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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 fourth report of the United Nations Observer Mission to verify the electoral process in Nicaragua (ONUVEN), in the attached document, is divided into two parts. The first covers the events which occurred during the last three weeks of the electoral campaign in Nicaragua. The second contains a broad analysis of the main issues related to the electoral process, including the conduct of the electoral authority, the activities of the major candidates for political office and the violence which affected this process.
2. Mr. Elliot L. Richardson, the Personal Representative of the Secretary-General, is currently in Nicaragua and met with the President of the Supreme Electoral Council and with the presidential candidates of the two main political parties for the purpose of having in-depth discussions on the agreements to ensure that the voting process on 25 February 1990 would take place without disturbance. ONUVEN's preliminary assessment of the voting process and the election results is expected on 26 February and the report containing the Mission's conclusions should be ready in the first few days of March 1990. ONUVEN, under the direction of Mr. Iqbal Riza, will thus have completed its main task. A smaller team will remain in Managua to monitor the transition period until the newly elected Government takes power on 25 April 1990.

ANNEX

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

I. INTRODUCTION

1. In accordance with the terms of reference of the United Nations Observer Mission to verify the electoral process in Nicaragua (ONUVEN) and with the request for periodic reports to the General Assembly, contained in Assembly resolution 44/10 of 23 October 1989, the Mission has prepared this fourth report on its activities, which has certain special features. It covers developments between the submission of the third report (A/44/917) at the end of January and the close of the electoral campaign on 21 February 1990. However, it is mostly devoted to an overall assessment of the electoral campaign from beginning to end.

Separate assessment of the campaign and the elections

2. ONUVEN has decided to prepare separate assessments of the electoral campaign and the elections themselves, for two reasons: firstly, because they are two activities which, although part of the same electoral process, relate to situations - and require observation mechanisms - which are completely different; 1/ secondly, because it seemed important to present an assessment of the campaign which would in no way be influenced by the results of the elections. Accordingly, this document endeavours to evaluate the process which has led up to the expression of the Nicaraguan people's will through the ballot boxes. The poll itself will be assessed in a fifth report, to be drawn up during the week following the elections. The appendix describes how ONUVEN has prepared for its verification duties during the elections.

II. DEVELOPMENTS DURING THE LAST MONTH OF THE CAMPAIGN

3. Events in the first three weeks of February will be addressed briefly in this section because the main intention of the report is to provide an overall assessment of the campaign. This is relatively easy since it does not cover too long a period and because patterns of events have not been significantly different from those already dealt with in previous documents. In view of the need for brevity, we shall not include comments on developments in the national and international political contexts. Mention should be made, however, of the amnesty granted by the Government to 1,190 detainees, including 39 former members of the Somoza National Guard, because it represents an important contribution to the process of national reconciliation.

A. Performance of the electoral authority during the period  
under consideration

4. During the period under consideration, the Supreme Electoral Council (CSE) has maintained its customary impartiality, retaining a measure of flexibility and

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breadth of judgement which have facilitated the activities of the opposition parties. The most notable examples of this attitude include the following: the extension by over two weeks of deadlines for the registration of poll-watchers, allowing for registration right up to the last moment when it is still possible to provide them with credentials; and an extension of the deadline for receipt of foreign donations until 21 February, when the parties have to conclude their canvassing activities. It has also, at the request of the parties, strengthened guarantees of the voting process by authorizing, in addition to use of a security number, the signature of ballot-papers by opposition poll-watchers. Finally, some of the ballot receiving boards (JRVs) which were partly closed during the registration period have reopened, enabling 1,934 citizens to register in the North Atlantic Region. Nevertheless, it should be noted that the Movimiento Indígena de la Costa Atlántica (Yatama) has reported acts of intimidation by the Sandinist People's Army, which prevented the registration of many citizens with links to that association. It also reports that the number of reopened JRVs was much less than the number which should and could have been opened if full registration was to be achieved.

#### B. The mass media during the period under consideration

5. The press has basically retained the same features that were described in previous reports. Similarly aggressive tones have been observed in the language used by the national daily papers, and the tone has become even more shrill as the close of the campaign has approached. The proportion of space devoted to political and electoral news has increased even beyond the already high level of the last reporting period. There has been a significant increase in political propaganda and in positive accounts of parties supported by the respective papers, together with negative reports of their opponents. In February, Barricada brought out an evening edition, aggressive in tone, which will be circulated throughout the rest of the campaign. The case of El Nuevo Diario was finally brought to trial: sentence was given against it, and CSE is considering an appeal, which is currently awaiting a response. Meanwhile, the paper has continued to make use of the polemical acronyms which link the opposition coalition to the former National Guard.

6. As for television, the situation in Noticiero Sandinista, as described in the third report (A/44/917), has also undergone no substantial change, continuing to show a pronounced bias in favour of the Government. In Elecciones 90, the allotment of time and the tone have continued to be balanced, and February has seen the introduction of further improvements to its format. There has also been greater flexibility in the scheduling and formatting of political propaganda, which has made it easier for parties with scarcer resources to gain access. Party publicity material can now be broadcast between 5 p.m. and 9.30 p.m., in slots of 30 seconds each. A good part of the propaganda which is implicit in some publicity spots has been eliminated. This is the case with respect to the greetings by a popular actor, using words similar to propaganda of the Frente Sandinista de Liberación Nacional (FSLN), which used to be inserted at the beginning of the most widely watched soap opera. A brief self-publicizing spot introduced by the Sandinista Television System (SSTV), in which it artificially distorts the message to highlight the number 5 - the FSLN box on the voting paper - has also been

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cancelled. Noticiero Sandinista, despite having eliminated the cutting and offensive tone which it adopted at the beginning of the campaign and having improved the allotment of time, has maintained marked biases. The way in which news about the Opposition National Union (UNO) is presented usually constitutes indirect propaganda on behalf of FSLN. Likewise, much of the time devoted to other opposition parties consists of criticism directed at UNO. The multiple repetition of favourable images of FSLN and unfavourable images of UNO is also normal practice. On the positive side, it should be noted that Noticiero Sandinista has incorporated various special sections, such as "... days to go", "Who to vote for?" and "Debate", which, through interviews with politicians, intellectuals, opinion-makers, etc., provide more objective information on the ideological alternatives represented by the various political parties than the main body of the bulletin.

7. With regard to the radio, attention should be drawn to the case of the main State broadcasting station, La Voz, which in recent weeks has engaged in a series of practices that show clear bias in favour of the government party. Thus, it has initiated a countdown in which, day after day, it tells how many days remain until the triumph of Daniel Ortega in the elections. This month it is organizing a sort of radio competition, offering various prizes to those participating listeners who correctly predict the "big percentage by which Daniel Ortega will win the coming elections on the 25th, in box number 5". In light of these excesses of political electioneering, CSE has sent two letters to the management of the radio station, ordering that they be suspended immediately; the instructions had not been observed at the time this report was compiled. On 9 February, Radio Católica requested authorization from the Mass Media Department of the Ministry of the Interior to broadcast a programme on the Nicaraguan elections during the week of 18-25 February. Although the request stressed that the programme would be of an informative nature, it was denied on the basis of an assumption that it would be devoted to political electioneering, an activity prohibited to religious broadcasting stations.

### C. Acts of violence and intimidation during the period

8. Although the number of complaints in connection with incidents at public demonstrations has decreased, the same cannot be said for allegations of acts of intimidation and aggression against party members and activists. 2/ In this regard, there has been no change in the situation since the third report (A/44/917), other than in the number of candidates who have been subject to intimidation or pressure, which is clearly related to the fact that it is now impossible to withdraw candidacies. There is a high incidence of complaints concerning pressures of an economic nature, and particularly of threats of dismissal. There are also, though to a lesser extent, accusations of physical threats and acts of aggression, which are cited frequently in meetings with opposition leaders. As was also noted in the previous report, everything suggests that there have been excesses on the part of activists at the local level. The other issue giving rise to many complaints is that of the destruction of party propaganda materials. Practically all the parties have submitted accusations in this regard. While FSLN and UNO are the most frequent targets of such accusations, almost all the other parties are cited.

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9. There were further confirmed instances during February of attacks which may be attributed to Nicaraguan resistance groups in the conflict zones. Although the number of incidents and civilian victims of such attacks appeared to have diminished (from 27 civilian dead and wounded in January to 11 in the first two weeks of February), some particularly serious attacks have occurred in the last few days. In the latest such episode, on 17 February, four peasants in a co-operative situated 25 kilometres from Estelí, of whom three were militants and poll-watchers of FSLN, were murdered.

10. In recent weeks some matters of concern have arisen for the Mission, in connection with possible irregularities which might occur immediately after the JRVs are closed. In this connection, we should mention allegations that the only way the party in power can be victorious is by fraud, calls for people to go to the boards where they cast their votes and exert unlawful pressure on JRV members while the votes are being tallied and, lastly, the possibility of party rallies on the night of 25 February, with the far from negligible risk that pressure or intimidation may be allowed to interfere with the vote-tallying process. 3/ On 19 February, CSE issued a resolution as a reminder of the rule that no opinion polls may be published before 6 p.m. on voting day, that no demonstrations or public rallies may be held before midnight that day and that the mass media are under an obligation to transmit truthful and responsible information. The Council requested support for this resolution from the political parties and received pledges of support, except from UNO, the Nicaraguan Social Christian Party (PSC) and the Marxist-Leninist Popular Action Movement (MAP-ML). Mrs. Violeta B. de Chamorro, in her capacity as the candidate for UNO, transmitted a letter to CSE on 21 February, expressing her support for the resolution.

### III. ELEMENTS TO BE TAKEN INTO CONSIDERATION FOR ASSESSMENT OF THE ELECTORAL PROCESS

#### A. Criteria for assessment

11. The Nicaraguan elections on 25 February 1990 constitute the culmination of a long series of efforts to overcome the complex crisis which has affected Nicaraguan society for many years. They are taking place "under a magnifying glass with a spotlight", 4/ with the activities of the many observers playing a part in the scrutiny. The elections are thus being held in a particular historical context and, given the extent of the scrutiny, must be assessed on the basis of clear patterns of comparison with other electoral processes. Some sectors of the opposition have requested that, in the Mission's final assessment, no account should be taken of the fact that Nicaragua "lacks a democratic tradition" and that the elections should be evaluated "without drawing on history for excuses". 5/

12. In this regard, the position of ONUVEN is clear. It is true that the 25 February elections are not being verified in the context of an already established pluralist democracy with a tradition of competitive elections. But that is no reason to relax the criteria for assessment in respect of anything that may affect the electoral process, the ability of citizens freely to express their will, the absence of prior censorship or restrictions on freedom of expression, the

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necessary guarantees for a secret ballot and the fairness of the subsequent tallies. In other words, there must be no concessions with regard to the legal framework of the electoral process, the impartiality of the electoral authority or the respect which Government and parties must accord to the agreed rules governing the electoral contest.

13. However, it is impossible to ignore the fact that the country has endured long years of conflict, producing a context of intolerance with frequent vestiges of authoritarianism, which it is difficult to eliminate just because an open and competitive electoral process is introduced and the government authorities state their intention to conduct that process impartially. It will take many years to eliminate such intolerance and vestiges of authoritarianism and, until that is done, there will be a persistence of actions and attitudes which are not normal in established pluralist democracies. Such actions and attitudes have often been seen in the course of the electoral campaign. However, in this respect, our assessment should centre not so much on the fact that they occur - now and again - as on the resulting reactions of the electoral and government authorities. This has, of course, not always been easy, but it is this criterion which has led ONUVEN, both in this overall assessment and in its previous reports, to focus its attention on the extent to which the major protagonists in the electoral process perform correctly, rather than on a summary of isolated episodes. 6/

#### B. Documentary sources for the assessment

14. The primary sources for this assessment are the reports submitted by ONUVEN in October 1989 (A/44/642 and Corr.1) and December 1989 (A/44/834) and January 1990 (A/44/917), as well as a previous technical report on Nicaragua's electoral laws prepared by the Department of Technical Co-operation for Development of the Secretariat. The reports, in their turn, constitute a synthesis of the work carried out by a group of 27 staff members and consultants based in Managua since August 1989, together with 21 staff members who joined them in late November. This team was in Nicaragua throughout the electoral process, working on a full-time basis. From both the regional offices and the central offices in Managua, they conducted some 5,000 interviews with officials of the electoral authority, the Government and the political parties at all levels, from that of the nation as a whole to that of small municipalities in the interior. They travelled the length and breadth of the country, the number of kilometres covered by ONUVEN vehicles during the mission amounting to 480,000, in a country whose total area is 116,000 square kilometres. To these should be added the trips made in small ferries and other types of boats to reach the most remote locations on the Atlantic coast. The regional observers have attended almost 80 per cent of the major public rallies held by the opposition parties and a smaller, though considerable, proportion of those organized by the party in power. They have received, analysed and followed up on hundreds of complaints and accusations submitted by the political parties. In connection with cases of particular interest, such as those involving intimidation and withdrawals of opposition candidates, they have carried out over 200 interviews for the purpose of obtaining further information on what took place. The complaints and accusations have been incorporated into a data bank for the analysis of trends and patterns. Almost all television programmes with news or

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political content have been monitored, together with publicity spots and other relevant items and a high proportion of similar items broadcast by the major radio stations. More than 600 hours of such material have been recorded and stored. The same has been done in the case of political information in daily and weekly newspapers which are circulated throughout the country. All these materials have been subjected to quantitative and qualitative analysis, including examination of the subject-matter and the calibre of the messages transmitted, together with the incorporation of political propaganda (party, time, type of message, scheduling, linkage with other spots, etc.). 7/ The preceding list of activities carried out by ONUVEN is not exhaustive but gives a clear impression of the broad documentary base used for the assessment.

### C. Administration of the electoral process

15. The initial phase of the process concluding in the elections of 25 February 1990 was the approval of reforms to the Electoral and Mass Media Acts. The reactions of the parties resulted in a new national dialogue which took place in early August 1989 and led to agreements that addressed many of the opposition's demands. Successive measures on the part of the Government and resolutions by the electoral authority amplified the legal framework within which the elections are being held. Although the most extreme demands of the opposition were not met, 8/ the resulting legal framework is sufficiently open to ensure that the elections take place in an atmosphere of free competition (A/44/642 and Corr.1, para. 14).

16. While necessary, the legal framework is not in itself enough to guarantee the right conditions for the electoral competition. The other necessary components are: (a) proper application; and (b) respect for the freedoms of association which, in the case of Nicaragua, led to the absolutely regular formation of political parties and coalitions. Almost all the parties which sought to regularize their situation were able to do so, and there was no interference with either the formation of coalitions or the authorization of lists of candidates (A/44/642 and Corr.1, paras. 28-35). This was also true in the case of the popular petition associations. As for Yatama, despite encountering organizational difficulties and obstacles, 9/ it enjoyed the full support of CSE in the final processing of its application, with the result that formal problems in the association's submission were set aside.

17. The second factor of major importance in terms of establishing the legal and administrative framework of the electoral process was the preparation of the electoral roll, addressed in the second report (A/44/834). The number of citizens who registered was 1,750,000, representing 88.5 per cent of the enfranchised population, as estimated by the National Institute of Statistics and Censuses (INEC). The positive impressions of ONUVEN were shared by most other observers, including the Organization of American States (OAS) and the Council of Freely-Elected Heads of State, headed by former President Carter. Security conditions prevented the normal operation of a number of JRVs, some of which opened subsequently, upon which some 2,000 individuals registered. There have been complaints that a certain number of citizens were unable to register in areas close to the border with Honduras: estimates of the number involved differ considerably, but the little available evidence suggests that it was not very high.

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18. The contents of the preceding paragraphs represent only two aspects of the electoral authority's performance. Some sectors of the opposition have criticized the composition of CSE, suggesting that it is totally biased towards the Government. The Mission has therefore been particularly determined to monitor its performance closely. It has been noted that unanimous decisions were taken, incorporating the vote of a recognized member of the opposition, in the overwhelming majority of cases. There has always been evidence of broad-mindedness, flexibility and a determination to ensure - as far as possible - the greatest possible participation of political groups in the electoral process. Further examples of the impartiality and professionalism of the electoral authority include: the balanced nature of the massive electoral publicity put out by the Council, which has not aroused a single complaint among the parties; the efforts to train JRV officials and poll-watchers; and the endeavour to ensure that the mass media properly fulfil the functions temporarily assigned to them during the campaign. 10/

19. The only matter which has warranted any reservation in the uniformly positive assessments of the electoral authority's performance has been its limited capacity to process the complaints and accusations made by the parties. In current circumstances, this shortcoming is due to factors outside the authority's control, including its limited capacity for the application of penalties, the fact that the pace of trials under the normal system of justice is ill-suited to the rapid rhythms of the elections, the scarcity of evidence provided in support of their charges by certain parties and - the only factor actually within the ambit of CSE - the limited resources available. Any possibility that the limited sanctions available to the electoral authority might become more effective depends on whether it becomes enshrined as an institution and wins general recognition for impartiality, which would be one of the natural consequences of its performance in the elections.

#### D. Violence during the electoral process

20. Since the very beginning of the campaign, the speeches of both sides have made references to violence. For the opposition, there was the possibility that a Government that it perceived as totalitarian, in which the roles of army, Government and party were fused into one, could exert pressure and carry out acts of intimidation in order to prevent it from organizing and mobilizing its members during the electoral campaign. For the Government, the violence was seen as linked to the activities of the Nicaraguan resistance and their impact in the zones of conflict. In both cases, the attribution to one's opponent of responsibility for these respective forms of violence was a constant feature of the electoral campaign and a central element in strategies to discredit opponents. Violence was only one of the themes which the contestants used to discredit each other in their speeches. UNO also brought accusations of corruption and administrative failings, while FSLN called attention to links with the former Somoza régime and the contras, and to support from the United States Government.

21. At the beginning of the campaign, the opposition's protests focused on alleged cases of intimidation through recruitment for reservist military service (SMR),

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which, according to the opposition, would be used to instil fear in its supporters. This issue was quickly cleared by means of a resolution of the Ministry of Defence, which exempted anyone registered as a poll-watcher or second member of a JRV during the registration period from the reservist military service requirement (A/44/642 and Corr.1, paras. 37-42).

22. The focus of attention later shifted to the violence and acts of intimidation which occurred both during the holding of electoral rallies and before or after such rallies. Once the process of registering voters, during which calm prevailed, was complete, various violent incidents took place in the course of public rallies held in November. Cases were identified in which the owners of vehicles used by the opposition met with acts of intimidation, obstacles on access roads and similar problems. The violence at public rallies reached its peak on 10 December at Masatepe, where serious disturbances took place and there was one fatality. The shocking nature of these incidents led the parties to adopt a series of measures and agreements which almost completely eliminated violence in the remaining stages of the campaign. The major agreement related to the presence of police with the prior knowledge of the rally organizers 11/ (A/44/917, paras. 26-30).

23. The elimination of violence at rallies once again led to a shift in the focus of public argument, which now moved in the direction of acts of intimidation against candidates and political activists, mainly affecting UNO and Yatama. Attention was concentrated on withdrawals by candidates for municipal councils and poll-watchers, and on accusations that direct pressure had been exerted to force such withdrawals. For its part, FSLN used these withdrawals and the contents of some of the letters in which they were submitted as a political argument. This was a matter of serious concern for both ONUVEN and OAS, and both missions conducted detailed interviews with most of the members who withdrew. The report of ONUVEN notes that some withdrawals took place for normal reasons which do not make the electoral process any less genuine (nomination of candidates without prior consultation, unfulfilled expectations of financial gain, internal conflicts and/or political and ideological differences). A second, less prevalent, scenario involved minor pressures or different forms of persuasion which were not of such a nature as to constitute real intimidation against individuals who in any case demonstrated a low level of commitment to their parties. In the last scenario, there is a not insignificant number of cases in which there was evidence of intimidation, concentrated in regions, such as Regions V and VI, which have a long history of conflicts and armed confrontations. An analysis of the geographical distribution and characteristics of these cases suggests that they stem from unco-ordinated initiatives on the part of activists at the local level (A/44/917, paras. 34-40).

24. Although not directly related to electoral activity, violence arising from hostilities attributed to the Nicaraguan resistance led to significant losses of human life. This sort of violence continued, with slight variations, throughout the period of the election campaign. The number of civilian fatalities linked to such hostilities was 21 in October, 6 in November, 17 in December, 15 in January and 5 in the first two weeks of February. Although most of those killed were peasants belonging to co-operatives in the conflict zones, there has in the latest reporting period been a large number of incidents in which FSLN activists died,

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including some high-level regional leaders. Although the figures indicated are much lower than those in the months preceding the Sapoa Agreement, the numbers - particularly when compared with those killed and wounded in incidents more directly related to electoral activity - are indicative of the seriousness of the problem.

25. On 18 and 21 February, UNO and FSLN closed their campaigns with massive demonstrations, which in both cases involved the mass transport of adherents from nearby cities and the deployment of supporters all over Managua. The fact that these rallies took place without any significant incidents, apart from the one referred to in paragraph 8, is a clear indication of the decline in violence and intimidation in connection with the electoral process or, at least, of their limited effect on the capacity of citizens to express their views. There are, however, as noted above (para. 10), postures and attitudes suggesting that violence is possible in the hours following the closing of the polls.

#### E. Freedom of competition in the electoral process

26. The proper legal framework, impartial performance of the electoral authority and containment of violence within reasonable limits provide suitable conditions for reasonably competitive elections. Nevertheless, certain important issues have yet to be analysed: campaign financing and, in the same connection, the possible misuse by the governing party of State property, and particularly of the media, which in Nicaragua largely belong to the State.

27. Issues relating to the financing of the parties have been discussed in previous reports, subject to the limitations imposed by the scarcity of available information. Among them, the subject which received most attention and gave rise to most accusations was that of the contributions made by the United States Congress, through the National Fund for Democracy, to UNO and some civilian institutions closely related to it. There were delays, originally in connection with appropriation of the funds by the United States Government, and, subsequently, hold-ups which can be attributed partly to bureaucratic processing of the donation and partly to the submission of insufficient documentation by the contributors. The negotiations undertaken by the observer groups and, in particular, the direct mediation of former President Carter, led to a political decision by the Government to permit the receipt of such funds with a minimum of legal formalities, making it possible to use them in the final phase of the electoral process. The non-UNO opposition parties have vigorously objected to the existence of such a donation. On the other hand, FSLN has used it as an important argument in its own campaign to discredit its principal rival.

28. With regard to local party financing, CSE ensured that the limited contributions provided for in the national budget were distributed to parties, without any significant protests being recorded in that connection. UNO has requested that the payments made by the State to FSLN be examined by the Office of the Comptroller General. FSLN, for its part, states that its broad-based and well-motivated organization has enabled it to obtain ample funds through the sale of bonds, that much of its campaign is supported by contributions in the form of labour on the part of its activists and that it has received substantial

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contributions from abroad which have been duly processed by CSE, and in respect of which ONUVEN has supporting documentation at its disposal. The relatively low cost of television and radio spots (\$US 162 per minute on Channel 6), which in other parts of the world accounts for most of the cost of a political campaign, is one of the factors that tend to reduce the overall cost of an electoral campaign and make the explanations put forward by the parties plausible. This does not alter the fact that the campaign conducted by FSLN seems costly and that the opposition has expressed formal doubts as to the origin of its funds.

29. The accusations relating to the misuse of State property by the governing party have centered on two issues. The first is the use of vehicles belonging to the State for the transport of demonstrators to public rallies. The accusations have not been specific in nature and have generally referred to the fact that a large number of the vehicles transporting supporters of FSLN bear State licence plates, as has been confirmed by the observers. The counter-argument has been that the vehicles were hired, and FSLN has supplied ONUVEN with evidence of several receipts for payment in this respect, although it has admitted the possibility of abuses on the part of sympathetic government officers. It has also pointed out that any party is free to hire State vehicles. A letter from ONUVEN to the political parties, asking them to report irregularities, did not arouse much response. The second issue relates to the placing of electoral publicity material on public buildings. This practice, which was very frequent at the beginning of the electoral campaign, has been significantly reduced as a result of action by the Regional Electoral Councils, following precise instructions from CSE.

30. The most sensitive issue in relation to freedom of the electoral competition has undoubtedly been that of the use of the mass media. In the case of the press, the aggressive tone of the language and the extent to which opponents are discredited has always been a cause of concern for the Mission. CSE set up a Mass Media Department and has acted firmly in that connection, though with only limited success. The violent language, with few exceptions, continues to be one of the fundamental features of the campaign and has grown even stronger in the closing phase.

31. As for television and radio, the Electoral Act contains a number of relevant provisions (A/44/834, para. 65) which have been strictly applied. These provisions are supplemented by certain agreements reached in the course of the national dialogue concerning the granting of free broadcasting time to parties on Channel 2. In the area not covered by either the law or the agreements, however, the unequal allotment of time to the Government and the opposition, the manipulation of certain programmes and the extremely negative treatment of the opposition led ONUVEN to register strong criticisms (A/44/834, paras. 66-72). The situation improved substantially during December, as reflected in the third report (A/44/917, paras. 46-49), although some significant irregularities continued to be observed. As noted above, some of these irregularities have been eliminated by means of negotiations, while others have persisted right up to the end of the campaign.

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#### IV. OVERALL ASSESSMENT OF THE ELECTORAL PROCESS UP TO THE CLOSE OF THE CAMPAIGN

32. Objectively, there can be no difficulty in endorsing the legal framework of the electoral process, since it is comparable with that of other countries in the region and does not in any way tend to establish unacceptable inequalities of opportunity. Nor is there any difficulty in endorsing the electoral authority and its strict impartiality. Its performance, as was pointed out before (A/44/917, para. 62), has been one of the factors tending to "level the field", to improve the opportunities for competitive campaigning and to enhance security in the casting and tallying of votes.

33. The electoral campaign has not been free of acts of violence or intimidation, which have - in different ways, through different agents and in differing circumstances - affected the major rivals in the electoral competition. Nevertheless, the Mission's overall assessment is positive, for various reasons. Firstly, acts of violence which were strictly linked to electoral activity were clearly both few in number and of minor importance, both in relation to the length and intensity of the electoral campaign and by comparison with elections in other Latin American countries. Secondly, the situation has tended to improve and in the final phase of the campaign - which is usually when most acts of violence occur - has been particularly calm. Thirdly, the role of the Government itself - through the police, subsequent to the Masatepe incidents - in maintaining order during public rallies has been a major moderating factor. Unfortunately, there are still attacks and ambushes, leading to many deaths, which are attributed to groups with links to the Nicaraguan resistance. Although few in number, they make it impossible to forget the existence of violence as the 25 February elections approach.

34. The question of free electoral competition will no doubt be a subject of controversy. Some will argue that the fusion of party, State and army, together with the Government's use of State transport, television and radio constitute a massive "pre-electoral fraud". Others will say that the receipt of contributions from a foreign Government, although permitted in law, represents a huge advantage. This is, for example, the position adopted by the non-UNO opposition parties. There have been and continue to be problems of this sort. It is only right to point out they have tended to recur less frequently as the campaign has progressed, particularly with respect to radio and television, which are displaying greater impartiality in the slots devoted to political parties and providing easier access to the parties in prime time. Despite this improvement and the efforts which have been made, it is true that a complete elimination of the imbalance has not been achieved. However, while recognizing the continued existence of problems which have been criticized in successive reports, ONUVEN believes that any possible infringements are of insufficient significance to distort or generally invalidate the free expression of the people's will. We should not forget to highlight the fact that the campaign has changed the way elections are perceived in the country, not only in the most obvious sense of helping to mould and influence citizens' opinions but also by redefining and considerably broadening the limits of political action in Nicaragua. Although it would be imprudent to make long-term predictions, these changes may well be irreversible, and the transformations - in terms of law

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and political culture - which the country has undergone in recent months may have set it on course to consolidate those practices of coexistence which are the mark of a pluralist society.

35. In brief, considering all the relevant legal and political factors, it is the opinion of ONUVEN that, as the campaign closes on 21 February 1990 and the people of Nicaragua go to the polls, they are in a position to decide between alternatives which have been given a reasonable chance to be aired. They will be able freely to determine their future Government through the verdict of the ballot-boxes on 25 February 1990. The final task of ONUVEN is to verify the fairness of this crucial phase. That will be the assignment over the next few days and will be reflected in the fifth report of the Mission.

#### Notes

1/ The campaign is a politico-electoral process, requiring an analytical approach which concentrates on political factors and focuses on subjects relating to free competition between the rival candidates. In the elections themselves, on the other hand, the main area of concern is the proper fulfilment of electoral administration functions, which permits much greater structuring of observation activities.

2/ Unfortunately, shortly before the closure of this report, there was a regrettable incident which led to the death of a UNO activist. The incident took place after the demonstration marking the conclusion of the UNO campaign and involved the police. The events are a matter of confusion, and ONUVEN is still trying to complete its information on what took place.

3/ We might also mention reports that projected results are to be announced, together with calls to defend a supposed victory, before the release of official data by CSE for significant numbers of voters. Of course, the fact that the parties should make projections in parallel with the official tallies poses no problem. The difficulty arises when they use them as a substitute for official data, even before these are released, and then call for risky mass rallies.

4/ This expression was coined by The Miami Herald and subsequently incorporated into the election jargon.

5/ La Prensa, "Note to observers", 17 February 1990.

6/ Naturally, where a series of isolated episodes establishes a certain pattern of conduct, it becomes an important element in assessing the performance of the individual or group which is responsible.

7/ The figures given in the text, the only purpose of which is to give an idea of the scale of activities undertaken, are based on estimates. Once the Mission has completed its task, precise data will be compiled for statistical purposes.

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8/ In particular, no changes were made in the composition of the electoral authority; the Council of Political Parties was not eliminated; voting by Nicaraguans abroad was not permitted; the requirement that 50 per cent of foreign contributions be paid into the Fund for Democracy was not cancelled (although CSE exempted goods in kind intended for the campaign); and operation of a private television channel was not authorized.

9/ Some of the existing obstacles and impediments were overcome thanks to direct negotiations by former President Carter.

10/ These efforts in many cases produced no concrete results, more because of the difficulties inherent in such functions than as a result of any intention on the part of - or problems raised by - CSE.

11/ Although it may seem unusual that a police presence during the holding of public rallies should be the subject of a political agreement, this was the case in Nicaragua. Before Masatepe, the opposition objected strongly to the presence of police in the vicinity of sites where rallies were held, arguing that their presence intimidated those taking part. In order to avoid criticism of this sort, the police refrained from attending, as happened in the case of Masatepe.

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## Appendix

### OBSERVATION AND VERIFICATION OF THE ELECTIONS

1. On 25 February 1990, 237 observers from over 50 countries will travel the length and breadth of Nicaragua, observing the conduct of the elections. Of these, 48 belong to the group which has been observing the conduct of the electoral process since the beginning of the campaign, while the rest were added about 10 days prior to the date of the elections. They fall into three groups: Secretariat staff; officials of the United Nations system and of United Nations Development Programme projects in the region; and officials of Member States assigned by their countries to observe the Nicaraguan elections.

2. ONUVEN took a conscious decision to limit the number of observers, which meant that it even turned down some of the candidates proposed by Governments and restricted participation by officials and experts of United Nations organizations or projects in the region. Because of the limited budgetary impact of increasing the number of observers in the final phase and also the possibility of recruiting observers easily both from the 159 Member States and from among United Nations officials, the number of observers present during that phase could easily have been doubled or even tripled. ONUVEN chose not to increase the number of observers beyond the number mentioned because it felt that the potential benefits of such an increase did not outweigh its invisible costs. For instance, increasing the sample on which the projection was based by adding voters from 100 additional JRVs would reduce the margin of error by less than 0.1 per cent. The impact of visiting over 30 or 40 per cent of JRVs is basically symbolic. a/ On the other hand, increasing the number of observers would steadily increase the logistical difficulties and take up the precious time of teams who have been in the regions longer and would have to attend to the new arrivals. In short, we are talking about a situation of diminishing returns.

3. On election day, these 237 observers will travel to all the country's municipalities, from urban areas to the remotest rural districts. Most of the units in which they will travel, and all those operating in areas in the country's interior, will have modern communications equipment. They will begin their work by verifying the process of opening a corresponding number of JRVs and will then continue their programme of visits following routes prepared by the regional co-ordinators. It is estimated that they will visit between 30 and 40 per cent of the country's JRVs, systematically gathering information on the conduct of the elections. When the time comes for ballots to be counted, each observer will go to a JRV where he or she will observe the results of the presidential vote count and will transmit the data to Managua. In urban areas, it is anticipated that each observer will be able to participate in the vote count - at different stages - at two JRVs. Most mobile units will converge on the different regional capitals to make a regional evaluation of the conduct of the elections. Units which, for security reasons, have to spend the night in the last place they visit will transmit their information to Managua and the regional capitals by radio. Once regional assessments have been made and the available information has been systematized and compared with that gathered by other observer missions, the

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regional co-ordinators will travel to Managua early on Monday morning, so that they can make an overall assessment of the conduct of the elections.

4. Information will be gathered using a questionnaire which is also designed to serve as a checklist, and will be handed over to observers who have been suitably trained to detect irregularities. The questionnaire is structured in such a way as to permit systematization of the overall assessments made by each team, so that an overall picture is available in a very short time. At the same time, it contains a mass of more detailed information which can be processed subsequently for use in preparing the Mission's reports. Although observers could have worked and filled out the forms on an individual basis, it was considered preferable that they do so in pairs, so that their views can be compared and contrasted.

5. During the night of 25 February and the early hours of 26 February, observers will undertake a number of additional verification activities, such as accompanying the convoys that will pick up election materials from the JRVs after the ballot count; removing the copies made of ballot count certificates for international observers, so that a parallel tabulation of the results can be made; and being present at the regional centres to which materials will be brought from the JRVs and at the centres where the results will be computed.

6. As indicated above, ONUVEN will observe the presidential ballot count in 300 JRVs, representing approximately 120,000 voters or over 8 per cent of registered voters. Ballot count data will be transmitted by hand in the case of JRVs close to Managua, and using ONUVEN's modern communications system in the case of more remote JRVs. Based on these data, a projection of the results (sometimes called an early return) will be made, for use as a verification instrument. This projection is for internal use only and for the information of the Secretary-General and will be shared only with the OAS mission and with that of the Council of Freely-Elected Heads of State headed by former President Carter. JRVs were chosen on the basis of a random sample classified by department and rural/urban habitat which, for the number of voters included in the sample, allows only a tiny margin of error. The information will be available in the early morning of 26 February. ONUVEN is giving special priority to this information both because it is based on primary data gathered by its own observers and because of the moment at which it is generated.

7. The other verification mechanism which ONUVEN will use is a tabulation of results, which will involve tallying votes on the basis of the data contained in ballot count certificates. These certificates will be obtained for all JRVs, under an agreement reached with CSE. The most important thing about having copies of the certificates is that they will permit verification and control in cases where there are disputes at certain JRVs.

8. Lastly, ONUVEN will monitor all stages of the final vote count to be carried out in the regional councils. A much smaller mission will remain in Nicaragua until the new government takes office.

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Notes

a/ The exchange of information planned with other observer groups, and with electoral and government authorities also increases, in practical terms, actual coverage of the elections.

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