

THE UNCHECKED DEMISE OF NICARAGUAN DEMOCRACY

OLIVER DELLA COSTA STUENKEL AND ANDREAS E. FELDMANN | NOVEMBER 16, 2017

While the world closely watches the profound political crisis in Venezuela, more subtle threats to democracy in other parts of Latin America are going unchecked. Taking the place of overt ruptures such as military coups is the slow erosion of democracy prompted by incumbents who display authoritarian tendencies and deliberately undermine democratic institutions and systems to maintain control. Since the start of the twenty-first century, incumbents in Latin America have been exploiting economically promising circumstances, particularly due to the commodity boom, to enhance their legitimacy and strengthen their grip on power.

Nicaragua is a prime example of this worrisome trend. The country's emerging hegemonic party has achieved considerable progress in areas such as public security, social policy, and the economy and has exploited this success to consolidate its power. The Sandinista National Liberation Front's (FSLN) strategy is thus proving to be more sophisticated and effective than that of the United Socialist Party of Venezuela first under Hugo Chávez and now Nicolás Maduro.

Meanwhile, the international community has seemed incapable of, or disinterested in, helping to reverse this trend. A regime to protect democracy exists at the regional level, but implementation of its framework of rules and norms has done little to curb authoritarian tendencies in Nicaragua and other Latin American countries. Thus, there is an urgent need to update this framework and galvanize more effective international support that will put the brakes on the country's authoritarian turn. Studying the case of Nicaragua can help advance this urgent debate.

DEMOCRACY'S DECLINE

President Daniel Ortega first ruled Nicaragua between 1979 and 1990, after his revolutionary FSLN party toppled the

dictatorship of Anastasio Somoza Debayle. Ortega lost power to centrist Violeta Chamorro following a bloody civil war, but, in 2006, he staged an improbable comeback and was once again elected president. Since then, he has gradually dismantled Nicaragua's young democracy.

Ironically, Ortega's increasingly dictatorial and nepotistic rule recalls the Somoza family's sultanistic regime. Ortega and his entourage have almost total control of the executive branch, Congress, most of the judiciary, the Sandinista party, the police, and the national army.¹ Ortega's greatest critics today are not opposition candidates but Sandinistas who fear a return, paradoxically, to a family dictatorship similar to that of the Somoza days. Rosario Murillo, Ortega's wife, is vice president but said to control many key decisions, while cabinet ministers have a largely ceremonial role.

In November 2016, Ortega celebrated a historic triumph and was reelected for a third term, winning 72.1 percent of the votes.² By comparison, the Liberal Constitutionalist Party's candidate, Máximino Rodríguez, won a paltry 14.2 percent.³ Six months ahead of the vote, the Supreme Court, aligned with Ortega, barred Eduardo Montealegre, leader of the main

ABOUT THE AUTHORS

Oliver Della Costa Stuenkel is an associate professor of international relations at the Getúlio Vargas Foundation in São Paulo, where he coordinates the São Paulo branch of the School of History and Social Science and the executive program in international relations. He is a member of Carnegie's Rising Democracies Network.

Andreas E. Feldmann is an associate professor in the departments of Latin American and Latino studies and political science at the University of Illinois at Chicago. He is also a member of Carnegie's Rising Democracies Network.

opposition party, the Independent Liberal Party, from running.⁴ Several other parties were stripped of their legal status, while opposition within the Sandinista party was suppressed. Civil society activists and other critical voices, such as foreign researchers, were also silenced, harassed, and/or co-opted. Ortega, moreover, used his almost total control over television and radio to boost his reelection campaign.

This electoral triumph, however, was not only the result of systematic, overt repression and persecution. Even analysts critical of Ortega argue that the president would likely have won even in a free and fair contest. Several factors explain this outcome. First, despite the president's antineoliberal rhetoric, he has embraced a largely orthodox, pro-business economic policy that has rendered positive results. While most Latin American economies have been struggling, Nicaragua's economy has been growing at nearly 5 percent per year since the mid-2000s, though from a very low base.⁵ Learning from the mistakes he made during his first tenure as president, Ortega recognizes the need to maintain macroeconomic stability and fiscal prudence.

Nicaragua's strong economic performance is also the result of Ortega's alliance with Venezuela, which provides important energy aid to Nicaragua through the Petrocaribe program. Ortega has used these resources to finance social programs and infrastructure projects and buttress his control over the Sandinista party. As a result, comparisons between Ortega and Hugo Chávez or Nicolás Maduro are somewhat misleading. While Venezuela nationalized key industries and took concrete steps to articulate a socialist project, Nicaragua became and remains an attractive destination for FDI. Rather than combating business elites, Ortega has largely co-opted them.

Second, Ortega's shrewd, pragmatic approach has been instrumental in placating another important adversary: the Catholic Church, which has been historically highly critical of Sandinismo ideology. In a move that caught many by surprise, Ortega's regime changed gears and deployed a discourse that amalgamates socialism and religion, strongly contrasting with Sandinismo's historical anticlericalism. The regime has won over influential members of the Catholic Church by embracing family values and introducing conservative legislation, such as strict antiabortion laws. The regime declared Miguel Obando

y Bravo—the influential former Archbishop of Managua and a vociferous enemy of Sandinismo—a “national hero of peace and reconciliation.”⁶ The accommodation between Ortega and Obando has been crucial to enhance the support of the government in this predominantly Catholic country.

Third, Ortega has shown himself to be a capable administrator, and despite the country's authoritarian turn, most people affirm they are better off today than in the past. A major achievement is Nicaragua's public security record. In a region plagued by astonishing levels of violence—among the highest in the world for countries at peace—Nicaragua has the best indices of public security.⁷ In 2016, Nicaragua's homicide rate was lower than that of any other country in Central America. This record is partly attributable to the professional and competent work of the Nicaraguan National Police, which has relied on its strong bonds with civilian communities developed during the revolutionary years to combat crime, particularly gang activity. Improved public security conditions have boosted the regime's legitimacy.

Finally, the regime has contained opposition by using an astute combination of co-option and targeted repression, as well as the occasional concession. Notwithstanding some abuses, Nicaragua's human rights record is not appalling when compared to many other countries in the region. Ortega has distributed resources (especially Venezuelan aid) to divide and weaken the opposition, which has seemed unable to confront him and make a convincing case as to why he should be replaced. When buying support does not work, the regime turns to repression of varying degrees of intensity, which is generally not overtly violent but highly effective.⁸ Rather than imprisoning opposition figures, the judiciary annuls their candidacies. Rather than opting for overt media censorship, companies are actively encouraged not to buy ads in critical news outlets. Opposition figures are often harassed but rarely threatened physically. Visiting researchers asking too many uncomfortable questions have been expelled from the country. At the same time, repressive tactics have been contrasted by seemingly conciliatory moves. Since several U.S. officials were expelled from the country in June 2016, decisionmakers in Managua have attempted to act more subtly.⁹ To placate foreign critics, for example, observers from the Organization of American States (OAS) were allowed to visit during less

relevant municipal elections held in November 2017, thus providing the regime with a handy argument against those criticizing the regime for its authoritarian tendencies.¹⁰

What is most worrisome, in this context, is the extreme concentration of power surrounding Ortega, his wife, and his children, dramatically reducing the likelihood of the return of multiparty democracy or an orderly political transition in the coming years. While rumors about Ortega's ill health—he is seventy-two years old and rarely appears in public—cannot be confirmed, there are growing concerns among traditional groups within the Sandinista movement—many of whom have fought alongside the president during the war—about the possibility of Murillo taking over from her husband. This event would confirm Ortega's ambitions to use the movement as a platform for establishing a dynastic rule.

REGIONAL AND INTERNATIONAL APATHY

Latin American diplomats in Managua privately acknowledge the slow decline of Nicaragua's democracy, yet for various reasons, their governments—with the exception of Costa Rica's—have been disinclined to speak out. This is despite their purported vow to defend and promote regional democracy.

After the November 2016 election in Nicaragua, the United States declared that it was “deeply concerned by the flawed presidential and legislative electoral process in Nicaragua, which precluded the possibility of a free and fair election.”¹¹ But the reaction by Latin American governments was far more muted, and only Costa Rica's government explicitly commented on Ortega's growing authoritarian tendencies.

Four factors contribute to the lack of a decisive regional policy toward Nicaragua. First and foremost, Latin American democracies are reluctant to spend political capital picking a fight with Nicaragua, a small country that has relatively little impact on their national interests. Brazil and Argentina, the South American heavyweights, have a relatively weak presence in Central America. Mexico, which arguably has greater stakes in Nicaragua's stability due to its close proximity and links with Central American countries, is facing internal challenges and, on the foreign policy front, is focused on growing tensions with U.S. President Donald Trump's administration. The Mexican government has refused to take any diplomatic

stance despite a major rift resulting from the unlawful detention, ill treatment, and expulsion from Nicaragua of the Mexican student Jobany Torres in June 2016.¹² Colombia, whose relations with Nicaragua are fractious because of a territorial dispute, has remained on the sidelines. Chile, a country with historically important ties with Nicaragua, has pragmatically remained silent in exchange for Nicaragua's tacit support in its dispute with Bolivia over maritime issues.

Second, the political crisis in Brazil has created a power vacuum in Latin America that has made any coordinated regional strategy far more difficult. Consumed by an acute internal crisis, Brazil is too distracted and powerless to act and does not want to risk opening up another flank in its polarized domestic disputes.

Third, the crisis in Venezuela has consumed most of the attention and political capital of Latin American countries, taking precedence over other crises including Nicaragua's declining democracy and the increasingly authoritarian tendencies displayed by President Evo Morales in Bolivia.

Fourth, Latin America's regional mechanisms, created in the 1980s and 1990s, are largely designed to prevent overt political ruptures rather than the kind of incremental steps away from democracy that Ortega is engineering. In this respect, the mechanisms have had a tangible impact—playing a role in avoiding, reversing, or condemning antidemocratic coups and dissent in places like Paraguay (1996, 1999, and 2012), Venezuela (2002), and Honduras (2009).¹³ They have proven far less effective, however, when it is those already in power that actively undermine democracy. Governments agreed to regional democracy mechanisms as a protection against threats from the barracks, not to restrict their own room for maneuver. This is becoming increasingly obvious in the case of Nicaragua.

The United States, for its part, has taken a rather mild approach. The administration of former president Barack Obama criticized the tarnished democratic record of Ortega and even imposed soft sanctions in 2013—withdrawing funding for some small international assistance programs.¹⁴ However, the administration did not support Republican lawmakers' efforts to impose heavier sanctions through the

Nicaraguan Investment Conditionality Act (NICA)—which has been stranded in the House Foreign Affairs Committee since September 2016—and did not veto loans from Bretton Woods institutions such as the World Bank, International Monetary Fund, and Inter-American Development Bank. The Trump administration, which has taken a strong stance on Cuba, may eventually take a similar, more aggressive position on Nicaragua. However, for the moment, Washington seems too distracted by multiple other crises to take a proactive position on the country's drift back into authoritarianism. Indeed, the existing gridlock in Washington makes passing of the NICA unlikely.

PROSPECTS

The most likely scenario is that Ortega continues to accumulate power, possibly with increased repression. If economic growth continues at current rates, repression can be expected to continue at moderate levels. If, however, economic growth slows and discontent rises, Ortega can be expected to take more specific steps to avoid the emergence of political opponents that could mobilize the population.

While this scenario suggests continued political stability for now, it involves a messy and unpredictable transition ahead once Ortega decides to transfer power to his wife. Indeed, perhaps more destabilizing would be an open power struggle within the Sandinista movement, born out of growing tensions between Murillo and the Sandinista stalwarts, most of whom are critical of her growing role in government.

The regime is unresponsive to any domestic pressure to step back from its authoritarian consolidation of power. As for the international community, the window of opportunity to play a constructive role in protecting democracy seems to have closed. Diplomatic pressure should have been applied much earlier as a way to impede Ortega's dismantling of rival parties and democratic institutions that could have kept his authoritarian tendencies in check. Now that he has consolidated power, external measures, in particular sanctions, may play

into the hands of the government, which would use external "aggression" as a justification for increased domestic repression. The passing of the NICA in particular would be counterproductive given many Nicaraguans' long-standing distrust of, and resentment against, the United States. Going through multilateral mechanisms, however cumbersome, may be more effective and would avoid a backlash against Washington.

While uncertain, regional pressure holds more promise for change. Countries with strong, historical relations with Nicaragua (for example, Chile, Mexico, and Panama) and others with regional influence (for example, Argentina) may be able to engage and convince Ortega to consider reversing his course and begin a dialogue with the opposition on ways to solve the crisis. Similarly, democratic members of the OAS could step up their diplomatic pressure on Nicaragua. The Inter-American Democratic Charter (IADC) provides the necessary mechanisms to boost diplomatic pressure against Nicaragua and other countries displaying authoritarian tendencies—something Costa Rica has been cautiously calling for.

A more candid discussion regarding the dangers of authoritarian backsliding would also be desirable—within the OAS, at the bilateral level between heads of state, as well as in the context of regional blocs such as Mercosur, the Pacific Alliance, the Union of South American Nations, and the Community of Latin American and Caribbean States. Likewise, calling for an ample debate about clearer democratic benchmarks related to the IADC seems critical. Without such a debate, the region will be unable to deal with cases where incumbent leaders slowly erode democracy from within. As this is set to be an increasingly common problem, Latin America's democracy mechanisms must be updated to focus on backsliding and the erosion of democracy rather than high-profile ruptures. This should involve establishing specific rules and monitoring mechanisms related to, for example, judicial independence, freedom of the press, and protection of opposition politicians—areas where aspiring autocrats often begin to expose their authoritarian tendencies.

NOTES

1. For a measured and insightful account of Nicaragua's democratic regression, see Salvador Martí I Puig, "Nicaragua: Desdemocratization y Caudillismo," *Revista de Ciencia Política* 36, no. 1 (2016): 239–58.
2. Jonathan Watts, "Nicaragua President Re-elected in Landslide Amid Claims of Rigged Vote," *Guardian*, November 7, 2016, <https://www.theguardian.com/world/2016/nov/07/nicaragua-president-daniel-ortega-reelected-landslide-vote-rigging>.
3. Enrique Pretel and Alexandra Alper, "Nicaraguan Leftist Ortega Storms to Landslide Reelection," Reuters, November 6, 2016, <http://www.reuters.com/article/uk-nicaragua-election/nicaraguan-leftist-ortega-storms-to-landslide-reelection-idUKKBN13108Q>.
4. The Supreme Court ruled that the candidate Eduardo Montealegre could not lead the opposition Independent Liberal Party, pointing to "abuse" by Montealegre and obliging the party to be led by Pedro Reyes Vallejos, who enjoyed little support in the alliance of opposition groups. "La Corte Suprema de Nicaragua quita partido a la principal coalición opositora," *Agencia EFE*, June 8, 2016, <https://www.efe.com/efe/america/politica/la-corte-suprema-de-nicaragua-quita-partido-a-principal-coalicion-opositora/20000035-2950307>.
5. Economic Commission for Latin America and the Caribbean, *Economic Survey of Latin America and the Caribbean, 2016—Nicaragua* (Santiago: United Nations, 2016), <https://www.cepal.org/en/publications/40327-economic-survey-latin-america-and-caribbean-2016-2030-agenda-sustainable>.
6. Arlen Cerda, "Miguel Obando y Bravo: The Comandante's National Hero," *Confidencial*, March 10, 2016, <https://confidencial.com.ni/miguel-obando-bravo-the-comandantes-national-hero/>.
7. David Gagne, "Insight Crime's 2016 Homicide Round-Up," InSight Crime, January 16, 2017, <http://www.insightcrime.org/news-analysis/insight-crime-2016-homicide-round-up>.
8. Amnesty International, *Nicaragua 2016/2017 Country Report* (Mexico City: Amnesty International, 2017), <https://www.amnesty.org/en/countries/americas/nicaragua/report-nicaragua/>.
9. "Several U.S. Officials Expelled From Nicaragua: State Department," Reuters, June 16, 2016, <http://www.reuters.com/article/us-usa-nicaragua/several-u-s-officials-expelled-from-nicaragua-state-department-idUSKCN0Z22IL>.
10. Heather Nauert, "Municipal Elections in Nicaragua," press release, U.S. Department of State, November 8, 2017, <https://www.state.gov/r/pa/prs/ps/2017/11/275416.htm>.
11. Lesley Wroughton and Enrique Pretel, "U.S. Expresses Concern Over Nicaragua's 'Flawed' Election," Reuters, November 6, 2016, <https://www.reuters.com/article/us-nicaragua-election/u-s-expresses-concern-over-nicaraguas-flawed-election-idUSKBN13108W>.
12. Pablo Ferri and Carlos Salinas, "Diez días detenido sin saber por qué: El caso del mexicano Jobany Torres en Nicaragua" (in Spanish), *El País*, June 11, 2016, https://elpais.com/internacional/2016/06/10/america/1465579658_614352.html.
13. Andreas E. Feldmann, Federico Merke, and Oliver Stuenkel, "Venezuela's Political Crisis: Can Regional Actors Help?," Carnegie Endowment for International Peace, November 30, 2015, <http://carnegieendowment.org/2015/11/30/venezuela-s-political-crisis-can-regional-actors-help-pub-62076>.
14. Peter J. Meyer and Mark P. Sullivan, "U.S. Foreign Assistance to Latin America and the Caribbean: Recent Trends and FY2013 Appropriations," Congressional Research Service, June 26, 2012, 11, <https://fas.org/spp/crs/row/R42582.pdf>.

The Carnegie Endowment is grateful to the Robert Bosch Stiftung, the Ford Foundation, and the UK Department for International Development for their support of the Rising Democracies Network. The opinions expressed in this article are the responsibility of the author.

RISING DEMOCRACIES NETWORK

The Rising Democracies Network is an initiative of the Carnegie Democracy and Rule of Law Program, which rigorously examines the global state of democracy and international efforts to support democracy's advance.



CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

The Carnegie Endowment for International Peace is a unique global network of policy research centers in Russia, China, Europe, the Middle East, India, and the United States. Our mission, dating back more than a century, is to advance the cause of peace through analysis and development of fresh policy ideas and direct engagement and collaboration with decisionmakers in government, business, and civil society. Working together, our centers bring the inestimable benefit of multiple national viewpoints to bilateral, regional, and global issues.

© 2017 Carnegie Endowment for International Peace. All rights reserved.

Carnegie does not take institutional positions on public policy issues; the views represented herein are the authors' own and do not necessarily reflect the views of Carnegie, its staff, or its trustees.

