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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 third report of the United Nations Observer Mission to verify the electoral process in Nicaragua (ONUVEN), in the attached document, covers the period from the beginning of the electoral campaign in early December to the end of January. The report analyses issues related to the electoral administration, the development of politico-electoral activities, the mass media and other pertinent questions.
2. Mr. Elliot L. Richardson, the Personal Representative of the Secretary-General, was in Nicaragua from 10 to 16 January 1990. During this second official visit, Mr. Richardson met with the President and members of the Supreme Electoral Council (CSE) and of the Regional Electoral Councils of Bluefields, Juigalpa, Managua and Puerto Cabezas, with the presidential candidates of the political parties and coalitions, and with the leaders of the main political forces of the regions which he visited. He also had an extensive meeting with the President of the Republic. With all these interlocutors, Mr. Richardson tackled the main aspects of the electoral process and discussed the preparations which are going on, with a view to guaranteeing that the voting and electoral process of 25 February take place without any irregularities whatsoever.
3. Mr. Richardson informed me personally of his evaluations of the electoral situation in Nicaragua and the role played by ONUVEN under the direction of Mr. Iqbal Riza.

Third 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 preparation and 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 on the progress of the Mission. In accordance with that request, the Mission has prepared this third report, which covers the main aspects of the electoral process in Nicaragua during December 1989 and January 1990. It deals mainly with the preparations which the electoral authority is carrying out with a view to organizing the electoral process and reducing to a minimum the possibility of manipulations; the consolidation of the electoral authority; the electoral campaign; and the use of the mass media. The members of the Mission, on many occasions, undertook negotiations to achieve a solution of many of the problems dealt with in this report. They are not given specific mention since these negotiations were a normal part of their tasks. The report singles out, because of their importance, some of the negotiations carried out by the Personal Representative of the Secretary-General and some of the topics discussed in the meeting with President Ortega.

Preparations for the third phase

2. At the moment, ONUVEN has a team of 54 officials, excluding the expert consultants who are advising it. It is maintaining permanent offices in all the electoral regions except for Region IX (Río San Juan) which, because of its very low population density, is covered from Juigalpa. For the elections, which are to take place on 25 February, the ONUVEN team will be reinforced with the arrival of at least 160 additional observers. About one third of this number will come from the Secretariat and from the Economic Commission for Latin America and the Caribbean (ECLAC); another third will be made up of officials and experts from organizations and projects of the United Nations who are in the region; and the final third will be provided by the Governments of different countries which have agreed to co-operate in the verification effort. Consequently, the total number of nationalities represented in ONUVEN will be more than 50; this will undoubtedly help to ensure the international dissemination of the details of the Nicaraguan electoral process.

3. ONUVEN has always emphasized the qualitative aspects of the task of observation, and to maintain previous standards during the electoral process will mean a considerable effort. The preparatory tasks began some time ago. A strong statistical and computational team has now been built up. For purposes of information and verification, this team will be able to project the results for internal purposes with a very low margin of error and to produce a parallel tabulation of the results. The team has also incorporated logistical experts to

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organize the complex operation of observing the electoral process. It has begun to prepare agreements with other entities in the United Nations system, particularly the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Observer Group in Central America (ONUCA), which will make it possible to extend the complex infrastructure necessary to support the verification activities. Similarly, although the number of observers and the resources obtained will allow adequate coverage of the electoral process, co-ordination agreements will be drawn up with the Organization of American States (OAS) and with the group of eminent persons led by Mr. Carter, former President of the United States.

II. THE INTERNATIONAL CONTEXT AND ITS IMPACT ON THE ELECTORAL PROCESS

4. In the last two months the international situation has undergone changes which have had and continue to have a marked influence on the electoral process in Nicaragua. The changes occurring in Eastern Europe have certainly had an effect on the local scene and on the positions of the parties competing in the electoral process. However, the most influential events have taken place in the region. The relations between El Salvador and Nicaragua, which had already deteriorated because of the offensive by the Frente Farabundo Martí para la Liberación Nacional (FMLN) and the murder of the six Jesuit priests, became worse at the end of November. The crash of an aircraft allegedly coming from Nicaragua which, according to the Salvadorian authorities, contained arms intended for the FMLN offensive, brought about the suspension of diplomatic relations between San Salvador and Managua. Consequently, the Central American Summit to be held in Nicaragua was postponed. However, after intensive negotiations, a special meeting was held at San Isidro de Coronado, Costa Rica.

5. In the declaration resulting from this meeting (A/44/872-S/21019), on 12 December 1989, the five Central American Presidents requested inter alia that the International Support and Verification Commission (CIAV) should begin the process of demobilizing the FMLN. They also expressed their support to the Government of Nicaragua and proposed that the funds approved for humanitarian aid to the Nicaraguan resistance should be handed over to CIAV for the implementation of the process of demobilization and voluntary relocation or repatriation of the members of the resistance and their families. For its part, the Government of Nicaragua repeated its offer to the Nicaraguan resistance to begin the negotiations designed to ensure that persons repatriated before 5 February could be registered and vote in the elections of 25 February 1990. On 8 January 1990 the first group of members of the resistance arrived in Nicaragua; they had been demobilized within the framework of the agreements reached by the Central American Presidents in Tela, Honduras, on 7 August 1989 (A/44/451-S/20778) and were registered on 22 January in the offices of the Managua Regional Council.

6. Unfortunately, the implementation of the positive agreements reached at the summit was markedly affected by the events in Panama. In Nicaragua the United States action of 20 December induced the Government of Nicaragua to announce a state of maximum alert on the grounds that the United States might intervene in Nicaragua. The opposition argued that the state of military alert which was

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declared throughout the national territory was designed to limit political and civil freedoms and create a warlike atmosphere which affected the electoral process. Statements by the Opposition National Union (UNO) candidates indicating that the United States intervention in Panama had brought into power a "representative and freely elected" Government allowed the candidates of the Frente Sandinista de Liberación Nacional (FSLN) to accuse UNO of causing conflicts which would result in a similar intervention in Nicaragua. The situation, which was already tense in itself, became much worse when United States troops invaded the residence of the Nicaraguan Ambassador in Panama. The Nicaraguan Government responded by expelling a number of diplomats from the United States Embassy in Managua and submitted a complaint which was considered by the Security Council, but a serious deterioration of the situation was avoided. However, the expulsion was viewed in Washington as an attempt to reduce its ability to observe the elections. In this context, the delayed and qualified reaction of the opposition made it easier for the Nicaraguan Government to create the impression that the opposition would support a similar operation in Nicaragua.

7. The most serious development, however, was the publication of a communiqué by the Nicaraguan Ministry of Defence. In its third paragraph it called upon the army and the forces of the Ministry of the Interior to apply, within the framework of the state of maximum alert and "at the beginning of the Yankee intervention ... the plans for neutralizing, cutting down and executing all those recalcitrant and treacherous elements who both openly and covertly had been supporting the intervention ...". ONUVEN immediately expressed its concern to CSE because of the implications of the communiqué within the context of the electoral campaign. This concern was shared by CSE who, in its turn, sent a request for clarification to the Ministry of Defence. The somewhat ambiguous terms of the reply emphasized that the paragraph had nothing to do with the electoral process but referred exclusively to the "legitimate, extraordinary and exceptional measures" which a possible armed intervention would impose on the Government. Subsequently, CSE issued a communiqué reiterating the validity of the Constitution and the rights and guarantees established by it and reminding the Ministries of Defence and the Interior of their duty to guarantee and uphold the rights of all those participating in the present electoral process. At the time of writing this report, the episode appears to have been concluded. However, it is still invoked by the opposition as an example of the Government's warlike attitude, since the communiqué has not been formally withdrawn.

III. ADMINISTRATION OF THE ELECTORAL PROCESS

8. During the period under review, the process of checking the electoral rolls, which was the responsibility of the electoral authority, was concluded and a minor number of registration errors were corrected. In order to facilitate the incorporation of members of the Nicaraguan resistance in the electoral process, CSE authorized special machinery to permit the registration, up to 5 February, of those who have been demobilized. In January the registration of six members of the Nicaraguan resistance was verified. They were demobilized within the framework of CIAV. The distribution of copies of the lists of registered citizens, agreed to during the national dialogue, began on 20 December, when the lists corresponding to

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Region I were distributed. The distribution concluded, with a delay of 18 days over previous estimates, on 12 January. On the basis of these lists, the parties have begun to carry out visits which combine the location of undecided persons with the verification of registrations. The possibility of challenging the entries in the rolls is open until 6 February. Finally, it is worth while pointing out that UNDP has already begun technical assistance activities which will result in a plan to draw up a permanent electoral roll with substantial improvements in the documentation of citizens.

9. As regards the 63 ballot receiving boards (JRV) (most of which are situated in the North Atlantic Autonomous Region) which were unable to operate during some or all of the registration Sundays, there have been no changes, inasmuch as the Ministry of the Interior and the Ministry of Defence have informed CSE that security conditions are such that they cannot be reopened. However, both UNO and the Atlantic Coast Indigenous Movement (Yatama) assert that this is not correct and that the negative reply can be explained by the fact that most of the unregistered citizens are supporters of the opposition. Estimates of the number of persons involved range from 60,000 (according to UNO estimates) to 2,000 (according to the Council's estimates). The figure of 60,000 probably includes all the Nicaraguans who are currently on the other side of the border, and their eventual registration depends more on the demobilization process mentioned in the preceding paragraph than on the opening of the Boards. Although the reopening of these Boards to complete the registration would have a limited numerical impact, its symbolic effect should not be underestimated.

10. As in previous periods, the agreements reached by CSE and the regional electoral councils during the period covered by this report have been analysed. In the case of CSE, all the decisions taken during this period 1/ were adopted unanimously, and attention was drawn once again to the electoral authority's concern to ensure effective implementation of the basic principle that political participation should be broad and pluralistic. This emerges clearly, for example, from the way in which CSE dealt with the applications received from Popular Petition Associations ("Yatama" (North Atlantic Autonomous Region) (RAAN) and "Yatama Multi-ethnic Youth Movement" (South Atlantic Autonomous Region) (RAAS)) to be allowed to register to present candidates for the Autonomous Regional Councils of the Atlantic Coast. These applications suffered from a whole series of shortcomings as regards observance of the legal formalities set forth in the Electoral Act. From a strictly legal standpoint, this would have authorized CSE to raise legitimate objections to the acceptance of the applications in these circumstances, on the ground that the legal requirements had not been duly observed. Nevertheless, after noting that "from the standpoint of the strict implementation of the Electoral Act, both applications are somewhat defective as regards the legal formalities", CSE decided to accept them "in view of the importance of participation by the Popular Petition Associations in the election of the Autonomous Regional Councils of the Atlantic Coast". This is particularly significant since Yatama is the main rival of the governing party in this area of the country.

11. The second report referred to the organization at the regional level of offices dealing with complaints and allegations. When these offices began to

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function, certain problems relating to their operation became apparent. First, the resources allocated to these offices were inadequate, which limited their capacity to process complaints. Second, in most cases - and certainly in the most serious cases - the bodies which must take action are the ordinary criminal courts, whose procedural timetable is not geared to the rhythm of the elections but is designed to protect the rights of the people involved in the cases concerned. In most cases - the exception being questions of lesser importance which are dealt with by means of a summary procedure - no action can be expected of the courts in the short term. Nevertheless, it would be desirable to follow these cases more closely and transmit them to the courts more quickly. Third, in the limited areas coming within the direct jurisdiction of the electoral authority, some of the parties submitting allegations do not provide evidence for the allegations or sufficient grounds for their cases, thus preventing the regional electoral councils from considering their claims. Although most of the questions mentioned are not within the Council's control, the Council could be expected to take more energetic action. Seeking to make up for these shortcomings, and given its limited enforcement powers, the electoral authority has resorted to arranging agreements between the parties to avoid acts of violence and raise the level of the electoral contest: such agreements have been reached in most of the regions and at the national level. It should be noted that despite the difficulties which exist, the decentralized handling of complaints makes it possible to process them more efficiently in the regions.

12. Another important area of the Council's activities is heightening the awareness of the electorate through a massive civic education campaign funded by the Governments of Canada, Norway and Sweden. Messages focused initially on the importance of voter registration and, once the election campaign began, respect on the need to other peoples' views and to reject violence. For the remainder of January and in February, the education campaign will emphasize voting procedures and the need for a secret ballot. The characteristics of this campaign and the complete impartiality of the messages transmitted again bear out the positive comments made about the Council's action.

13. The Council has made considerable progress in defining in detail the procedures to be used on election day. The opposition coalition conveyed its main concerns to the Mission, most of which have already been adequately met by decisions of the Council. ONUVEN brought in a time and motion expert with considerable electoral experience, who is helping to design the procedures to be used at polling tables with large numbers of registered voters and to find solutions to outstanding problems. From the Mission's standpoint, the technical precautions taken by the Council, which include monitoring of the special paper used to make ballot-papers, the sealing of ballot-papers, the use of indelible ink to mark voters' fingers, the provision of signed copies of vote count certificates to poll-watchers and international observers, the latter's participation in all stages of the electoral process, and other similar measures, all minimize the possibility of major irregularities.

14. ONUVEN, for its part, is busy designing its own observation mechanisms so that it can verify the conduct of the elections properly. However, it must be reiterated that no matter how refined the verification instruments used, the

observers are no substitute for the political parties' poll-watchers, whose presence at every JRV will be the opposition's best guarantee that the elections are genuine.

IV. CONDUCT OF THE ELECTORAL CAMPAIGN

A. Internal financing of the electoral campaign

15. With regard to State financing, on 19 January CSE made the funds for the municipal elections at the disposal of the parties. The funds in question were distributed in accordance with the criteria laid down in the Electoral Act. The Act permits the donation of funds by Nicaraguan citizens residing in the country, and the parties must inform CSE of the total amounts. Although all the parties have received contributions from this source, none of them has supplied the corresponding information, and CSE has not attempted to apply the provision in question in view of the difficulty of doing so at all effectively. It is extremely difficult to obtain reliable information in this area, and it has only been possible to hold a number of interviews with party officials. In the case of FSLN, a good proportion of the internal funds collected come from the subscription of certificates and from contributions from party members. In the case of UNO, the amount of local funds collected appears to be seriously affected by the picture of abundance created by the extensive publicity surrounding the funds approved by the United States Congress in connection with the Nicaraguan elections, a subject that will be taken up again below. However, UNO has been able to obtain limited funds in the form of contributions from supporters, which have enabled it to continue its campaign. The other parties' source of financing is contributions from their supporters. However, the most significant contribution to the campaigns is, without question, voluntary work by party militants and sympathizers, and in this area there are substantial differences between the parties.

B. External financing of the electoral campaign

16. In order to aid comprehension of the complex situations that have arisen in connection with the external financing of the Nicaraguan electoral process, it would appear to be desirable to cite the basic rules laid down in the country's laws:

(a) Fifty per cent of the total amount of external donations from any source to political parties is paid into the "Fund for Democracy" foreseen for the financing of the elections and administered by CSE. The remaining 50 per cent is handed over to the party concerned;

(b) In the case of contributions in kind, consumer goods intended for electoral publicity are not subject to the 50 per cent contribution, whatever their value;

(c) In the case of capital assets, the first \$US 20,000 is likewise not subject to the 50 per cent contribution, and 50 per cent of the value of the remainder is to be deposited;

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(d) Article 128 of the Electoral Act provides that materials for electoral publicity may be imported duty free;

(e) In the case of donations to non-party bodies, the rules laid down in the Electoral Act are not applicable but, rather, the rules relating to external co-operation, laid down in 1986, which prohibit donations to commercial enterprises and require that the establishment of non-profit associations be approved by the National Assembly.

17. The parties have received substantial contributions in kind (T-shirts, lighters, stationery, office equipment, loudspeakers, megaphones, hats, etc.) whose value is difficult to assess. However, from information obtained from CSE, it may be estimated that in the case of UNO, the value of such contributions exceeds \$US 200,000, and that in the case of FSLN the corresponding figure is much higher. Some of the other parties, particularly those with international connections, have received contributions of lesser value.

18. In the case of contributions in cash, according to CSE, contributions in an amount of \$US 420,000 to FSLN have been recorded, and FSLN has already paid the corresponding 50 per cent to the Fund for Democracy; an amount of \$US 1.8 million has been channelled to UNO through the Agency for International Development (AID) and the National Endowment for Democracy (NED) (an equal amount goes to CSE). The rules governing the use of funds allocated by Congress to NED for UNO prohibit use of the funds for the direct support of candidates, and the funds therefore may not be used for either recruiting supporters or political campaigning. Consequently, most of the funds (approximately 75 per cent of the amount of almost \$US 1.8 million allocated) are being used to purchase vehicles, and most of the remaining amount is being used to purchase office equipment. As the present report was being prepared, the vehicles were in Nicaragua but could not be used because the customs authorities were requiring payment of import duties, since they did not regard vehicles as "materials for electoral publicity", which may be imported duty free under article 128 of the Electoral Act. In the processing of those funds, there had been delays and bureaucratic problems that in some cases do not seem strictly necessary. Following a number of public protests by UNO, President Ortega requested the Central Bank to pay out the funds required. Payment of customs duties, another of the problems raised by UNO, was resolved through the granting of credits and guarantees by the Central Bank.

19. More than \$US 1,500,000 in United States funds is being channelled through the Institute for Electoral Promotion and Training (IPCE). Even though IPCE is a civic association without party affiliation, the fact that all its leaders are politicians of note in UNO and that the use of the funds is closely linked with the solution of questions raised by UNO (verification of the electoral rolls, training of poll-watchers from the opposition coalition, etc.) has the effect of transforming the question of the funds into a political issue, although one that is outside the competence of the electoral authority. The Government argues that IPCE has not taken the necessary steps to assume the legal form required by law, that some of the delays are due to the handling of the donation by the United States bureaucracy and that, ultimately, IPCE is simply a front erected by UNO to avoid the contribution laid down in article 124 of the Electoral Act. UNO alleges that

FSLN is using bureaucratic excuses to prevent the opposition coalition from obtaining these funds and is thus undermining its electoral campaign.

20. As the question has been framed and given the complexities implicit in the strict interpretation of the legal issues involved, there is little sense in going deeper into this kind of analysis. The solution of the problems involved depends on a political decision by the Government. This would involve finding solutions of different types to questions related to the way in which the United States support was handled. It would seem advisable to be as flexible as possible in interpreting the legal texts, as CSE has already done in similar circumstances, in areas within its competence, by making interpretations and taking decisions which facilitated the opposition's participation in the electoral process. These matters were raised by Mr. Richardson in his talks with President Ortega. At the time of completing the present report, there was news of an agreement arranged by former President Carter ^{2/} that would permit the use of the funds by IPCE leaders, under CSE supervision. The delay in obtaining these funds undoubtedly had repercussions on the electoral campaign.

21. Finally, the non-UNO opposition parties have complained constantly that they are at a disadvantage, firstly, because of the advantages allegedly enjoyed by the governing party and, secondly, because of the financing of UNO by the United States Government. However, the equal distribution of free television time gives the smaller political groups a comparative advantage and UNO itself has protested against what it considers to be a biased distribution of such time. The fact is that the polarization which has characterized the campaign, together with the unequal financial possibilities, is an obstacle which it is difficult for the small parties to overcome.

C. Basic characteristics of the electoral strategies of the different parties

22. In the following paragraphs, we shall attempt to analyse the main characteristics of the electoral strategies pursued by the different parties and the extent of their electioneering efforts. This is important because the opposition has a definite tendency to assume that the governing party's only effective weapon is its control and abuse of the State apparatus, and not to attach sufficient importance to the organization of the campaign, the number and commitment of FSLN members and other clearly legitimate aspects of the electoral contest. The main complaint heard from the non-UNO opposition parties, who have been hurt by the obvious polarization that has taken place, is that FSLN and UNO, for different reasons, have considerably greater resources at their disposal and that it is impossible therefore for the other parties to put across their electoral messages which, in their view, should have an equal opportunity of reaching the electorate.

23. FSLN has launched an intensive, well-organized election campaign with a high level of involvement on the part of its presidential and vice-presidential candidates, something which would be completely unnecessary if, as some opposition sectors maintain, it could win the elections by means other than the electoral

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contest. Campaign messages focused initially on discrediting the main opponent for its ties to the former Somoza régime and to the contras and, on the positive side, on equating an FSLN electoral victory with peace. More recently, they seem to be emphasizing the irresponsibility of the opposition's platform and the advantages and realism of the FSLN platform. The content of television slots and messages is more positive and invokes life, happiness and youth. The campaign is based on such conventional elements as rallies attended by candidates from different levels of the party, 3/ radio and television publicity slots, mass distribution of T-shirts, hats and other publicity items and the establishment of a wide network of campaign offices. The number of rallies, campaign offices, radio and television slots and T-shirts is significantly higher than for other parties. The Front's campaign has also included, from the outset, such novel elements as the holding of American-style public conventions and the inclusion of non-party candidates. The Front often takes part in country fairs, religious celebrations, etc., at which it is usually the only political party present. There is a high degree of involvement of party members, and this is one of the Front's main advantages. Members volunteer their time and provide most of the premises used as campaign offices.

24. The UNO coalition has been formed recently and includes certain parties which have existed for a long time such as the Communist, Socialist, Liberal Independent and Liberal Constitutionalist Parties with structures that are well established. They also include certain trends and movements which took shape as parties within the context of the transitional provisions of the Electoral Act, which simplified the machinery for forming political parties. Although all these groups represented previous political trends, their structures suffered from serious limitations. The opposition coalition had to tackle the problems of selecting candidates at three levels, of defining joint programmes, and so on. In the case of municipal and regional councils, elected for the first time by popular vote, an effort was made to present 1,790 candidates in the 130 municipalities and also 180 candidates for the regional councils of the Atlantic Coast, which was extremely difficult. In view of the magnitude of these tasks, the fact that it was possible to establish a national campaign organization is indicative of the dedication of the campaign organizers. The UNO strategy is structured in a more traditional way than the Front's. It has been based on a number of rallies and marches with the presence of their presidential candidates in the interior of the country, at the week ends, and a considerable number of marches and rallies on a small scale in districts of Managua on weekdays. UNO slogans emphasize the failure of the Front to fulfil its promises and demand the abolition of military service; more recently, they have concentrated on the severe economic problems, the lack of work and other similar topics. UNO television programmes are technically sound 4/ and one of UNO's main slogans is to advocate freedom rather than totalitarianism. It also uses slogans popular in other contexts: No pasarán, El pueblo unido jamás será vencido, we shall overcome, etc. There is also an intensive radio campaign. The distribution of T-shirts, hats and other publicity materials is much more limited than that carried out by its main rival. It seems unlikely that there will be major changes in this campaign strategy except that there will be large-scale closing meetings before the election.

25. The other parties have made much less use of public rallies. Only the Social Christian Party (PSC) appears to have used them more or less systematically. PSC

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and the Conservative Democratic Party of Nicaragua (PCDN) have developed an extensive radio and newspaper campaign. We might also mention the newspaper campaign of the Revolutionary Unity Movement (MUR). The limited resources of the other parties have affected the progress of their campaigns, which are confined to the small-scale distribution of printed and graphic materials, home visits, seminars and meetings which are restricted in scope. The inauguration of campaign offices has also provided opportunities for canvassing. In all these cases, the parties have made maximum use of the free opportunities provided by Elecciones 90 and other similar programmes initiated by certain State and private radio stations.

D. Public rallies and demonstrations

26. As pointed out in the previous paragraph, public rallies and demonstrations have been one of the most important components of the campaign strategies of the main contending parties. It is only recently that the parties have begun to use these public platforms to present their programmes. During a large part of the initial phases of the campaign, most of the speeches consisted of harangues and attacks on opponents. As a result, national newspaper coverage is based, not so much on the message conveyed, as on the number of participants and their enthusiasm, on photographs and, of course, on any element of intimidation or violence that may exist. 5/ In the case of the international press, the bias is much more marked: practically the whole of the coverage of public rallies in Nicaragua is limited to those in which there are acts of violence, with a marked preference for rallies in which there are victims or which happen to be observed by groups of foreign visitors.

27. This slanted coverage results in the formation of a distorted picture of reality in at least two aspects. The first is the proportion of cases in which acts of violence or intimidation have been verified. The second is the actual participation of observers or visitors in this kind of rally. The table below contains information on the number of public rallies held by each party from the beginning of the electoral campaign, on the acts of violence or intimidation occurring at them and on the presence of observers or visitors.

Table - Demonstrations and rallies since the beginning of the electoral campaign

Party	Number of rallies <u>a/</u>	Rallies with		<u>Observers present c/</u>	
		episodes of major violence <u>b/</u>	episodes of minor violence	ONUVEN	OAS
FSLN	148	-	2	52	74
UNO	94	1	8	80	66
Others	12	-	-	11	-
TOTAL	254	1	10	143	140

Notes:

a/ The table is limited to rallies which, because of their importance, were mentioned in the press. To these have been added rallies which, although not mentioned in the press, were observed by members of the Mission. Small local rallies are not included and therefore the proportion of incidents in the real total of rallies is overestimated. FSLN held 203 rallies not reported in the press.

b/ Episodes of major violence are considered to be those in which there were deaths or injuries requiring hospitalization, and episodes of minor violence as the remaining cases of injuries or intimidation of the participants, exchange of insults or disputes, etc. Six of the cases included in the table as minor episodes relate to this last group.

c/ In some of the rallies observers from other organizations were present. These include the Center for Democracy, present at four rallies, including Masatepe; the Carter Center, International Ecumenical Observers and Hemisphere Initiatives/LASA.

28. The data given in the table suggest a picture that is different from the one which emerges from the newspaper reports: the proportion of rallies by UNO at which incidents - very minor - occurred is 8.5 per cent of the total and only one - Masatepe - gave rise to serious incidents. Observers were present at most of them. The occurrence of acts of violence over the period under review presents cyclical features. During the period of voter registration everything was completely normal. In the first two weeks of November there were some incidents which, after a brief period of calm, broke out again at the beginning of December. These culminated in the events at Masatepe where the most violent acts of the whole campaign occurred.

29. The events of 10 December in Masatepe seized the attention of all the participants in the electoral process and made the search for solutions all the more urgent. On 1 December CSE convened a meeting of all the parties to discuss the subject of violence and to reach agreements similar to those that had been drawn up in a number of regions. FSLN put forward a proposal which reiterated the support of the parties for the agreements reached by the Central American Presidents in the meeting at San Isidro de Coronado (A/44/872-S/21019) and for the demobilization of the Nicaraguan resistance, the adoption of the undertaking to respect the principles of the Code of Electoral Ethics and a request to government authorities to emphasize equitable newspaper coverage and the access of all parties to media owned by the State. Since the meeting was urgently convened, the representatives of the parties were not prepared for the discussion and they had to consult their superiors before adopting the undertakings that had been proposed. Ten days later, following the events at Masatepe, CSE again convened an urgent meeting of the parties in which FSLN reiterated its proposal, with minor adjustments. The legal representative of UNO expressed his approval subject to an undertaking by FSLN that it would be effectively carried out. To this the representatives of FSLN agreed. There followed a break in the discussions during which the party leaders could analyse the subject and make proposals. When the discussion resumed, UNO presented a new document which endorsed some of the proposals made by FSLN. It added a long list of suggestions that were not related to the subject of electoral violence. It mentioned the release of the 39 former Somoza guards who were still being detained and numerous details concerning the procedures to be adopted on the day of the elections. After a recess, the discussions were concluded and the eight parties present signed a brief document containing a strong appeal for tolerance and moderation and expressing support for demobilization. Two days later UNO published a communiqué in which it expressed its approval of the appeal for a cessation of violence included in the agreement signed by the other parties.

30. Since the incidents at Masatepe and up to 25 January, about 220 public demonstrations have taken place without the occurrence of any significant acts of violence. 6/ The presence of the police with the prior knowledge of the organizers constituted a positive factor. The major demonstrations at least were attended by senior officials (in some cases the Vice-Minister of the Interior himself) so as to ensure that there were no hasty reactions from officials of lower rank. The reaction of the parties was generally favourable, although some of the candidates strongly criticized the presence of the police, 7/ which brought about some tense situations. Although there will probably be isolated and minor incidents in the future, the subject of violence in public demonstrations does not appear today to be cause for concern.

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E. Special characteristics of the Atlantic Coast

31. Before considering electoral campaign developments and any irregularities observed during the campaign, reference should be made to some specific characteristics of the Atlantic Coast which make it different from the rest of the country. The area in question is extensive and sparsely populated. Its participation in the economy is marginal, basically consisting in fishing, livestock raising and declining mining activity in the north-east of Region VII. However, the most distinctive feature of the North Atlantic Autonomous Regions and the South Atlantic Autonomous Regions is their ethnic diversity: Miskito Indians, who are the predominant ethnic group, and Sumo Indians, B/ as well as mestizos, Ladinos and criollos. The relationship between these groups and the Central Government ("the Spaniards", as they are called locally) has traditionally been difficult and characterized by conflict, and the Atlantic Coast was the scene of major clashes involving groups of Miskito origin. The conflict situation and pressures for regional autonomy led to the recent approval of a statute for regional autonomy, with the result that no elections to municipal councils are being held in the region but, rather, to the autonomous regional councils provided for under that law. The region has no tradition of organization along party lines, and in fact FSLN is the only party established in the Atlantic Coast. Precisely because of the disinclination of the population of the Atlantic Coast to form political parties, the Electoral Act provided the possibility for candidates to be put forward by popular petition associations, information on which was given in previous reports. For the forthcoming elections, one association, Yatama, has been set up, which is presenting its own candidates for election to the autonomous regional councils. Lastly, attention should be drawn to the population's low level of involvement in the national elections, which they see almost as something that does not concern them by contrast with the importance attached to the elections to the autonomous regional councils.

F. Military action

32. The main difference between the regions is in the level of violence there. One of the main components of this violence is military clashes with the Nicaraguan resistance. The map in annex III shows the geographical distribution of acts of violence recorded in November and December, and their concentration in Regions I, V and VI is clear. FSLN, whose candidates and leaders have been the targets of such attacks, attributes them either directly or indirectly to UNO and is using them as part of its election campaign, arguing that UNO has been somewhat reluctant to condemn the incidents outright and that its leadership includes former leaders of the Nicaraguan resistance. It seems clear, however, that the opposition coalition has nothing to gain electorally from such incidents and the mere fact that it shares the same opponent with the Nicaraguan resistance does not automatically mean that it shares responsibility for what they do. The leaders of the Nicaraguan resistance, for their part, have denied any involvement in the incidents, insisting that their soldiers have orders not to initiate offensive military action. It has generally been argued that many of these incidents can be attributed to Nicaraguan resistance groups acting on their own and without supervision from above.

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33. However, even if those responsible for such acts of violence are not involved in the electoral contest, their actions have the definite effect of intimidating party members and candidates in regions where the Nicaraguan resistance is most active and thus have an adverse effect on the electoral process. The considerable number of victims of such actions naturally increases the level of intimidation. Many of the complaints lodged by FSLN also refer to other acts of intimidation by members of the Nicaraguan resistance which, even if they do not cause injury, are designed to coerce the peasant population into voting for the opposition coalition. The fact that such pressures have not had more impact in terms of the withdrawal of FSLN candidates can be attributed to the cohesion among FSLN members, which is greater in conflict areas.

G. Other acts of intimidation

34. The main characteristic of the period covered by this report was the massive increase in complaints of acts of intimidation, threats, harassment, attacks on and arrests of candidates, JRV members, poll-watchers and even voters. This is true both of complaints lodged by FSLN and complaints lodged by the opposition, particularly UNO, although the type of intimidation reported varies according to the complainant. Most FSLN complaints concern activities attributed to the Nicaraguan resistance and were commented on in the preceding paragraph. Complaints by the opposition usually refer to threats of physical aggression, loss of employment, damage to property, threatening letters or telephone calls, etc. One particularly important category of acts of intimidation relates to withdrawals by candidates for elective office, which the opposition coalition maintains are due mainly to pressures exerted on the candidates in question. FSLN, for its part, has used these withdrawals and some of the letters explaining them as a focus of its campaign, in an attempt to reinforce the negative image which it is trying to create of its main opponent.

35. Of the candidates for regional and municipal councils, 354 withdrew or were removed for various reasons from the lists originally submitted by political parties and 51 were replaced, as can be seen from the figures in annex I. Although the numbers appear significant in absolute terms, it must be borne in mind that they account for just 5.7 per cent of all candidates originally presented by the parties. If we consider only those candidates who asked to be removed from the lists, we arrive at a figure of 53 (2.5 per cent of all candidates), slightly over half of whom (79) are UNO candidates and almost a quarter of whom (34) are candidates of the Social Christian Alliance (ASC). Because of this marked concentration, we shall focus on these two cases, particularly that of UNO. The impact of the withdrawals on the actual elections is insignificant, for many of the candidates who withdrew were alternates or stood very little chance of being elected. There is little likelihood that the withdrawals will affect the parties' possibilities of representation if they obtain a majority of the popular vote. We shall focus therefore on the reasons for the withdrawals, in particular the possible relationship between withdrawals and acts of intimidation, and on their psychological impact on other participants in the electoral process.

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36. During the second half of December and the first half of January, ONUVEN conducted a number of interviews with candidates who had withdrawn, 9/ with leaders of their parties, and with other key people. Although a large number of interviews were conducted, it would be a mistake to try to tabulate the results, given the difficulty of establishing clear categories in some situations and the varying degrees of reliability of the information provided in others. 10/ A careful reading of the information obtained from the interviews suggests the existence of three main withdrawal scenarios, however.

37. In the first scenario, the reasons for withdrawal are normal in a political situation as complex as that in Nicaragua and do not make the electoral process any less genuine. This category includes a whole range of situations, such as the nomination of candidates without consulting them first, unfulfilled expectations of financial gain, internal conflicts among the local leadership, political and ideological differences, etc. Most withdrawals from the non-UNO opposition parties and roughly a third of those from the opposition coalition would seem to belong in this category.

38. In the second, somewhat less prevalent, scenario, minor pressures combined with a low level of commitment on the part of the candidates who withdrew. Even in the grey area between persuasion and intimidation, there are cases where veiled insinuations were made which did not really amount to threats or, more often, cases where financial promises were made. The fact that these situations arose was due in part to the difficulty of nominating a very large number of candidates at a time when the opposition coalition was still in the process of formation. This led to the selection of candidates who were only marginally involved with the opposition and even, in one extreme case, the inclusion of FSLN members on the UNO list of candidates.

39. The third and last scenario involves cases in which there is significant evidence of intimidation. We shall not deal here with intimidation of FSLN members by members of the Nicaraguan resistance, since that was dealt with in paragraph 33. In the case of UNO, most complaints concern areas where there have been, and continue to be, high levels of military activity, and often include long-standing personal feuds. In the cases reported, pressures range from damage to property (homes, cars, etc.) to death threats. Complaints usually involve members of the State Security Department, either individually or collectively. The geographical distribution of such cases and the different forms they take do not so much suggest that these are centrally planned acts of intimidation as that they are the work of party members who think they are helping their party by such reprehensible acts. This is none the less a serious problem and the persistence of such incidents could undermine the credibility of the electoral process. The nature of the pressures and the virtual impossibility of gathering sufficient evidence to bring legal action in such cases mean that the best hope of eliminating them would be for the ruling party to put constant pressure on its members and to emphasize the damage which such attitudes do to the party. This was one of the main requests that Mr. Richardson put to President Ortega in his conversation with him as candidate of the ruling party, and the President pledged his best efforts to that end.

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40. There is a second aspect of the situation which seems particularly dangerous. From the standpoint of the conduct of the electoral process, the large number and even the seriousness of such acts of intimidation is only part of the problem. The fact that they have begun to occupy a prominent place in the campaign is changing the way in which the latter is being conducted. Candidates refer to intimidation more often in their public speeches. The opposition press refer to it constantly and it is not always easy for the reading public to distinguish between references to real acts of intimidation, which amount to a restriction on freedom of expression, and references to lawful action by the authorities involving political figures. At this point, claims of intimidation may, like other campaign issues, come to form part of the electoral contest. In an election campaign in which each side is making every effort to discredit the other, mutual allegations of intimidation are taking up far more space than discussion of the contestants' platforms. The risk inherent in such an attitude is twofold: on the one hand, these constant references to attacks and intimidation can themselves become an incitement to violence and, on the other, they may become a self-fulfilling prophecy and trigger withdrawals by candidates, JRV members or poll-watchers whose perception of reality is coloured by these exaggerated messages.

H. Abuse of State property

41. The use of trucks with official licence plates continues to be observed at FSLN rallies. The opposition does not usually lodge specific complaints, which in this case would be particularly easy to back up with photographs or similar evidence. Complaints about this practice come under the general heading of complaints about abuse of State-owned property. FSLN maintains that in most cases the vehicles are rented from one of the public enterprises involved in such activities and that, in some other cases, public sector trade unionists use the vehicles and it is not easy to monitor them. It points out that these vehicles can also be rented by the opposition, and the Ministry of Transport has issued a communiqué to that effect. The opposition says that in practice it is not easy to gain access to such vehicles and that even private transport operators which would be prepared to rent out their vehicles for opposition rallies are under pressure not to do so.

42. A second area in which abuse of State-owned property has been observed is the existence of paintings or murals on the outside or inside of public buildings. ONUVEN has chosen to concentrate on these cases and not to treat as unlawful slogans painted on such public property as retaining walls, pavements, lamp posts, etc., given the practical impossibility of monitoring the painting of slogans on such property. As before, election-related murals, posters and slogans are still to be found in public buildings, especially in the regions, notwithstanding precise instructions issued in that connection by CSE.

43. During his meeting with the President of the Republic, the Personal Representative of the Secretary-General expressed concern at these problems and the President pledged his personal support for efforts to solve and correct any remaining shortcomings. ONUVEN has also asked political parties to make specific complaints, where appropriate, about abuses in the areas mentioned.

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V. THE ELECTORAL CAMPAIGN IN THE MASS MEDIA

44. The bias observed in the mass media constituted a serious concern in the initial periods of the electoral campaign. The second report of ONUVEN (A/44/834) severely criticized the violence and the lack of impartiality of the reports transmitted both by the State and private media. 11/ During the time that has elapsed since then, considerable progress has been made, although some problems still remain. These will be dealt with in the following paragraphs when the situation of the different media will be considered. They were discussed at the meeting between Mr. Richardson and President Ortega.

45. At the beginning of the electoral campaign the teams engaged in monitoring and analysing the communication media were reinforced. At the moment six persons in Managua are engaged in this task. The regions have been provided with the equipment necessary to record samples of political broadcasts from local stations and training has been given to the personnel concerned so that they can analyse the contents of the information gathered. So far, in its archives, ONUVEN has assembled 232 hours of televised broadcasts and 210 hours of radio broadcasts containing news and political programmes, publicity spots and other relevant material.

The present television situation

46. During the period under review there have not been any significant changes in the television programming. Channel 6 is continuing the programme entitled Elecciones 90, with a new format from 6 to 7 p.m. and daily since 12 January. Noticiero Sandinista is transmitted daily by both channels from 8 to 8.30 p.m. and recently this has been extended to 8.40 p.m. The paid time slots established by the Electoral Law (3 1/2 hours per day per party) are transmitted by Channel 6 after 9 p.m. Outside of this timetable there is free contracting, as on Channel 2. The parties are making very limited use of the time provided for under the law. Indeed, during the week of 16 to 23 January only FSLN and PSC made full use of their time. UNO and PCDN used about seven minutes each. For its part, the opposition coalition has decided to transmit its Noticiero Independiente - which gives the UNO viewpoint - for 10 minutes three times a week on Channel 2 where the rates are substantially lower.

47. Noticiero Sandinista, whose considerable bias was criticized in the second report of ONUVEN (A/44/834), has substantially improved the allotment of its time. A comparison of a random sample of broadcasts in the months of October and January indicate that a number of changes have taken place. First, FSLN begins to appear as a party and as an electoral contender instead of reflecting its activities through reports dealing essentially with governmental questions. The time devoted to the opposition coalition increased in January and it is now equal to that allotted to FSLN and the comments dealing with Government topics have decreased significantly. The amount of time allotted to the non-UNO opposition is still small and occupies scarcely 3 per cent of the total Noticiero Sandinista.

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	<u>Average times in</u>	
	<u>October 89</u>	<u>January 90</u>
FSLN	2' 02"	3' 42"
UNO	1' 08"	3' 54"
Other opposition parties	2' 11"	0' 59"
Governmental activities	5' 09"	3' 08"
Other subjects	19' 30"	18' 19"

Source: Prepared by ONUVEN on the basis of a programme sample.

48. The main television programme forming part of the electoral coverage, Elecciones 90, not only has increased in frequency but also has substantially improved its format. Three days every week, a representative of one of the political parties, in turns drawn by lot, speaks for three minutes and then is interviewed by three journalists representing media of different ideological backgrounds. The programme receives direct telephone calls from unselected viewers and a mobile unit offers the microphone to citizens who wish to speak. 12/ Under this format, two parties participate every day, with 30 minutes allotted to each. Two days a week, there is a direct debate of one hour between the candidates of two parties, who are asked questions by three journalists alternately and take turns in making replies of three minutes each. The two parties agree previously on the subjects of discussion and on their representatives. In the much publicized debate between FSLN and UNO on economic questions, one of the journalists represented SSTV, one La Prensa and one the Financial Times. The programme Elecciones 90 has not only considerably improved in quality but it has also reached a high level of impartiality.

49. However, there are still certain areas in which it is important to secure improvements. There are a number of publicity spots outside of the time reserved for political parties which are obviously designed for canvassing purposes. For example, in one of them, one of the protagonists of a popular Brazilian television series, after greeting the Nicaraguan people, ends his message by stating that in 1990 "Everything will be better", one of the slogans of the FSLN campaign. If the real aim is to achieve a State television service which is entirely impartial, this type of infraction should be eliminated or, alternatively, non-party organizations close to the opposition should be allowed to transmit messages with a similar subliminal content. Another area that might be improved is in the treatment given to the opposition in Noticiero Sandinista. While undoubtedly the excesses that were criticized in the second report (A/44/834) have been eliminated, the picture given of the opposition is still essentially negative. Finally, the time slots allocated for party broadcasts are too late and it would seem reasonable to establish more flexible hours.

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A. The situation in the written press

50. The three national newspapers still have the basic characteristics described in the previous report, and tables 1-5 in annex II provide information on this subject. 13/ The tables show, firstly, the large amount of space set aside for political and electoral topics and the increase in the amount of space set aside for such purposes in January, which was particularly pronounced in the case of La Prensa (table 1). They also show that complaints and allegations are habitually used by La Prensa in putting forward its arguments on the electoral process (table 2). Tables 3 and 4 provide information on the extent to which each daily newspaper provides coverage on each party, on the Government and on organizations with links to the parties. The data supplied in the tables confirms the polarization of the newspapers in question and the concentration of attention on news, whether positive or negative, about FSLN and UNO, as well as the intensity of the anti-Government campaign waged by La Prensa. Lastly, table 5 analyses the distribution of space set aside for paid advertising in each newspaper, and shows the increase in the intensity of the electoral contest as election day approaches. La Prensa has doubled the amount of space sold to UNO and has begun to include publicity for other parties, whereas Barricada has tripled the amount of space sold to FSLN. El Nuevo Diario continued and even stepped up its diversification policy in January. The use of extremely violent language and the constant denigration of adversaries continue, as do the usual discrepancies in factual accounts, depending on the stance of the newspaper reporting the facts. The violent language used has consistently been a matter of concern for CSE, and some of the steps taken in that connection will be commented on below.

51. The weekly La Crónica differs in a number of ways from the three mass circulation newspapers referred to above. Even though it has a much lower circulation its impact is considerable in the Nicaraguan political context, since it is aimed at a readership made up of politicians, intellectuals and professionals, who are themselves public opinion-makers. Although its ideological stance is clearly defined and its editor supports the opposition in the electoral contest, 14/ La Crónica makes room for articles representing various trends and has sought, from the outset of the electoral process, to reflect the views of different candidates, having held a series of interviews with prominent individuals representing the Government, the Front, UNO and the non-UNO opposition parties. Another major difference between La Crónica and the mass circulation newspapers is the analytical content of some of its articles. Topics such as the implications of the elections for the Nicaraguan political system, the types of political system in conflict, and political proposals, which are almost entirely missing from the daily press, are put forward and discussed in La Crónica. Similar comments could be made about other periodicals, such as Análisis, Envío and Pensamiento Proprio, which, like La Crónica, have well-defined ideological stances. However, they have less direct impact on the electoral process, since one of them is a publication dealing with economic issues and the others are publications with a more academic content that therefore focus less on the current electoral situation as such.

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B. The situation regarding radio stations

52. Even though radio broadcasting is the most widespread means of communication in Nicaragua, it is being undervalued in the electoral campaign. It seems that the ability of radio to reach audiences of potential voters who do not have access to the written or visual media is not being fully used by the contending political forces. This is particularly true of the regional radio stations. Both at those stations and at the national stations broadcasting from Managua, the political parties have been given access to a number of free programmes that have been made available to them as forums for political discussion, debate and interviews with party leaders. These invitations by radio stations have not been received as favourably by political candidates as might have been hoped, and some candidates turn down the invitations. In our view, this open-door policy is particularly appropriate for and particularly useful to the small political parties, which have a limited ability to finance paid debates. There are indications that it is the political parties that deny themselves access to certain radio stations, either for financial reasons or for lack of ideological affinity with the stations and therefore with their respective audiences. None of the radio stations that sell time-slots to the electoral contenders distorts the views of or denies access to any political party, provided that the parties act in accordance with CSE rules and that their publicity complies with the Code of Electoral Ethics.

53. Where the State radio stations are concerned, La Voz de Nicaragua includes in its programming advertising spots for FSLN, UNO, PSC, PCDN and CSE, as well as messages from the President of the Republic to all Nicaraguans. La Primerísima includes spots for FSLN, PSC, PCDN and CSE. Radio Liberación includes spots for FSLN, UNO, PSC and PCDN. Radio Insurrección runs spots for FSLN, PCDN, UNO and the Central American Unionist Party (PUCA). Radio Pancasán runs spots for FSLN, UNO, PCDN and PSC. Where the private broadcasting stations are concerned, the range of parties running spots is wider, but none the less in keeping with the stations' basic ideological stances, and in addition to the parties' advertising spots there are the advertising spots of various civic organizations, such as the Unión de Juventud Democrática, the Central de Trabajadores de Nicaragua, the Unión de Productores de Nicaragua and Vía Cívica. In the case of Voz de Nicaragua, there is a phenomenon similar to that mentioned in connection with the Sandanista Television System (SSTV), in that it broadcasts information on the forthcoming activities of sectoral and national organizations clearly linked to Sandinism, which is construed - rightly - by the opposition as disguised FSLN publicity. More direct instances have been pointed out, such as exhortations to vote for the Front. The State radio station's rates were set by CSE at their April level (in dollars, in view of the high rate of inflation). In the case of Voz de Nicaragua, the station with the greatest number of listeners, the rate is approximately 360,000 córdobas per 30 minutes (\$US 7.75, at the official exchange rate), while in the case of Radio Católica (which is private and whose rates are set at the market rate) the rate is \$C 1.3 million per 30 minutes.

54. In conclusion, we could say that it is precisely the fact that there is such a great number of radio stations and such a wide range of types of radio station ownership that guarantees a wide spectrum of approaches to providing news and of political stances on the Nicaraguan radio broadcasting scene. If they so wish, all

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political alternatives may make unimpeded use, subject only to the laws of the market, of radio broadcasting for their campaigns to recruit political support until 25 February.

C. Complaints and allegations about the mass media

55. Since the official beginning of the electoral campaign no complaints or allegations about the mass media have been received. However, this absence of formal complaints does not mean that the mass media have ceased to be a subject of controversy in the electoral campaign. In fact, most of the criticisms by the opposition are general and do not take the form of detailed charges. In working groups attended by media officials from the parties, complaints have been transmitted about the politically slanted publicity spots already mentioned, the problems of access to certain private media and, in the case of certain small opposition parties, the high cost of publicity space. Since it is impossible in practice to monitor all radio broadcasts, ONUVEN has requested the political parties, if they observe specific irregularities, to submit their complaints together with the information necessary to identify the irregularity.

56. The recently established Mass Media Department of CSE has become actively engaged in negotiations designed to eliminate some of the problems existing in its area of competence. Thus, at the end of December, it privately admonished Barricada for paid advertisements which distorted publicity material originally used by UNO. This was not repeated. It also criticized La Prensa for the use of such terms as "frentesomocismo", for the use of the name Rambo as applied to President Ortega and for alarming and tendentious headlines. It persuaded Vía Cívica to withdraw propaganda from La Prensa on the question of how to vote because it contained inaccuracies which could lead to future errors on the day of the elections. However, its most publicized decision was the recent public criticism of El Nuevo Diario for its refusal to heed its repeated indications that it should eliminate from its pages the terms GN-UNO or GN-1 (Guardia Nacional - UNO) when referring to UNO. Since the newspaper in question has persisted in its practice, CSE has announced its criticism and required the newspaper in question also to publish it. However, El Nuevo Diario replied in a scornful manner and indeed refused to publish the criticism in the form requested. CSE summoned the director of El Nuevo Diario again and began the legal steps that could lead to the application of the more serious penalties laid down by the Mass Media Act (closure for one to three days).

57. Although the progress made in the field of the mass media may be considered as positive, there is still room for improvements, as pointed out in previous paragraphs. Mr. Richardson expressed his concern on this point to President Ortega and received assurances that the Government was giving it constant attention.

VI. THE DISCREDITING OF THE ELECTORAL PROCESS

58. In an electoral process uncertainties may exist, with a distinct character and distinct effects. The usual uncertainty about the results tends to exert a

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positive effect on the process, in so far as it forces the contestants to adjust their proposals and messages to the preferences of the electorate. On the other hand, uncertainty about the conditions of legitimacy in which the process unfolds has essentially negative effects. In previous reports, attention was drawn to the concern of the Mission about the existence of clear signs of the discrediting of the electoral process before the fact by some sectors. The trend continued in the period under analysis without any major changes, and the questioning of basic aspects of the process has persisted, causing ONUVEN serious concern.

59. Assessing the conduct of the electoral process requires that a distinction be drawn between two types of issues that have arisen simultaneously on the Nicaraguan electoral scene. On the one hand, we must consider and analyse issues of electoral competitiveness linked to the relative balance between the opportunities of the contestants or, as it has come to be called, the "levelling of the field". On the other hand, we must evaluate the action of the "umpires": the electoral authority, which, of course, includes the attitudes and actions taken with regard to the first type of issues.

60. With regard to the first aspect, it is obvious that it is not possible to think in terms of equality on each of the planes on which the electoral contest is taking place, if only because of the mere fact that the contestants occupy different positions with regard to the State apparatus. The unequal opportunities for access to that apparatus (which, in the case of Nicaragua, includes a significant set of mass media) enjoyed by the governing party are evident. It might also be argued that there is - or may be - a discriminatory use of the legitimate coercive capacity of the State in relation to the different participants in the electoral process. The constant accusations of asymmetry in these areas, in the discussions leading up to the reform of the Electoral Act, led the governing party to propose mechanisms which are far from usual in comparable bodies of law, permitting, under certain conditions, the funding of political parties by foreign institutions or individuals. Similar considerations formed the basis of the subsequent decision by the United States Congress to use those channels to finance some of the activities of the opposition coalition.

61. On the whole, given Nicaraguan conditions, it is easy to argue that the principal balancing factors in the electoral contest are not only linked to the above-mentioned contributions. Also relevant are: (a) the fact that the party in power must give an account of its acts of government, while its rivals can limit themselves to formulating alternative proposals or simply criticizing those acts; (b) conditions of polarization that enable part of the opposition to win the protest vote because of the difficulties experienced by the Nicaraguan economy, which in turn stem from the prolonged conflict to which it has been subjected; (c) the fact that the opposition may exaggerate the asymmetry and use it as one of the main arguments of its electoral messages.

62. It is the Mission's assessment that, in the case of Nicaragua, the electoral authority, strengthened by the presence of large missions of international observers and by the intense outside attention focused on the process, has established itself as another important balancing factor. Its performance, which includes approval of the Code of Electoral Ethics; the conclusion of inter-party

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agreements inspired and promoted by it; its public action with regard to questionable acts by government sectors or the State mass media; the characteristics of its publicity campaigns; and the efforts made to train JRV members and poll-watchers have tended uniformly to improve the field in ways favourable to the opposition.

63. The task of ONUVEN, which relates to observation of the electoral process and not only the electoral act itself, also involves it in this kind of question. The fact of receiving complaints and allegations from the parties, analysing them systematically and evaluating them by categories facilitates the detection of areas in which there may be an exaggerated use of the advantages of the party in power. The periodic reports of ONUVEN do not seek to give comprehensive accounts of the development of the electoral process up to the date of each report, but rather try to pinpoint critical - and criticizable - aspects of the process and of the positions of the contestants. It is hoped that the comments they contain may contribute to the search for solutions to the issues criticized.

64. In spite of what has been said, the electoral authority has been impugned insistently by sectors of the opposition. Recent attitudes on the part of the opposition, including the continual - and now futile - challenging of CSE, might be interpreted as the pursuit of an ongoing effort at discreditation, unless it is a risky electoral strategy. In recent days, in the country and abroad, subtle ways of discrediting the action of the international observers can be detected. The dual impact of the discrediting of the judge and the principal witnesses is too dangerous to go unmentioned.

VII. SUMMARY OF THE MAIN OBSERVATIONS

A. Administration of the electoral process

65. The administration of the electoral authority has continued to develop favourably. Some minor problems persist as regards the follow-up of complaints and allegations. These are due both to limited human resources and infrastructure and to legal restrictions on the actions of CSE in the case of criminal offences, for which the proceedings are subject to the time-frames and pace of ordinary justice. In spite of the difficulties, it would be desirable to redouble efforts with a view to monitoring these cases more closely and dealing more expeditiously with the cases which lie within the jurisdiction of the electoral authority. Lastly, the symbolic importance of the reopening of the 63 JRVs which did not function normally during the registration period must be emphasized, despite its relatively small impact.

B. Public rallies and demonstrations

66. The organization of public rallies and demonstrations intensified when the campaign started officially on 4 December last. Since the Masatepe events, there has been no incident of consequence. UNO has organized 94 relatively important rallies, of which 85 were monitored by ONUVEN, very minor incidents being detected

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in only 8 of them. There is no question that the presence of the police and the prior talks with the organizers of the events have had a very beneficial effect and have helped to restore an atmosphere of normality. It looks as though this trend will continue during the remainder of the election campaign.

C. Military action

67. During the period under review there has continued to be constant military activity, attributed to groups of the Nicaraguan resistance, which has taken a tragic toll of life and has undoubtedly hampered the electoral process. This is disturbing because, even though the persons responsible are not participating in the electoral process and hence remedying the situation is beyond the control of the electoral authorities, the electoral process is seriously affected because members and candidates of the governing party are unquestionably intimidated in regions where the military activity is concentrated.

D. Other acts of intimidation

68. Without a doubt, one of the main characteristics of this period has been the considerable increase in the number of reports of intimidation. Even though the importance of this intimidation is, in the final analysis, more symbolic than substantial, it remains relevant inasmuch as it affects the electoral process: it generates fear, and, what would be particularly serious, it could hamper poll-watching by the opposition. In the particular case of candidates for municipal and regional councils, the number of requests for removal involves only 2.5 per cent of all the candidates originally presented. Although this is an insignificant matter from the numerical standpoint, it is of symbolic importance, and ONUVEN has therefore carried out a substantial number of interviews with those who have withdrawn and with party leaders, and other key persons. As a result, it has been able to identify three withdrawal scenarios. The first involves normal reasons which have nothing whatever to do with the electoral process (nominations without prior consultation, unfulfilled expectations of financial gain, internal conflicts and/or political and ideological disagreements). Most of the candidates for withdrawal in the non-UNO opposition parties and approximately one third of those in UNO are in this category. A second, and less prevalent, scenario involves situations in which there has been minor pressure, not amounting to real intimidation, and the withdrawal of candidates showing a low level of party commitment. Lastly, there is the scenario where evidence of intimidation has been detected; these cases are concentrated in regions where there is considerable military activity. Acts of intimidation range from damage to goods and property to personal threats. Generally, the allegations implicate, explicitly or implicitly, State security officials. The analysis of the geographical distribution and characteristics of this last category of acts does not point to the existence of a common pattern which would indicate concerted action at the national level; rather, it suggests the work of local party members. These observations do not diminish the importance attached by ONUVEN to the matter, which is one of its main concerns, and the cases which present themselves will continue to be followed with particular attention.

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E. Use of State property

69. Although there have been allegations of the improper use of State property, such as the use of public transport for party activities and the existence of paintings or murals on the outside of public buildings, there has also been evidence of a determination on the part of the Government to remove them. We have received assurances from various levels of the Government that efforts to eliminate these problems will continue, and we have asked the political parties for their co-operation in identifying breaches of the existing rules.

F. The electoral campaign in the mass media

70. The second report of ONUVEN (A/44/834) severely criticized the Nicaraguan mass media for the violence of their messages and the subjective nature of the reports transmitted, and singled out television for its lack of impartiality. The present report welcomes the substantial improvements made by SSTV as regards the expansion of free programmes of political debate, exposition and discussion and the modernization of the format. It also commends the additional facilities provided to the political parties for purchasing time slots on the different channels and the increased time coverage given to the activities of the opposition in Noticiero Sandinista. None the less, an additional effort is under way aimed at improving the content of reports, with a view to achieving further impartiality and objectivity in the treatment of the different political protagonists. Plurality is greater in the case of radio because of the diversity of the existing owners of radio stations. Other than cost and availability of resources, there is no difficulty of access to radio. In general, the evaluation is positive. As regards the written press, the overall situation of violence in the messages and distortion of the news continues to be the predominant characteristic, yet there are considerable differences between the various papers. Barricada, although the official organ of FSLN, has a more professional approach and, in response to the suggestions of CSE, has made its language considerably less aggressive. At the other extreme, the offensive stances of El Nuevo Diario against the opposition in general and against UNO in particular have been such as to warrant the severest of warnings from CSE. Although it is considered that there has been progress in the situation of the mass media, the possibility of improvements in this matter, and in those mentioned in earlier paragraphs, was discussed in the interview which Mr. Richardson held with President Ortega.

G. The discrediting of the electoral process

71. In an electoral process, it is not possible to think in terms of strict equality at all the levels at which the electoral contest unfolds. The most obvious example is the inevitable lack of equality of opportunity for access to the State apparatus, a central concern in this campaign. Natural counterweights exist, however; thus, the governing party has an obligation to account for its acts of government, whereas the opposition can confine itself to criticism and proposals, thereby attracting the protest vote. There are counterweights resulting from government decisions or political agreements, such as the unusual rules on party

financing which make it possible for political parties to receive external funding. The actions of the electoral authority, including the approval of the Code of Electoral Ethics, the promotion of inter-party agreements, the handling of the mass media, together with the training of poll-watchers and JRV members, are factors which tend to even the competition. The fact that the electoral rolls were drawn up properly and the voting procedures were well designed, and that international observers have been present, as requested, throughout the electoral process, also helps to level the field.

72. The fact that, even so, part of the opposition persists in its almost systematic impugning of the electoral authority is ground for serious concern on the part of the Mission. Continuing the game while all the time impugning the umpire is behaviour which suggests an effort to discredit the electoral process, unless it is a risky electoral strategy. Lastly, another serious cause for concern is the evidence of subtle ways of discrediting the international observers, both in Nicaragua and abroad. The dual impact of the discrediting of the judge and the witnesses is too fraught with danger to be left unmentioned.

Notes

1/ The six formal meetings of CSE and the 44 agreements adopted at them between 10 November 1989 and 25 January 1990 have been analysed. The period covered varies slightly for the regional electoral councils.

2/ The agreement was signed by Mr. Potoy on behalf of IPCE, by Mr. Selva (a member of CSE appointed at UNO's proposal) and by former President Carter, acting as witness.

3/ These are often government events at which property deeds are handed over, public works are opened, etc. Since the President is also a candidate, however, the political ingredient - or at least the political impact - of the event is obvious.

4/ In the new material some of the misleading elements that were criticized in the second report of ONUVEN have been eliminated.

5/ An analysis of a sample of newspaper reports on public demonstrations shows that only 23 per cent of the reporting was given over to the content of the speech in the case of UNO. In the case of FSLN, the proportion was 6 per cent.

6/ In a few cases, minor incidents occurred. For example, on 16 January, when police at Granada broke up a small public meeting of UNO which was unauthorized and was taking place just two blocks from a hotel where the FSLN presidential candidate was due to arrive, there were some disturbances which involved the use of tear-gas and the arrest of several persons, who have now been released.

Notes (continued)

7/ For example, in Nagarote, one of the opposition candidates stated that the police were wearing special uniforms which were stifling them in the hot sun, all because they had been assigned to protect the Sandinist crowds led by the Mayor of Nagarote; they were not there to protect the opposition because they did not need police protection and the police were doing nothing to stop the Sandinist attacks.

8/ There are two other small ethnic groups in the RAAS: the Ramas and the Garifonas.

9/ In some cases where it was impossible to interview the candidate who had withdrawn, interviews were conducted with relatives or neighbours. An attempt was made to interview all the candidates who had withdrawn, but in some cases it was impossible to locate them or to obtain interviews. This task is continuing and we hope to have covered almost all cases by the end of January.

10/ As an example of the first kind of situation, we could cite the case of a UNO candidate who withdrew because he had allegedly been intimidated by UNO supporters who had accused him of being an FSLN infiltrator. To illustrate the second kind of situation, while it was possible to raise the issue of intimidation quite openly in some interviews, in others interviewers simply inferred that intimidation had occurred from the interviewee's attitude.

11/ This concern was shared by other international observers. For example, OAS endorsed these criticisms in its third report, published on 20 January.

12/ The Sandinista Television System has agreed to a request by ONUVEN and has allowed the members of the Mission to accompany the mobile unit to ensure fairness in the selection of those interviewed.

13/ The information in the tables is based on a sample drawn from the three dailies, consisting of eight issues from December 1989 (4, 5, 6, 7, 9, 11, 16 and 19 December) and 19 days in January 1990 (5, 6 and 8-24 January).

14/ Luis Guzmán, director of publication, is a candidate of the Popular Social Christian Party to the National Assembly put forward by the Opposition National Union.

LIST OF ABBREVIATIONS

ASC	Alianza Social Cristiana (Social Christian Alliance)
B	<u>Barricada</u>
CSE	Consejo Supremo Electoral (Supreme Electoral Council)
END	<u>El Nuevo Diario</u>
FSLN	Frente Sandinista de Liberación Nacional
LP	<u>La Prensa</u>
MAP-ML	Movimiento de Acción Popular Marxista Leninista (Marxist-Leninist Popular Action Movement)
MUR	Movimiento de Unidad Revolucionaria (Revolutionary Unity Movement)
PCDN	Partido Conservador Democrático de Nicaragua (Conservative Democratic Party of Nicaragua)
PLIUN	Partido Liberal de Unidad Nacional (Liberal National Unity Party)
PP/APP	Partidos políticos/Alianzas de partidos políticos (Political parties/Coalitions of political parties)
PRT	Partido Revolucionario de los Trabajadores (Revolutionary Workers Party)
PSC	Partido Social Cristiano Nicaragüense (Nicaraguan Social Christian Party)
PSOC	Partido Social Conservatismo (Social Conservatism Party)
PUCA	Partido Unionista Centroamericano (Central American Unionist Party)
UNO	Unión Nacional Opositora (Opposition National Union)

Annex I

NUMERICAL CONSOLIDATION OF THE LISTS OF CANDIDATES FOR THE MUNICIPAL COUNCILS

Party/alliance	FSLN	PRT	PSOC	PCDN	MAP-ML	MUR	UNO	PUCA	PLIUN	ASC
Candidates presented										
Full member	895	47	32	208 (F)	122	118 (F)	838 (F)	585	127 (F)	476
Alternate	895	46	30	190 (A)	110	115 (A)	838 (A)	169	15 (A)	384
Request for removal from list	5	2	4	6	3	7	79	8	5	34
Replacement by reason of death	1	-	-	-	-	-	-	-	-	-
Included on the lists of candidates for the municipal councils and standing as candidates for the National Assembly	-	-	1	-	-	-	-	5	18	7
Impugning with the acquiescence of PP/APP	-	-	-	-	-	-	-	-	-	12
Failure to meet the age requirement	-	-	-	-	-	3	-	-	-	14
Inadequate data	-	-	-	4	2	-	32	2	4	102
Replacements	6	-	4	-	-	3	14	1	2	21
Blanks	-	2	1	10	5	7	97	14	25	142
Total	895	46	31	202	120	115	790	581	102	419
Full member	895	45	30	186	107	111	789	159	15	303
Alternate	895	45	30	186	107	111	789	159	15	303

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Annex II

PERCENTAGE OF SPACE IN THE THREE NEWSPAPERS WITH A NATIONAL CIRCULATION (LA PRENSA, EL NUEVO DIARIO, BARRICADA) SET ASIDE FOR POLITICAL-ELECTORAL MATTERS

	DECEMBER 1989			JANUARY 1990		
	LP	END	B	LP	END	B
	%	%	%	%	%	%
<u>Table 1</u>						
Total: Political information ...	24.91	24.48	33.48	32.37	27.30	39.17
<u>Table 2</u>	LP	END	B	LP	END	B
	%	%	%	%	%	%
Complaints and allegations	4.41	0.94	2.90	1.71	0.44	1.38
<u>Table 3</u>	LP	END	B	LP	END	B
	%	%	%	%	%	%
Information about:						
- FSLN	1.25	4.96	14.95	1.83	5.13	12.50
- UNO	5.76	2.46	1.98	6.03	1.36	2.30
- Government	3.1	4.74	3.78	2.45	1.63	3.39
- PSC	--	--	1.20	0.53	0.84	0.30
- Other parties	0.70	1.40	--	0.50	1.20	0.77
- CSE	2.06	--	--	2.00	1.45	1.55
<u>Table 4</u>	LP	END	B	LP	END	B
	%	%	%	%	%	%
Information hostile to:						
- FSLN	4.87	--	2.00	6.78	--	--
- UNO	--	2.90	5.33	0.90	4.01	5.47
- PSC	--	--	--	--	4.10	--
- PUCA	--	--	--	0.70	--	--
- Government	6.58	--	0.15	10.10	0.80	--
- CSE	--	--	--	0.04	2.70	--
<u>Table 5</u>	LP	END	B	LP	END	B
	%	%	%	%	%	%
Paid publicity:						
- FSLN	--	8.20	5.37	--	8.66	16.91
- UNO	2.71	--	--	4.56	--	--
- PSC	--	0.94	--	0.34	1.38	0.20
- PCDN	--	1.10	--	0.69	1.52	--
- MUR	--	--	--	3.28	1.66	--
- PLIUN	--	--	--	0.34	0.15	--
- Other	--	--	--	--	0.58	--
- CSE	2.26	0.50	0.27	0.16	0.62	0.77
- Pro-FSLN organizations	--	--	--	--	--	0.39
- Pro-UNO organizations	0.80	--	--	1.83	--	--

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Annex III

NICARAGUA



MAP NO. 3586 (SI) UNITED NATIONS
JANUARY 1990