters from patriotic military service; etc. Administrative decisions, where necessary, or simple clarifications transmitted by special radio broadcasts and through the network of municipal co-ordinators gradually solved the problems until they had almost disappeared by the fourth Sunday.
- 22. The presence of poll-watchers and second members of JRVs was massive and growing, as can be seen from the survey carried out by ONUVEN. During the fourth Sunday, the coverage of JRVs by opposition poll-watchers was very high: there were poll-watchers from the Opposition National Union (UNO) at 84.2 per cent of JRVs visited and there were poll-watchers from the remaining opposition parties at between 15.8 and 3.6 per cent of JRVs. FSLN poll-watchers were present at 97.5 per cent of JRVs. In the case of second members representing opposition parties, the percentage reached about 75 per cent in electoral regions in the country's interior. In Managua, the percentage of full members was lower, due to the method adopted for setting up the boards (cf. para. 4), but for full and alternate second members combined, the total for the region reached figures equivalent to those for the regions of the interior.

### G. Complaints and allegations about the registration process

- 23. In evaluating the voter registration process, an analysis of the complaints and allegations received about the process is particularly important. Out of 222 letters of complaint received by ONUVEN, 90 relate to the registration period and contain a total of 889 allegations. Of those complaints, 401 (45.1 per cent) came from the FSLN, 471 (53 per cent) from UNO and only 16 (1.8 per cent) from the remaining parties. (The remaining complaint was made by an individual.)
- 24. The first notable feature of the complaints made about the registration period is their apparently high number. This seems to contrast with the results of the field-work done by ONUVEN, which detected only minor problems on 6.7 per cent of the 1,715 visits made to JRVs (see annex V). The ONUVEN data are in turn consistent with those of OAS and other groups of observers, which agree on the limited number and minor nature of the problems observed. It can be argued that the high number of complaints by political parties and their polarization along party lines indicate that they have become an additional element in the electoral contest. This argument is strengthened by the observation that many of the allegations are minor and impossible to verify. At the outside, it may also be assumed that, from the standpoint of each of the two main political forces, complaints are a way of discrediting their opponents and can also be used to call into question the legitimacy of the electoral process at any time in that process. In the context of possible strategies of this kind, it is not necessary for the complaints to be important, it is enough that they be numerous.

### H. Outstanding issues related to the registration process

- 25. Analysis of the complaints received confirms the comments made above concerning the positive changes in the registration process over the four Sundays. Of the complaints specifically attributable to any one Sunday, those relating to the first Sunday represent 31.9 per cent of the total and the numbers gradually decrease to scarcely 9.4 per cent on the last Sunday. That trend is less clearly apparent in Regions I and VI, where military activities are impeding the solution of some administrative problems, heightening tensions and strengthening the logic of the aforementioned "war of complaints". The largest number of complaints comes from Regions VI, II and I (354, 154 and 138 respectively). The explanation for the regional distribution should probably take into account not only the existence of military activities, as in Matagalpa or Estelí, but also the degree of party organization and the greater or lesser complexity of the regional political system. That could explain the high number of complaints in León and their low number in the Atlantic Coast region and the Río San Juan special region.
- 26. With regard to the nature of the allegations, the largest number of complaints refer to inappropriate behaviour by JRV members, poll-watchers or party members (226 cases involving 5.1 per cent of JRVs); these are closely followed by complaints directly connected with the registration process, such as incorrect registration, problems with the location of JVRs, lack of materials, accreditation, etc. (208 cases involving 4.7 per cent of JRVs). Then come complaints concerning election propaganda and/or campaigning (involving 3.5 per cent of JRVs) and

intimidation (involving 3.2 per cent of JRVs). There were also 108 complaints of the use of violence or threats of violence, mainly concentrated in Regions I (27 cases) and VI (49 cases). Taking the proportion of cases of violence in the total number of complaints in each region, we found the highest percentages in Regions VII (53 per cent), VIII (50 per cent), I (20 per cent) and VI (14 per cent). It is appropriate to mention that the really serious cases do not concern actions by political parties but attacks attributed to the resistance, which are discussed in more detail in paragraph 37.

- Within the whole body of complaints and allegations, those concerning the 27. origin of the electoral police and the fact that they carry weapons deserve special attention, in view of the repercussions that they have had in some of the international press. For the most part, the electoral police come from the Ministry of the Interior and from Army reservists placed at the disposal of the Supreme Electoral Council, to which they are effectively responsible during registration days. The Electoral Act does not prohibit the use of arms or uniforms by the electoral police who, under article 197 and with the authorization of JRV authorities, may even enter JRV premises armed if that is necessary to perform their duties. According to our information, CSE requested the electoral police to carry weapons only in cases where security conditions so required, and repeated that message each Sunday. The data collected by ONUVEN through direct observation of 1,332 JRVs on the last three Sundays 3/ indicate the presence of armed electoral police in 8.5 per cent of cases on the second Sunday; the proportion had decreased to 2.9 per cent by the last Sunday. Even though OAS did not collect such data systematically, its overall assessment coincides with the data collected by ONUVEN. Lastly, the number of complaints about weapons being carried account for 5.4 per cent of the 889 complaints received.
- 28. As already indicated, most of the problems which arose during the registration process were gradually solved. By the time this report was prepared, the main questions outstanding centred on a number of JRVs that had not opened or were not operating properly for security reasons or for lack of materials. According to the Supreme Electoral Council, it can be estimated that the number of citizens affected by these circumstances represents no more than 1 per cent of those already registered. In Region IV, five JRVs opened on Sunday, 12 November and registered a further 124 citizens. The remaining JRVs concerned will open as soon as proper security conditions exist. The more serious allegations, such as those involving multiple registrations of soldiers, are still being investigated, although there are no significant indications that they are true. In the case of Region VI, where the largest number of complaints of this kind were made, it has been established that there were no double registrations at the boards involved in the allegations. The electoral rolls of those JRVs were made available to the poll-watchers of the parties making the allegations. Because of errors in the estimates of the population residing in some JRV areas, the number of voters registered in some of them exceeded 500. In some cases, the number exceeded 1,000 and, in one exceptional case, 2,000 registered voters. Mechanisms are currently being considered for solving the problems that an excessive number of registered voters may create on election day. Solving those problems is not a particularly complex issue and the electoral authority has the best will in the world to solve them.

29. For the future, the main question that remains open is the Government's commitment to providing political parties with computerized lists of registered voters, by JRV and in alphabetical order. CSE has received considerable assistance for that purpose from the Governments of the Federal Republic of Germany and Spain and has commissioned a computer centre with modern equipment which will enable it to meet its commitment and probably bring forward the deadline for handing over the lists, which had been set at 60 days before election day. The process of checking the rolls has begun in the electoral regions and no major problems or irregularities have been detected to date. According to what we were told by the Supreme Electoral Council, parties will be able to check the electoral rolls as soon as they receive their computerized copies, and to challenge them - if they find evidence of fraudulent registrations - during January.

### I. Overall evaluation of the registration process

30. In short, the registration process can be regarded as successful, and not only the different observer groups but also the opposition parties agree on that point. The information given in the preceding paragraphs can be supplemented by that given in a commentary by <u>La Prensa</u>, a newspaper above any suspicion of sympathy with or tolerance for the Government. On 7 November, on the basis of a survey of 1,284 citizens, it gave the following information: "... 95 per cent of Nicaraguans consulted confirmed that they had registered ... The low percentage of unregistered persons does not damage either of the two candidates ... Half of the few people who had not registered said they had not done so because they did not want to vote and the other half said it was because they had not had time or had been prevented by personal problems. At no time was there any suggestion of any obstruction of registration."

### IV. ORGANIZATION OF POLITICAL PARTIES

### A. Withdrawals and replacements of party candidacies

31. After the deadline for the registration of candidates, the Supreme Electoral Council received a number of candidates' withdrawals. The procedure established by CSE requires that withdrawals be submitted by letter so that their authenticity can be verified. Once such a letter has been received, the Council removes the name of the person withdrawing from the list for which he had been nominated, and informs the party so that he can be replaced. Most of the withdrawals were from the lists of UNO (11), the Revolutionary Workers' Party (PRT) (10) and the Social Christian Party (PSC) (10). In most cases, these withdrawals did not have major consequences in terms of party representation, since the position on the lists of the candidates concerned was such that they stood very little chance of being elected. 4/ The deadline for the replacement of candidates for the Legislative Assembly was 6 November, and parties replaced most of the candidates who withdrew before that date. Where candidates withdrew after that date, their places must go unfilled.

32. An analysis of the reasons given by those withdrawing shows variations between the different parties. Withdrawals by PSC candidates refer to other Social Christian tendencies as being more representative of their beliefs. Most of those withdrawing from the PRT list say that they are not members of the party. The group of withdrawals from the UNO lists is certainly the most striking for two reasons: first, the tone of the letters of withdrawal is very strong and, secondly, they totally refute the alleged identification of UNO with the former National Guard or the Nicaraguan resistance. In contrast to most of the other cases, there is no reference to having been nominated without being consulted or to possible errors, but only to personal decisions to withdraw after having first accepted the nomination.

### B. Candidacies for municipal councils and regional councils

- 33. The presentation of candidates for municipal councils ended on 31 October. The 10 parties and the UNO coalition presented more than 6,000 candidates for those positions. The FSLN alone submitted complete lists and UNO only did so for a limited number of municipalities. The remaining parties submitted a significantly lower number of candidacies: the Social Christian Alliance presented 829 candidates in 72 municipalities; the Central American Unionist Party (PUCA) presented 753 in 104; the Conservative Democratic Party, 402 in 29; the Revolutionary Unity Movement, 233 in 15; the Marxist-Leninist Popular Action Movement, 232 in 17; the Liberal National Unity Party, 142 in 17; the Revolutionary Workers' Party, 93 in 7; and the Social Conservatism Party (PSOC), 62 in 6.
- 34. On 15 November, the process of registering candidates concluded with the registration of candidates presented by parties and popular petition associations for the election of members of regional councils in the Atlantic Coast region. Parties there were joined by the Association established by the Atlantic Coast Indigenous Movement (Yatama), which presented candidates for all districts in the North Atlantic Autonomous Region and for 14 districts in the South Atlantic Region. The FSLN presented candidates for all seats while UNO refrained from doing so in two districts of the South Atlantic Region. Lastly, the Central American Unionist Party submitted complete lists in the North Atlantic Region and in two districts of the South Atlantic Region.

## C. Party assessments of compliance with the agreements reached in the national dialogue

35. The extent of compliance with the agreements signed during the national dialogue has been analysed both by the opposition coalition and by the executive branch in its capacity as a signatory to the agreements. On 15 September, UNO presented a note to the President of the Republic reiterating demands which had been raised during the dialogue but which had not been included in the agreements. The demands included the restructuring of the Supreme Electoral Council, drastic reduction in the military apparatus and the demobilization of people recruited for military service, voting rights for Nicaraguans residing abroad, and authorization

to operate a private television channel. UNO also protested about a number of violations of the commitments made under the dialogue and about acts of intimidation, and requested a second meeting of the national dialogue. 29 September, the President sent the Secretaries-General of the United Nations and the Organization of American States and former United States President Mr. Jimmy Carter an overall assessment of parties' compliance with the agreements reached under the dialogue, emphasizing the opposition's continuing contacts with sectors of the Nicaraguan resistance and United States Government funding of UNO, which it contrasted with a detailed analysis of the Government's compliance with the commitments made. On 2 October, the President approached the political parties and coalitions that had signed the agreement, analysing in still greater detail the Government's compliance with the agreements and mentioning further examples of non-compliance by the opposition. The latter included the failure by members of the opposition to join the agreed advisory body and the reiteration, for propaganda purposes, of demands negotiated but not agreed to during the dialogue. As to a resumption of the dialogue, the Government has pointed out that that was never part of the agreements signed on 4 August and that any negotiations would have to be carried out within the sphere of the electoral authority, as has, in fact been happening in some electoral regions. UNO has reiterated its demands in various forums, insisting on the convening of a second meeting of the national dialogue. The other opposition parties have made no formal assessments of compliance with the agreements, although they have emphasized the financial disadvantage at which they find themselves vis-à-vis both the FSLN and the UNO coalition.

#### V. PROGRESS OF THE ELECTORAL CAMPAIGN

### A. Evolution of the overall situation

36. It is as difficult as it is essential to place the progress of the electoral process in its national and international context. Necessary, because without such a frame of reference, we lose sight of the perspectives of the different actors. Difficult, because not only the selection of the relevant facts but also their presentation in summarized form is a complex matter. In broad terms, the evolution of the situation has been contradictory. On the one hand, as was mentioned above, in this period we have witnessed a successful voter registration process, as a result of which almost 90 per cent of eligible citizens are estimated to have been able to register. On the other hand, there has been an increase both in activities and actions attributed to the Nicaraguan resistance and in the Government's response. The escalation of military activities and the non-renewal of the unilateral cessation of offensive military operations have intensified the polarization of a society which has for some time now been deeply divided.

### B. Evolution of military activities

37. While the voter registration process was progressing normally, the number of attacks on military and civilian targets tripled, according to information from the Ministry of Defence. These attacks culminated in the Río Blanco incident on 21 October, which was apparently an ambush, in which 19 reservists on their way to

register died. The incident occurred the day before the final registration day and prompted the Government to try to find a way of responding to the increase in military activity and the growing infiltration of Nicaraguan territory by the Nicaraguan Resistance, estimated at some 2,000 men in the period since the signing of the Tela agreements. 5/ President Ortega shared his concern with Mr. Elliot Richardson, the Personal Representative of the Secretary-General to verify the electoral process in Nicaragua, in an interview which took place at Managua on 23 October 1989. In addition to the facts mentioned above, the President referred to the lack of progress in the demobilization of the Nicaraguan resistance which, under the Tela agreements, 5/ was to have been completed by 5 December 1989, as well as internal pressures to take action against the increase in acts of violence.

### C. Evolution of the international situation

- 38. On 28 October, President Ortega announced at San José that the Government of Nicaragua had decided not to continue the unilateral cessation of offensive military operations, which had been renewed monthly since March 1988. This announcement, which was designed to result in renewed international pressure for the demobilization of the contras, altered the evolution of the situation by introducing a new element during a period of stagnation in the regional peace process. The Government's perception was that, despite all the steps taken since the Costa del Sol Declaration and with the deadline set by the Central American Presidents only five weeks off, no progress had been made in demobilizing the contras. On the contrary, the contras were infiltrating the country, stepping up their actions with the apparent aim of obstructing the normal progress of the electoral process and increasing the country's polarization. According to the Government its announcement was prompted by the fact that everything possible had been tried, and the lack of reciprocation made it necessary to take practical measures. The announcement provoked a very negative reaction and an intensive search for solutions. The Secretary-General, among others, expressed concern at the risks which the interruption of the cease-fire created for the electoral process and for the Central American peace process, and also his firm desire that the parties involved should act with moderation. The situation once again highlighted the need to initiate without further delay verification of compliance with the security commitments made under the Esquipulas II agreements.
- 39. On 30 October, while diplomatic activity was continuing, an incident occurred at San Miguelito, an isolated area in the Río San Juan region, in which four people were killed and three wounded. Although there had been indications that the Government was reconsidering its position, the incident seems to have been a determining factor in the Government's decision to suspend the cease-fire and to call for a meeting of CIAV to discuss an end to the war through compliance with the provisions of the Tela agreements regarding the demobilization of the contras by 5 December 1989. In the same communication, the Government reaffirmed that, regardless of the attitude of the Nicaraguan resistance, it would guarantee the proper conduct of the electoral process and the safety of international observers.

40. The CIAV talks, which started in New York on 9 November, suspended, then resumed at OAS Headquarters in Washington, D.C., ended on 21 November after making some progress but reaching no agreement. They were suspended without a date being set for their resumption. In the meantime, on 7 November, the Security Council, by its resolution 644 (1989), had unanimously approved the establishment of a group of military observers (ONUCA) to verify compliance with the security commitments made under the Guatemala agreements.

# D. Impact of the suspension of the cease-fire on electoral activity and the internal political climate

- 41. The interruption of the cease-fire has had complex and confusing results. Immediately after it, the army did not launch a large-scale offensive even though troop movements could be observed throughout the country, but simply undertook a number of isolated actions designed to keep resistance units on the move and to drive them back to their bases outside Nicaragua. Most military activity was concentrated on the northern border, particularly in Region VI (Jinotega and Matagalpa), and also in Region V (Boaca and Chontales), which have tended to be areas of resistance activity. The intensification of military activities during October affected a number of JRVs, particularly in Regions VI and VII. Nevertheless, apart from the suspension of activities in the JRVs mentioned, so far the impact of the suspension of the cease-fire has not been significant. Information from observers posted to those regions does not point to any direct impact on political activities. So far, no political demonstration has been cancelled because of military activities or for security reasons. In fact, the opposition has held public rallies at Boaca and Muelle de los Bueyes, in the conflict area, without any problem. Even if the situation changes in the future, the direct impact may be minimal since most clashes occur in remote, sparsely populated areas. It should also be pointed out that no restrictions on movement or security regulations have been imposed on the various observer teams, which have continued to perform their duties of monitoring the electoral campaign by observing political demonstrations in all the regions and also the process of checking the electoral rolls, which is currently going on in the nine regional electoral councils.
- 42. The impact of the suspension on the political climate in which the electoral process is going on has, on the other hand, been significant. In an already polarized situation, there has been a marked increase in political tension and a hardening of the language used. The identification of UNO with the National Guard, the resistance and the war has become a constant in the governing party's propaganda and in the Government media. Even when UNO has made statements distancing itself publicly from the resistance, media close to the Government have either ignored or dismissed them as inadequate. UNO, for its part, is accusing the Government of using the increase in military activities to counterbalance the opposition's strength in conflict areas and even to justify a future suspension of the electoral process.

43. The tensions apparent at the national leadership level and in mass media messages are not necessarily reflected at the regional level, even though that is where the armed conflicts are taking place. In Region VI (Matagalpa and Jinotega), political parties have signed an undertaking to instruct their members "to comply strictly with the Electoral Act and the Code of Electoral Ethics and to show respect for each others' organizations". Similar agreements have been drawn up or are being worked out in Regions II and IV.

### E. Progress of political and electoral activities

44. It is against this troubled background that political and electoral activities have been going on for the past two months. Even though campaigns are not yet fully under way, political activity has been intense. The number of public rallies has greatly increased, especially in the cities of the interior. So far, there has been no massive use of publicity spots in the media, nor poster paste-ups or door-to-door campaigning. On the other hand, slogans have begun appearing on walls, usually timed to coincide with public rallies. The following paragraphs contain an analysis of the progress of activities in different areas and conclude with an assessment of the complaints and allegations received.

### F. Holding of public rallies

- 45. As was noted in the first report, the only precondition for holding public rallies is to send a written request to CSE or the corresponding regional electoral council at least a week in advance and to pay a deposit. Rallies are in fact allowed and the purpose of the request is to make sure that different parties' rallies are not held in the same place. According to information supplied by CSE, the vast majority of parties did not comply with this condition in the past. It should also be noted that there are no penalties of any kind for non-compliance.
- 46. So far, both the FSLN and UNO have held a considerable number of public rallies, usually at weekends. There has been a marked absence of rallies by the other parties participating in the electoral process, however. With regard to the strategies adopted, while UNO chose very early on to hold campaign meetings and rallies in different regions at which the candidates for President and Vice-President frequently appeared, the FSLN chose initially to concentrate on holding conventions, beginning with the national convention held on 24 September at Managua. At the national convention, called "The Great People's Convention", the FSLN presented and approved its electoral platform and its list of candidates for President, Vice-President and members of the National Assembly. After holding further conventions at the regional and municipal levels, it has more recently begun to hold public rallies at which its candidates appear, in the cities of the interior.
- 47. The climate of calm that had characterized public rallies up to the middle of October came to an end when political tensions rose. The first incidents of violence, usually stone-throwing, occurred on Sunday 29 October, at a UNO rally at Jalapa. At most of the rallies held by UNO in the first two weeks of November,

participants were attacked: on 3 November at Matagalpa; on 4 November at Somotillo; on 5 November at Malpaisillo; on 11 November at Boaco; and on 12 November at Muelle de los Bueyes. In all cases, the rallies had been organized by UNO. No such attacks have taken place at rallies organized by the FSLN or other parties. Concerning the origin of the incidents, the accusations are mutual. UNO blames them on attacks by Sandinista agitators. Press organs close to the governing party suggest that demonstrators attacked first and that FSLN members simply acted in self-defence. According to what members of ONUVEN and OAS who were present at the rallies observed, and also to some filmed evidence, in most cases the attacks came from small groups of UNO's opponents who are usually very young and who overreact to the demonstrators' slogans.

- 48. Fortunately, no one sustained anything more than bruises and there were no serious injuries in any of the incidents.
- 49. On 19 November, UNO scheduled a rally at Nandaime, about 70 kilometres from Managua, at which its candidates for President and Vice-President were to appear. The city has a long tradition of incidents at public rallies, the most recent being a fight in 1988 as a result of which a number of UNO's present national leaders were arrested and spent several months in prison. Several days before the event, UNO leaders and the newspaper La Prensa began to complain of harassment and threats in what they described as an attempt to prevent the holding of the rally. Friday, 17 November, Noticiero Sandinista was there to film a spontaneous demonstration by FSLN supporters against the rally, at which some demonstrators made quite belligerent statements. At the same time, both the regional electoral council and observer missions took informal action to reduce the tension. rally went ahead as planned, in the presence of a large number of observers and, despite what had happened earlier, without incident. Although no incidents occurred at other opposition rallies held that weekend, on the weekend of 26 and 27 November further acts of violence and intimidation occurred, particularly at a demonstration held at Pantasma, Jinotega.

### G. The use of opinion polls

- 50. One of the points agreed on during the national dialogue was that all parties would be guaranteed the freedom to conduct opinion polls without legal restrictions of any kind, the only requirement being full publication of the questions and the technical details of the poll and a ban on conducting them in the 30-day period leading up to the election. The guarantee of freedom appears to be effective, for the widespread use of opinion polls as an electoral tool has begun, with varying projections of results, usually related to the political ties of the organ publishing them. The same has not been true of the publication of questions and technical details, which in many cases have been omitted or presented in incomplete form. It is worth pointing out that, in general, the polls have serious limitations, among which we might mention the following:
- (a) The national census statistics on the basis of which they design their samples are very old, since the last population census took place in 1973. The 1984 or 1989 electoral registers could be used as an alternative, as they provide

less obsolete data bases. While they are more recent, however, they are simply lists of voters and therefore inadequate, given the fact that the country's population is predominantly very young. To these basic demographic characteristics we must add the fact that the population in the 16 to 18 age group will be voting in this election;

(b) A good many electoral polls only give the opinions of an urban population limited to Managua and other major cities, omitting the rural population which, according to reliable estimates, accounts for 45 per cent of Nicaragua's population.

### H. Funding of the campaign

### 1. State funding and how it is distributed

51. In accordance with article 121 of the Electoral Act, the State provides funding from the budget to help defray political parties' campaign costs. Under the current budget, the total allocated is 17,381 million cordobas, equivalent to \$US 700,000 at the time it was granted. CSE is requesting an upward adjustment to account for inflation. The State's contribution is divided into three equal shares which go to the Presidential, Assembly and council elections. These three shares are in turn divided in two, the first half being distributed equally among the political parties and coalitions which have registered candidates and the remaining half being distributed in proportion to the votes they obtained in the last elections. In distributing the contributions for elections to the Assembly and the municipal councils, account is also taken of the number of candidates and the number of districts in which they have registered. The Act allows donations by Nicaraguan citizens residing in the country, with the requirement that parties report the total amount of such donations to the Supreme Electoral Council, but prohibits donations from State, private or mixed institutions. To date, CSE has received no information whatsoever about domestic donations. Article 128 of the Act waives customs charges for campaign materials, subject to prior authorization by CSE.

### 2. External funding - rules and the situation to date

- 52. Regardless of their origin, donations from abroad for political parties are processed through the Central Bank. Half their amount is given to the political party or coalition to which the donation was made, and the other half to a Fund for Democracy financed from such donations, which CSE will use to pay the costs of the electoral process.
- 53. CSE has interpreted the provisions of the Act generously, exempting donations in kind from the 50 per cent levy and allowing each party or coalition a tax-free exemption of \$US 20,000 for cash donations. In the case of UNO, this exemption was granted individually to two parties (PLI and PNC) which had requested exemptions before the coalition was formed. To date, the Fund has only received 50 per cent of a \$US 126,414 donation to the FSLN from organizations supporting the Front in the United States, Canada, Switzerland and Japan. The United States Congress has

approved a grant of up to \$US 9 million, of which \$US 4 million will go to UNO, subject to the rules of the National Endowment for Democracy (NED) which restrict its use to party propaganda in the strict sense. The remaining \$US 5 million will go to fund the Centre for Democracy, the Centre for Electoral Training and Promotion (CAPEL), the Council of Freely-Elected Heads of State and other unspecified activities to support the electoral process and its monitoring. The granting of these funds, which have yet to materialize, generated an intense polemic in Nicaragua. Opposition parties which are not members of UNO protested vigorously, since this support increases polarization and significantly reduces their ability to compete. The FSLN has used it as one of the main themes of its electoral propaganda, in order to emphasize the ties between UNO and the United States Government.

54. In the case of contributions made to civilian organizations without party ties, donations from abroad are processed in accordance with the provisions in effect for external co-operation and, where applicable, with customs legislation.

### I. Participation by non-party groups

55. During the period under consideration, civilian non-profit organizations began to participate increasingly in the electoral and political process in a variety of ways. Although in almost all cases such organizations have no formal political ties, it is clear where their sympathies lie. Among those close to the opposition, Via Civica and the Nicaraguan Bar Association have recently been playing the most active public role in the electoral process. Via Civica has campaigned through paid advertisements in the press, door-to-door visits and visits to schools. first advertisements, concerning voter registration, were clearly neutral, but more recent ones show a very definite bias against the governing party. The FSLN claims that the purpose of the visits is to campaign for UNO. The Nicaraguan Bar Association has set up a system for receiving and processing complaints and allegations, concerning the electoral process. Although it might be assumed that such a system would handle complaints regardless of their origin, all those dealt with to date have been complaints against the FSLN is objecting that both organizations are mechanisms for funding opposition activities outside formal channels. Among organizations close to the FSLN, the best known case so far is that of the Committee of Mothers of Abducted Children (Comité de Madres con Hijos Secuestrados) which, with the Committee of Mothers of Heroes and Martyrs (Comité de Madres de Héroes y Mártires), forms part of a national network of women's organizations close to the FSLN. The Committee of Mothers of Abducted Children has launched a very costly campaign, which includes full-page advertisements in Barricada and El Nuevo Diario in which, imitating the format of UNO propaganda, it puts across extremely violent messages identifying the opposition with death, abductions and the war. The tone of these messages prompted the Mission to approach CSE about them a few days before this report was completed.

### J. Use of State property during the election campaign

- 56. The regulations in force concerning abuse and misuse of State property for party political propaganda are very clear: article 129 of the Electoral Act prohibits such use. Article 127 prohibits contributions by State institutions to political parties. The Code of Electoral Ethics recently adopted by CSE reiterates those prohibitions and also prohibits campaigning in public offices and the distribution of propaganda in public buildings. In this connection, the agreements reached in the national dialogue do not call for new legal measures but simply for the effective application of existing ones.
- 57. With the recent launching of the electoral campaign, complaints about the campaign itself have started to come in although only a few so far. In the case of the convention held by the FSLN to elect its candidates, protests were made about the use of the Olaf Palme Convention Centre and about the continuous coverage provided by the Sandinista Television System. Mission officials observing rallies organized by the governing party have noted that vehicles with State registration plates are frequently used to transport participants. Explicit or implicit FSLN propaganda can be clearly observed in most State buildings. There is an obvious difference between public rallies held by the governing party and those held by the opposition. The Government uses platforms, loudspeaker systems and all kinds of decorations, while the opposition has to use portable generators because of the unreliability of the electricity supply, and the backs of trucks and other mobile installations instead of platforms and stages.
- 58. This kind of situation, together with questions about the use of State media which will be dealt with later, indicates an area of necessary concern. With the start of the election campaign, ONUVEN will try to monitor systematically instances of abuse and misuse of State property for political propaganda purposes. That will be no easy task, since it will be necessary to establish criteria that make it possible to distinguish between legitimate Government publicity, institutional propaganda by Government bodies and obvious misuse of State property.

### VI. USE OF THE MASS MEDIA

### A. Structure of ownership of the mass media

59. The structure of ownership of the mass media in Nicaragua is markedly different from that in most Latin American countries, in that it is characterized by a strong State and governing party presence. Television is a State monopoly, although in border regions Nicaraguans can tune into about 17 foreign television channels (see annex VI.A) which are not pro-Sandinista. In both radio and the press, there is competition between the public and private sectors, but as a result of the expropriation or abandonment of radio broadcasting corporations after the fall of the Somoza régime, 44 per cent of radio stations, including the most powerful one, are State-owned. The second most powerful radio broadcasting station belongs to the governing party. There is virtually no State ownership of the press; instead, the governing party and organizations close to it have a powerful presence and there is more or less direct State support for a number of publications.

### B. Media coverage and public exposure to the media

60. There are no proper studies of coverage by the different media or the Nicaraguan public's exposure to them. It is estimated that there are 67 television sets per 1,000 inhabitants, giving a total of 200,000 sets - half of them in Managua - for a potential viewing audience of 1.5 million, nearly 50 per cent of the population. The Channel 6 signal provides satisfactory coverage for most of the Pacific Coast region, while the Channel 2 signal is pretty much limited to the city of Managua and its outskirts (see annex VI.B and C). Radio coverage is nation-wide and the audience much larger. National newspapers have a total circulation of around 170,000, i.e., 57 per 1,000 inhabitants.

### C. Presentation of information in the mass media

61. The marked political polarization is reflected in the mass media, where there is an incredible lack of objectivity. It is not that there is bias in the inevitable choice of the information that is to be transmitted to the public, but that the same facts are so distorted that it is impossible to reconcile reports of the same event in different media. Accusations are made and not only are the replies or denials not reproduced, but they are ignored and the accusation is repeated, implying that the absence of denial proves the truth of the original accusation. With few exceptions, the content and language of the reporting are very aggressive. This, coupled with the fact that the media have little or no genuine news content, 6/ makes it likely that the main audience for political messages are people who already have definite political ties and already know how they will vote, and who simply find reinforcement for their convictions in party literature.

### D. Legal framework of the mass media

- 62. The legal framework of the mass media has undergone considerable changes over the years. In the early 1980s, as a result of the intensification of the armed conflict, a number of restrictions were imposed on freedom of the press, culminating in the declaration of a state of emergency in 1984 and the prior censorship of written publications and radio news broadcasts. The measures were applied strictly and the main opposition newspaper, <u>La Prensa</u>, was closed down for over a year. In January 1988, the President lifted the state of emergency, although in fact prior censorship had not been enforced since 1987. On 21 April 1989, as a result of the Costa del Sol agreements, a new Mass Media Act was adopted.
- 63. This Act represents an improvement over the earlier legislation, in that it reduces penalties and specifically prohibits prior censorship. There is complete freedom of expression for the written media and only some minor restrictions on radio broadcasts, such as the need to obtain approval for programming changes. There have been some complaints about improper handling of the allocation of import licences for the necessary inputs or spare parts. In general, however, the Act compares favourably with the legislation of other Latin American countries, except

with regard to the State television monopoly. Such monopolies are rare in Latin America. The existence of a State television monopoly is a valid political decision and does not necessarily affect the electoral process, provided that one further pre-condition is met: objectivity of reporting and equality of access for political contenders, subjects to which we shall return later.

- 64. The opposition coalition is highly critical of the new Act, mainly on two scores: (a) the oversight function assigned to the Ministry of the Interior, which is common in the region; and (b) the continued State monopoly of television. 1/ In the course of the national dialogue, it was agreed that CSE should have oversight of the media in electoral matters; that air time should be shared equally among the parties and coalitions; that rates for radio and television air time should be established for the duration of the electoral campaign; and that half an hour's free air time should be provided daily on Channel 2 for party publicity. The Government has not changed its position regarding the request for a private television channel.
- 65. The new Electoral Act and the Code of Electoral Ethics adopted by CSE contain a number of specific provisions on the use of the mass media, which are to apply for the duration of the electoral campaign starting on 4 December and which may be summarized as follows:
- (a) The parties must be allotted 30 minutes a day on each television channel and 45 minutes on each State-owned radio station. This air time is not free and must be paid for by the parties at rates set by CSE. Air time shall be distributed equally among the parties or coalitions;
- (b) The distribution of air time and time slots shall be determined by CSE, having due regard to Sandinista Television System (SSTV) and radio programming, in such a way as to ensure the equitable distribution of radio and television air time;
- (c) The principle of free contracting is established for private radio stations, which are required to guarantee each party or coalition a minimum of five minutes of air time;
  - (d) Programmes must be produced inside Nicaragua;
- (e) Religious radio stations are prohibited from engaging in political campaigning.

### E. Beginning of political campaigning on television

66. On 25 August, Channel 2 began broadcasting the daily half-hour programme agreed to in the national dialogue. While a few initial technical problems are in the process of being solved, all the political parties, especially the opposition parties continue to protest about the weak television signal and the resulting inability to compete for viewers with simultaneous programming on Channel 6. In its new programming for November, SSTV introduced a news programme, Electiones 90, which will be broadcast three times a week in the 6 p.m. to 7 p.m. time slot.

(Beginning on 5 December, it will be broadcast daily, except at weekends.) The format chosen is a kind of half-hour press conference for each party. Candidates from the various parties present their ideas in the first 10 minutes and this is followed by a question and answer session with a panel of four or five journalists. The creation of the programme is in itself a major advance, even though there may be some problems with the way in which it was originally conceived: the predominance of journalists who supported the governing party; the tendency of journalists to spend more time presenting their viewpoints than asking questions and the bias or tendentiousness of some of their questions.

- 67. In the first programme on 10 November, the President of the Republic was present at an introductory session in which all the political parties were given a short time to present the main ideas underlying their respective programmes. In a letter to CSE, the UNO coalition refused to participate, repeating its demand for an independent channel and requesting that its Noticiero Independiente be broadcast on Channel 6 and that the time slots made available by Channel 6 be distributed to participants to use as they saw fit. It also protested that allocating air time to the other opposition parties was a way of "confusing the voters by presenting what are claimed to be 10 electoral choices, disguising the fact that the real choice is between the FSLN and UNO". UNO's position was clearly incompatible with the agreement reached in the National Dialogue, which the UNO representatives had signed in that media air time was to be distributed equally among the parties and coalitions (page 4, item 9, of the agreement). CSE held open the time slot allocated to UNO on the 17 November programme and in the end UNO decided to participate in it. The evolution of the programme, on which all the parties have by now presented their platform, suggests that any candidate who is adept at polemics can easily turn even the defects mentioned in the preceding paragraph to his or her advantage.
- 68. As mentioned above, the mere existence of State ownership of television is not necessarily a central issue, particularly at such an advanced stage in the electoral process. What is at issue is the reasonably impartial use of State-owned television. This approach has clear parallels with the position taken earlier with regard to the electoral authority, namely, that its actions are more important than its composition. That is why it is important to analyse the content of SSTV broadcasts from the standpoint of their political impartiality.
- 69. One has only to look at Channel 6 programming to see that the number of time slots allocated to news coverage of Government activities has reached saturation point. Such coverage mixes content with commentary by Government political figures and figures from pro-Government parties, and include the programme <u>De Cara al Pueblo</u> with its news spots, spots commemorating the tenth anniversary of the revolution and the spots shown on <u>Ganamos</u> and <u>Adelante</u>, to name a few examples. This use of the State media is not very different from the use made in comparable situations in other countries of the region. What is worth mentioning is that the degree of saturation on SSTV is certainly greater than that can be observed elsewhere.

- 70. Careful analysis of the content of a random sample of 44 Noticiero Sandinista programmes broadcast during the months of September, October and November reveals a much more disturbing picture. Noticiero coverage of election-related news should ideally, be impartial and balanced, but this is not the case. Instead it is clearly partisan and decidedly pro-FSLN. SSTV overlooks the usual criteria for determining what coverage should be given to a news item, taking into account neither the political importance of the event, the number of people present nor its duration. The comparative advantage in terms of coverage which the FSLN enjoys vis-à-vis the other parties and political leaders is evident not only in the quantity of time allocated (the opposition gets very little and the FSLN/Government a great deal) but also in the quality of the information given. Not only is there less coverage of the opposition, but events are usually deliberately distorted to present opponents in the worst possible light. This situation has grown worse in recent weeks and references to UNO have been nothing short of slanderous: the attacks on UNO are no longer just political but are being made on the personal and purely human level.
- 71. This attitude reinforces the bipartisan polarization of the upcoming elections. An attempt is being made to limit the choice to two irreconcilable extremes the FSLN (highly positive) and UNO (highly negative) which in the final analysis incarnate, respectively, the universal values of peace and war, future and past, life and death in the words of an FSLN campaign song. Television is offering a narrow and dangerously Manichean view of national and international politics.
- 72. In order to counterbalance this bias, UNO has asked to be allowed to broadcast its Noticiero Independiente on Channel 6. However, this "news programme", which is currently broadcast on Channel 2 during the two 10-minute slots allotted weekly to UNO, is simply a political propaganda programme for which the coalition has chosen what it claims to be a news format and which focuses on UNO activities. Thus, the criticisms of biased and inflammatory coverage levelled at Noticiero Sandinista can equally well be made of Noticiero Independiente. UNO's manipulation of its opponent's image is even worse, because it does not even bother to manipulate the news but uses electronic means to insert coarse, derogatory images into what is supposed to be a news broadcast. The main difference between the two news programmes is that UNO has less access to the medium to get its message across.

### F. Situation with respect to radio broadcasting

73. The situation in radio broadcasting is very different from that in television because there is no State monopoly. As mentioned in paragraph 9, the State owns a large proportion of the radio stations. First, there is <u>La Voz de Managua</u>, the official Government station, which is the most powerful station in the country and has the largest audience. Then there are the other 17 State-owned stations, which come under the People's Radio Station Corporation (CORADEP). Lastly, there are 23 private radio stations, of which slightly over half support the opposition. Among the private radio stations, the second most powerful is <u>Radio Sandino</u>, the official FSLN station. There are also two cultural stations (with different political

leanings) and two religious stations (one Catholic and one Evangelical). The 18 remaining stations are commercial. The following is a breakdown by ownership of the radio stations whose broadcasts can be received in each region:

	<u>State</u>	Private a/
Region I	5	2
Region II	5	9
Region III	5	13
Region IV	8	4
Region V	6	8
Region VI	6	2
Region VII	2	3
Region VIII	2	3
Region IX	3	3

<u>Source</u>: Based on information provided by CORADEP and the Media Department of the Nicaraguan Ministry of the Interior.

### G. Situation of the press

76. There are seven registered newspapers, of which three appear daily. It is these three that are the real source of written news and in whose pages a substantial part of the current electoral battle is being waged. The three main newspapers, and their circulation, are as follows:

 $<sup>\</sup>underline{a}$ / Including <u>Radio Sandino</u>, the official FSLN radio station.

<sup>74.</sup> Transmissions from 76 foreign radio stations, of which 48 are based in bordering countries, can be received in Nicaragua, particularly in border areas. The main foreign stations include <u>Voice of America</u> and <u>Radio Martí</u> in the United States; <u>HRN</u> in Honduras; and <u>Radio Reloi</u> and <u>Radio Impacto</u> in Costa Rica.

<sup>75.</sup> An attempt will be made to begin systematic monitoring of the main air waves in December to coincide with the election campaign proper. However, monitoring of a small sample of broadcasts would seem to suggest that the partisan pattern found on SSTV is also to be found on State radio. We hope to include a more detailed analysis of the situation in radio broadcasting in the next report.

- (a) <u>El Nuevo Diario</u>, with a daily circulation of 65,000 (22 per 1,000 inhabitants). This newspaper is privately owned and pro-Sandinista, although it gives coverage to the non-UNO opposition;
- (b) <u>La Prensa</u>, with a daily circulation of 55,000 (18 per 1,000 inhabitants). This newspaper is privately owned, resolutely anti-Sandinista and has become the mouthpiece of UNO in these elections, usually omitting coverage of the non-UNO opposition;
- (c) <u>Barricada</u>, with a daily circulation of 50,000 (17 per 1,000 inhabitants). This newspaper is privately owned and the official organ of the FSLN.
- 77. There are also 6 weekly newspapers, 14 magazines, 4 newsletters and a recreational publication, all of them of limited circulation. Some of the characteristics of these publications are given in the following table.

Type of publication

Content	Daily <u>newspaper</u>	Weekly newspaper	<u>Magazine</u>	Newsletter	<u>Total</u>
Political - pro-Government	2	2	5	1	10
Political - Opposition	4	3	2	1	10
Religious	1	1	1	1	4
Legal	-	-	1	1	2
Scientific	-	-	. 2	_ ·	2
Recreational	<u>-</u>		_3	_1	4
Total	7	6	14	5	32

78. The aggressive tone of the press and the overt manipulation of the news were commented on earlier.

### H. Complaints and allegations about the media

79. In the period covered by this report, some complaints were made about the use of the media. Perhaps the most important complaint, in that it involved the unconstitutional use of prior censorship, concerned the decision by SSTV technicians to cut part of the UNO programme on grounds that it insulted a member of the FSLN national leadership. The programme was aired again in its entirety, by order of CSE. 8/ Some of the other complaints concern distortion of the voices or

images of the candidates, false accusations of criminal conduct exchanged between the opposition coalition and the FSLN, use of the acronyms GN-UNO or GN-1 (National Guard-UNO) by pro-Government media, and the fact that the rates for political and religious television spots are 200 per cent higher than those for other types of announcements. In practically every case, CSE acted promptly, although not always with positive results, as can be seen in the case of the distortion of acronyms by some newspapers. The remaining cases concern issues, such as the rates for political advertising, which will only come into play on 4 December, when the election campaign is formally launched.

#### VII. SUMMARY OF THE MAIN OBSERVATIONS

### A. Activities of the electoral authority

80. As in the first report (A/44/642), an analysis of the activities of the electoral authority shows that it maintains an impartial and flexible attitude, even though the opposition coalition remains critical of its composition. presence of alternate members at meetings of the Supreme Electoral Council (CSE) and regional electoral councils has become routine, making it possible for representatives of the opposition to have a greater say in the discussions. analysis begun by ONUVEN of decisions adopted by the regional electoral councils makes it possible to predict that conclusions similar to those adopted regarding CSE decisions will be reached at the regional level. In this connection, it should be noted that representatives of the opposition were appointed second members of all JRVs in every region except Managua (see para. 4). All of this confirms that the electoral authority in Nicaragua has played a key role in ensuring the proper conduct of the electoral process in areas under its jurisdiction. The second report on the electoral process in Nicaragua covers events occurring in October and November 1989. It analyses the functioning of the electoral authority, the preparation of the electoral rolls, the progress of political and electoral activities and the use of the mass media during that period.

### B. <u>Voter registration</u>

81. The voter registration process concluded very satisfactorily. Only a very small proportion of JRVs were prevented from operating, either totally or partially, by security problems, inaccessibility or lack of materials, and they were to re-open as soon as the necessary conditions were met. The voter registration process involved a major effort, which was particularly impressive given the lack of financial resources and the inadequacies of transport and communications systems. The huge effort made by CSE and the regional electoral councils to train staff involved in the voter registration process was also remarkable.

### C. Increase in violence during the electoral process

82. The main sources of concern with regard to the evolution of the electoral process are, firstly, the impact on that process of the increase in political tension as a result partly of the resumption of military activities and the interruption of the cease-fire. These events occurred in a context in which, even in normal circumstances, the political debate is surprisingly aggressive. In the present electoral campaign, attacks on opponents have reached levels which would be unacceptable in other countries. Policy debates or genuine political proposals take backstage to volleys of accusations and epithets. It is also no coincidence that this increase in tension was immediately followed by a wave of incidents at public rallies. Fortunately, such incidents appeared to be on the decline as this report was completed.

### D. Arguments used to discredit the electoral process

83. Over and above the apparently traditional pattern of violence in political language, one second aspect that warrants serious attention is the persistence of and even the increase in political statements the effect, if not the intention, of which is to discredit the electoral process. One source of concern is the persistence in discrediting the electoral authority, the predictions of electoral fraud and the reiteration of the argument that fraud will be the only possible explanation for any defeat in the election. Another source of concern is the identification of not only individuals but the entire opposition coalition with Somoza's National Guard and with counter-revolution war and death, all of which tend to create an image of an adversary whose assumption of power would be unacceptable. In this atmosphere of anticipated fraud and the mixing of war with politics, the electoral process is liable to lose its central position and to become just one, and not the only, mechanism for resolving conflicts and deciding who is to govern. If armed conflict emerges, even implicitly, as a possible solution, the electoral process is bound to come to be perceived as a secondary mechanism.

### E. Use of the mass media

84. The third main source of concern is the way in which the media are being used. In the case of State-owned media, the amount of bias towards the governing party and the attacks on its potential rivals have exceeded all reasonable bounds. The violence of the language used in the media and the manipulation of the news by the most important media on both sides are also alarming. Even though the manipulation of information on both sides is heavy-handed and blatant enough to limit its impact on voting decisions, it sends a dangerous message at another level. By reinforcing and tingeing with Manicheanism the perceptions of the various contenders, who seem to be the only logical audience for this type of broadcast, it becomes an incitement to violence and political extremism which undermines the legitimacy of the electoral process, itself the source of the process of democratic reconstruction to which the country aspires.

#### Notes

- 1/ In the case of rural JRVs, an attempt was made to ensure that voters need travel no more than 5 kilometres. This was not always feasible, and in some regions voters have had to travel considerable distances.
- 2/ The demand was replaced by an agreement that CSE must continue its efforts to obtain the international support needed to embark on the process of issuing identity cards to all citizens, so that this process can be completed by 1996, when the next elections are due to take place.
- 3/ Data on armed police were not collected on the first Sunday, when an experimental form was used to gather data.
- 4/ Since the Nicaraguan electoral system provides for proportional representation for the election of members of the Assembly, the election of those lowest on the lists would require voting percentages that would be almost impossible to obtain.
- 5/ The data on the number of attacks and on infiltration were provided by the Ministry of Defence.
- $\underline{6}$ / About 50 per cent of the content of national newspapers concerns the political situation, and it is of the kind described above.
- 7/ The Supreme Court of Justice rejected an application for protection on grounds of unconstitutionality lodged by a group of lawyers and journalists, stating that after a careful and exhaustive analysis of each of the alleged injuries, it did not consider that the Act infringed any article of the Constitution.
- 8/ This incident was considered so serious that it was reported to the Inter American Press Association as characterizing the situation in Nicaragua. Probably through an oversight, the immediate response of CSE in defence of freedom of expression was not mentioned in the complaint.

ANNEX I



#### ANNEX II

### Composition of the electoral authority

### Full members

### Alternate members

### Supreme Electoral Council

President:	Mr. Mariano Fiallos Oyanguren (FSLN) Mr. Leonel Argüello Ramírez (FSLN) Mr. Aman Sandino Muñoz (PCDN) Mr. Guillermo Selva Argüello (PLI) Mr. Rodolfo Sandino Argüello (eminent person)	Mr. Julián Corrales (FSLN) Ms. Rosa M. Zelaya Velázguez (FSLN) Mr. Carlos Zapata Rocha (PCDN) Ms. Nidia Reyes Castañeda (PSC) Mr. Ernesto Salazar Elizondo (eminent person)
	Regional electoral cour	incils

#### electoral councils

### REGION I

President: First member: Second member:	Mr. José Miguel Córdova González Ms. Martha Adriana Peralta Paguaga Mr. Freddy Sánchez Blandón (PLIUN)	Ms. Reyna Arróliga Zamora Ms. Deyanira Valenzuela Lazo Mr. Udo Torrez Resse (PCDN)
	REGION II	
President: First member: Second member:	Mr. Dionisio Palacios Altamirano Mr. Alden Haslam Pineda Mr. Ramón Berríos Guillén (PSC)	Mr. Oscar Munguía Cáceres Ms. Xiomara Paguaga

#### REGION III

Mr. Félix Contreras Reyes Ms. Zobeida Gómez Sandoval Mr. Abel Reyes Téllez (PSC)

### REGION IV

	alena Moreno Requene Mr	. Nelly Miranda Matus . Guillermo Medina Sierra
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### REGION V

President:	Mr. Jofiel Acuña Cruz	
First member: Second member:	Ms. Mirna Rosales Aguilar Ms. Reina Isabel Castro García (PCDN)	
Deposit Member.	·	Mr. Leonardo Icaza Díaz (PSOC)
	DECTON 137	

### REGION VI

### REGION VII

President:	Mr. Ronaldo Siú	Mr. Miguel Abella
First member:	Mr. René Enrique Bent	Miss Ella Hodson
Second member:	Mr. José Luis Acosta Charles (PUCA)	Mr. Marcelo Zúñiga Budier (PSC)

### REGION VIII

President: First member: Second member:	Mr. Ciryl Omier Green Ms. Maura Díaz Mr. Efraín Omier Wilson (PSC)	Mr. Jorge Broors Saldaña Mr. Arlen Kent Enríquez
	REGION IX	

	Man and an for an and and	Ms. Thelma Chamorro Centeno Mr. Blas Pineda Martínez
Second member:		Mr. Roberto Rankin Lockwood (PSC)

ANNEX III

Page from the electoral rolls

0 M ) N ( 900 FORMER DESTRUCACION 9 2 ş NOMBRE COMPLETO Y APELLIDOS Nombre. Junta Receptora de Votos JENETA CINCA # 8 8 3 6 8 8 2 2

ANNEX IV

Accreditation of international observers a/

Name of organization	No. of representatives
Observers from international organizations	
Organization of American States (OAS)	91
United Nations (ONUVEN)	74
Guest observers and courtesy passes	
Acción Permanente Cristiana por la Paz (Permanent Christian Action for Peace)	22
House of Representatives, Republic of Colombia	33 1
CAPEL	6
Casa Nicaragüense de Español	3
Carter Center	10
Centro para la Democracia (Centre for Democracy)	16
Centro para la Educación Mundial (Centre for World Education)	3
Canadian Committee for Democracy	1
Comité de Solidaridad (Nicaragua Solidarity Committee)	î
Comité por la Paz y la Democracia en Nicaragua (Committee for	-
Peace and Democracy in Nicaragua)	2
French Community in Belgium	3
United States congressmen	5
International Council for Adult Education	2
Spanish Embassy	ī
Swedish Embassy	ī
Friedrich Ebert Foundation in Nicaragua	ī
Konrad Adenauer Foundation	$\overline{1}$
British Government/British Embassy	ī
Hemisphere Initiatives	6
Maryknoll Missionary Order	2
Democracy (non-governmental organization)	1
DXFAM Canada	ī
Buropean Parliament	3
GUM, Denmark	ī
/eterans for Peace	- 5
Nashington Office on Latin America	ì

a/ Data provided by CSE. The rules adopted by CSE to govern international observation of the electoral process only establish the categories of official observers from international organizations and guest official observers. The latter include representatives of Governments, Parliaments, foreign institutions or organizations, or eminent persons invited by the President of the Republic or CSE at their own initiative or at the request of other State authorities or political parties or coalitions. In some cases, CSE has given courtesy passes to some institutions or individuals who, at least for now, are not in this category.

ANNEX V

A. Ballot receiving boards (JRVs) visited by ONUVEN, by region

	1,	/10	8/10		15/	/10	_22/	<u>′10</u>	<u>Total</u>		
Region	\$	%	\$	8	\$	8	\$	86	\$	%	
I	31	8.1	61	15.7	45	11.7	92	16.5	229	13.4	
II	25	6.5	45	11.6	36	9.3	48	8.6	154	9.0	
III	100	26.1	109	28.0	138	35.8	147	26.4	494	28.8	
IV	70	18.3	59	15.2	48	12.4	94	16.9	271	15.8	
v	32	8.4	48	12.3	50	13.0	68	12.2	198	11.5	
VI	53	13.8	25	6.4	49	12.7	61	11.0	188	11.0	
VII	37	8.9	33	8.5	12	3.1	9	1.6	88	5.1	
AIII	26	6.8	9	2.3	8	2.1	22	3.9	65	3.8	
ıx	12	3.1	0	0.0	0	0.0	16	2.9	28	1.6	
Total	383	100.0	389	100.0	386	100.0	557	100.0	1 715	100.0	

## B. Armed electoral police in JRVs visited, by region

	Sunda	y 8/10	Sunda	y 15/10	Sunda	y 22/10	Total		
Region	JRVs with armed police	Per cent of total JRVs in region							
I	3	4.9	1	2.2	4	4.3	8	4.0	
II	0	0.0	0	0.0	0	0.0	0	0.0	
III	0	0.0	0	0.0	0	0.0	0	0.0	
IA	0	0.0	3	6.2	0	0.0	3	1.4	
V	14	29.1	7	14.0	0	0.0	21	12.6	
ΔI	0	0.0	5	10.2	7	11.4	12	8.8	
VII	15	45.4	0	0.0	0	0.0	15	21.7	
VIII	1	11.1	0	0.0	2	9.0	3	7.6	
IX	0	0.0	0	0.0	3	18.7	3	7.6	
Total	33	8.48	16	4.14	16	2.87	65	4.87	

### C. Party to which second member of JRVs visited by ONUVEN belongs

	1,	/10	8	/10	<u> 15</u> ,	/10	_22	/10	<u>Total</u>		
Party	\$	96	\$	*	\$	*	\$	%	\$	%	
FSLN	8	3.7	43	19.5	33	15.6	41	10.1	125	11.9	
PLIUN	6	2.8	0	0.0	5	2.4	8	2.0	19	1.8	
PCDN	5	2.3	0	0.0	1	0.5	9	2.2	15	1.4	
PSOC	0	0.0	0	0.0	2	0.9	0	0.0	2	0.2	
PSCN	3	1.4	1	0.5	2	0.9	5	1.2	11	1.0	
UNO	186	86.9	163	73.8	148	70.1	325	80.0	822	78.3	
Did not respond	6	2.8	14	6.3	20	9.5	18	4.4	56	5.3	
Total	214	100.0	221	100.0	211	100.0	406	100.0	1 050	100.0	

N.B. Most of the second members belonging to the FSLN are to be found in the Managua region.

## D. Poll-watchers present in JRVs visited by ONUVEN, by party

4	1	1/10		8/10		15/10		/10	Total		
	\$	₹.	\$	%	\$	8	\$	96	\$	%	
JRV visited	383	100.0	389	100.0	385	100.0	556	100.0	1 713	100.0	
FSLN											
Present	368	96.1	380	97.7	370	96.1	. 542	97.5	1 660	96.9	
MAP-ML											
Present	0	0.0	1	0.3	0	0.0	0	0.0	1	0.1	
MUR											
Present	0	0.0	0	0.0	7	1.8	20	3.6	27	1.6	
PCDN											
Present	39	10.2	42	10.8	48	12.5	87	15.6	216	12.6	
PLIUN											
Present	4	1.0	12	3.1	14	3.6	26	4.7	56	3.3	
PRT											
Present	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	
PSCN				•							
Present	42	11.0	33	8.5	54	14.0	88	15.8	217	12.7	
PSOC											
Present	9	2.3	12	3.1	21	5.5	46	8.3	88 '	5.1	
PUCA											
Present	28	7.3	43	11.1	68	17.7	88	15.8	227	13.3	
UNO											
Present	221	57.7	259	66.6	288	74.8	468	84.2	1 236	72.2	

E. <u>Incidents that occurred during registration at JRVs</u> visited by ONUVEN

	1/	10	8/	8/10		15/10		22/10		tal
Incidents	\$	8	\$	%	\$	96	\$	8	\$_	96
Citizen not allowed to register under protest by poll-watcher	1	4.8	0	0.0	0	0.0	1	2.9	2	1.8
Military presence near	3	14.3	0	0.0	0	0.0	1	2.9	4	3.1
Citizen registered, under protest by poll-watcher	2	9.5	1	3.6	2	7.4	2	5.9	7	6.4
Slow registration/ administrative problems	6	28.6	0	0.0	1	3.7	4	11.8	11	10.
Political groups/meetings near JRV	4	19.0	2	7.1	2	7.4	2	5.9	10	9.
ncident with second member or poll-watcher	3	14.3	4	14.3	7	25.9	7	20.6	21	19.
Public disturbance	2	9.5	1	3.6	1	3.7	3	8.8	7	6.
Party propaganda	0	0.0	2	7.1	1	3.7	2	5.9	5	4.
Incomplete certificates	0.	0.0	7	25.0	6	22.2	2	5.9	15	13.
Entry by unauthorized persons into JRV	0	0.0	3	10.7	0	0.0	0	0.0	3	2.
Registration by soldiers/ people in uniform	0	0.0	1	3.6	2	7.4	0	0.0	3	2.
Inaccredited second nember	0	0.0	4	14.3	0	0.0	0	0.0	4	3.
Change in JRV location	0	0.0	0	0.0	0	0.0	1	2.9	1	0.
Minor incidents	0	0.0	3	10.7	5	18.5	9	26.5	17	15.
		100.0		100.0		100.0		100.0		100.
Total number of visits on which incidents reported	21		28		27		34		110	
Total number of visits on which no incidents						,•		_	<b>F</b>	
reported	362		364		350		522	3	. 598	

### F. Party propaganda at JRVs visited

		1/10		8/10 1		5/10	2:	2/10	Total	
	\$	96	\$	96	\$	*	\$	- %	\$	%
Inside JRV premises										
Yes	6	1.6	7	1.8	3	0.8	3	0.5	19	1.0
No	377	98.4	382	98.2	382	99.2	553	99.5	1 694	98.9
Outside JRV premises										
Yes	19	5.0	13	3.3	13	3.4	14	2.5	59	3.4
No	364	95.0	376	96.7	372	96.6	542	97.5		96.6
Total number of JRVs	383	100.0	389	100.0	385	100.0	556	100.0	1 713	100.0

### ANNEX VI

A.



В.



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