



Foreign and Commonwealth Office

London SW1A 2AH

1) My ~~Barclay~~: to see

2) GR: ack to Lord
Kennet please.

11 February 1985

Dear David,

Dub
12/2

Nicaraguan Elections

In your letter of 4 February you enquired whether FCO Ministers intended to comment on the Report of the British Parliamentary Delegation which observed the Nicaraguan elections.

Unless asked, FCO Ministers do not intend to comment on what is after all an unofficial report. To do so would only give further publicity to a distinctly one-sided account of a subject which has already been well covered in Parliament, and on which the Government's views have been clearly stated.

A copy of the Report was sent to the Foreign Secretary by Lord Kennet with a compliments slip. We have acknowledged it.

Yours ever,

Peter Ricketts

(P F Ricketts)
Private Secretary

David Barclay Esq
10 Downing Street

Nicaragua: Relations: July 1979

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10 DOWNING STREET

From the Private Secretary

12 February 1985

The Prime Minister has asked me to thank you for sending her a copy of the Report of the British Parliamentary Delegation which observed the Nicaraguan Elections.

David Barclay

The Lord Kennet

da



10 DOWNING STREET

From the Private Secretary

4 February 1985

British Parliamentary Delegation to
Nicaragua

Lord Kennet has sent the Prime Minister a copy of the Report of the British Parliamentary Delegation which observed the Nicaraguan Elections.

We will, of course, acknowledge its receipt but I should be grateful to know whether your Ministers are intending to comment substantively.

(David Barclay)

Peter Ricketts, Esq.,
Foreign and Commonwealth Office

ECC



- 1) Mr Powell : to see
- 2) GR : each part.

Days
1/2

WITH THE COMPLIMENTS OF LORD KENNET

DB

We might
ask the FCO whether
they intend to
comment.

EDM 1/2.

PARLIAMENTARY HUMAN RIGHTS GROUP

Report of a British Parliamentary Delegation to Nicaragua
to observe the Presidential and National Assembly elections

4 NOVEMBER 1984

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ACKNOWLEDGEMENTS

The delegation would like to express its special thanks to George Gelber who acted as interpreter and secretary and who undertook the task of incorporating our observations in this report.

We wish to express our appreciation to the Supreme Electoral Council of Nicaragua which was responsible for the overall organisation of our visit, and those of over 400 other visitors, and did its best to arrange for us the interviews we requested. We are also grateful for the warmth and courtesy with which we were treated by all the Nicaraguans we met during our visit.

Introduction

In early October 1984, the Supreme Electoral Council of Nicaragua invited the Parliamentary Human Rights Group (PHRG) to send a delegation to Nicaragua to observe the presidential and national assembly elections which were to be held on 4 November. David Ashby M.P. (Conservative), Alf Dubs M.P. (Labour) and Lord Kennet (Social Democratic Party) formed the delegation which represented the PHRG. David Ashby and Lord Kennet were in Nicaragua from 31 October to 6 November. Alf Dubs stayed until 9 November. This was David Ashby's and Alf Dubs's first visit to Nicaragua. Lord Kennet had visited Nicaragua for a week in February when the date of the elections was announced.

The policy of PHRG is, in principle, that its missions should be financed from its own resources. On this occasion, however, faced with a shortage of funds, the members of the delegation agreed to accept the offer of the Supreme Electoral Council of Nicaragua to pay for their expenses in Nicaragua, because they were completely satisfied with the guarantees provided by the Council regarding their freedom of movement and the arrangement of interviews. For this formal reason, this report cannot be classified as an official report of the PHRG. Nevertheless, we wish to state that we were able to travel and hold interviews, arranged privately or through the Supreme Electoral Council, with complete freedom and confidentiality and that at no time were we subject to any pressures from the government of Nicaragua or from any other source, and that this is reflected in this report.

The purpose of the delegation was to observe the conduct of the elections themselves and to gain an understanding of the political context in which they were held.

In preparing this report, we have necessarily had to rely on second-hand reports of the political campaigning leading up to the election. Much of the discussion concerning the validity of the elections of 4 November centres on the political conditions prevailing in Nicaragua in the months leading up to the elections and on decisions made and incidents which took place during the official campaigning period from 4 August to 2 November.

We were very conscious of the exceptional nature of this election. Under the Somoza dictatorship, which lasted from 1936 to 1979, Nicaragua's experience of elections had been limited to corrupt and fraudulent contests for seats in a tame National Assembly. After the Sandinista-led insurrection and the overthrow of General Anastasio Somoza in July 1979, the FSLN (Sandinista Front for National Liberation) set up a Council of State with 51 members drawn from various sectors of the national community - trade unions, peasant organisations, business groups, professional associations, political parties and the women's movement. The Council of State functioned as a representative assembly and gave some opposition groups a forum in which to criticise the government. The Sandinistas had a built-in majority in the Council of State through their control of the organisations which sent representatives to the Council. It was understood, however, that the Council of State was a temporary expedient and would, in due course, be

replaced by a directly elected legislature. In those early days following the insurrection, elections were not seen by the FSLN as an immediate priority and, among groups opposed to the Sandinistas, there were fears which were voiced in Washington, that, given the overwhelming popularity of the Sandinistas at that time, early elections would lay legitimate and democratic foundations for a Sandinista government which could not be challenged constitutionally. Soon after their victory, the Sandinistas announced that they intended to hold elections in 1985. Subsequently 'pluralism' and elections were made an issue by the opposition and the Reagan administration in the United States, with the latter claiming that the FSLN had gone back on a promise to hold elections soon after the overthrow of the Somoza dictatorship. The announcement in February 1984 that elections were to be held on 4 November brought forward the date by as much as a year. Thus, from the first months of the Sandinista revolution, elections have been a controversial and sensitive subject.

The elections were held against the background of a guerrilla war and deepening economic crisis. The Nicaraguan government is fighting an army of anti-Sandinista rebels, known universally as the 'contras' (short for counter-revolutionaries), numbering approximately 15,000 men, most of whom are based on the other side of the northern border in Honduras. These 'contras' have received money and military assistance from the US government. During 1985, the Reagan administration is to seek further funding from Congress for the 'contras'. The Reagan administration has claimed that its support for the 'contras' is part of an effort to prevent the Sandinistas 'exporting revolution' to the other countries of Central America and, in particular, to interdict the traffic of arms from Nicaragua to the FMLN guerrilla forces in El Salvador. This justification has been undermined by the 'contras' themselves who make no secret of their intention of overthrowing the Sandinista government. Furthermore, in spite of a sizeable US military presence in Honduras which separates Nicaragua from El Salvador, the US administration has not produced any convincing evidence that the Sandinistas are providing substantial assistance to the Salvadorean rebels. The CIA has also played a role in supporting the 'contras' and in March 1984 planned and carried out the mining of Nicaragua's ports. The United States also made its present felt soon after the elections. On 9 November, as he was waiting at the airport to board his plane to return to London, Alf Dubs heard the sonic boom made by a US reconnaissance plane flying over Managua.

The war has taken a heavy toll on Nicaragua, in lives and injuries and economic damage. The government has reported that in 1984 600 civilians were killed by 'contras' and 1,400 were wounded, and that 1,000 Sandinista troops fell in combat. Economic damage in 1984 alone is estimated at US\$ 255 million. Our own visit was bracketed by 'contra' actions. For example, it was reported that a few days before our arrival, a mortar shell fired by the 'contras' against the village of San Gregorio in the north of Nicaragua landed on the house of a peasant family, killing six children. On Monday 5 November, the day after the election, Pablo Schmidt, a senior Sandinista and director of the state telecommunications company, TELCOR, was killed while leading a detachment of troops against a 'contra' group in which 73 'contras' were said to have been killed.

The war has polarised opinion in Nicaragua. There is strong popular sentiment, encouraged by the Sandinistas but not manufactured by them, against the 'contra' guerrillas and also against opposition groups, such as the Coordinadora Democratica Nicaraguense (CDN) which, by putting the blame for the war entirely on the Sandinistas, are seen as a political front for them. The economic crisis cannot be separated from the war. We do not claim that, without a war, there would be no economic problems in Nicaragua. Neighbouring Costa Rica, with none of Nicaragua's political and military problems, has suffered a 20 per cent decline in GNP over the past five years. It is clear, however, that, with defence-expenditure running at an estimated 40 per cent of the government expenditure, with the heavy economic losses caused by the 'contras' and with the serious diversion of scarce human and material resources into the defence effort, the war is the most important element in the economic crisis. We were told by government officials, for example, that they expected to lose up to 30 per cent of the cotton and coffee harvests, Nicaragua's main export crops, as a result of 'contra' activity.

The Sandinista government has responded to this situation in two ways. On the one hand, it has tightened control over the country and mobilised militarily against the 'contra' threat. A State of Emergency was declared in March 1982, giving the government wide emergency powers. The most significant use of these powers was the censorship of the press, specially the opposition afternoon paper, La Prensa, and the banning of outdoor political rallies. On the other hand, the Sandinistas have sought to win back the support of groups which they had alienated. This applies particularly to the Miskito indians of the Atlantic Coast who were given a amnesty in December 1983, extending both to those who had taken up arms against the government and to those who had been convicted of violent political offences. The elections of 4 November, the timing of which was clearly influenced by the fact that the US elections were to be held two days later, offered a further possibility of breaking through the siege mentality of a country on a war footing.

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The Sandinistas and their record

The Sandinista Front for National Liberation (FSLN) was founded in 1961, one of several Latin American revolutionary movements inspired by the Cuban revolution of 1958/59. The Sandinistas take their name from Cesar Augusto Sandino, a Nicaraguan nationalist and guerrilla leader who in the late 1920s and early 1930s fought successfully against an occupying force of US marines. The early history of the Sandinista Front is a series of setbacks - it was all but wiped out by the National Guard in 1967 - and the movement was divided by tactical differences into three factions. In the 1970s, however, the Sandinistas built up solid support among the rural population, urban workers and students, and emerged as a united movement in which Sandino's radical nationalism had been incorporated in a wide-ranging programme of reform. The Sandinistas became the military and political leaders of the anti-Somoza movement when the traditional political parties and the less radical groups failed to obtain significant concessions from Somoza. In these elections the FSLN was running on its record in government over the past five years and as the victors in the revolutionary insurrection against a loathed dictatorship.

Before their victory in 1979, the Sandinistas promised to introduce a pluralist political regime, to maintain a mixed economy and to follow a policy of non-alignment in international affairs. At the same time, there is a strong but not dominating marxist strand in their thinking. Certainly some of its leaders admit in differing degrees to the formative influence of marxism. Given this marxist influence, some opposition figures, and certainly the current US administration, maintain that the Sandinistas are determined to set up a totalitarian marxist-leninist political system and that any devotion to pluralist politics they may have demonstrated is only the result of a pragmatic desire not to alienate their allies in the west. Such an assertion, by its nature, cannot be conclusively disproved. Pragmatism and flexibility, however, are not to be despised. Measures taken for pragmatic reasons create a momentum of their own from which in the future it becomes progressively more difficult to diverge.

The Sandinistas' record leads in a different direction, to a view of the Sandinistas as a movement that is deeply distrustful of the US government - something we find hardly surprising - and, allowing for different shades of opinion within the Sandinista Front, genuinely convinced that pluralism is possible in Nicaragua as long as this does not involve a radical turning away from the major objectives of the revolution. The Law of Political Parties, approved in September 1973, specifies that the object of political parties is to achieve political power (Article 2); and that 'Political parties can be organised freely in the country without any ideological restrictions whatsoever. The existence of political groups or parties which advocate a return to somocism or which advocate the establishment of a similar political system is prohibited'; and finally that 'Political parties ... must respect ... the fundamental principles of the Sandinista Popular Revolution such as its anti-imperialism and its profoundly popular and democratic character'. (Article 4). This can be compared to the constitution of the Republic of Italy, adopted after the Second World

War, which makes it illegal to advocate a return to fascism.

In the five years they have been in power the Sandinistas have made radical reforms in Nicaraguan society, eliminating the military, political and economic power of the Somoza dictatorship and drastically changing the balance of power between the traditional land-owning and business class and the poor, a balance now controlled by the Sandinista Front as the party of government. The mixed economy has been maintained, with private owners still in control of about 60 per cent of the productive assets of the country. This economic power is not matched, however, by political power and is, in some senses, conditional.—With the Sandinistas in charge of economic policy and with banking and foreign trade nationalised, private producers do not feel secure. One of the demands of the Superior Council of Private Enterprise (COSEP), a coalition of business groups representing on the whole larger enterprises, is a guarantee of private property. Its members react with alarm to the anti-capitalist tone of pro-government newspapers and the Sandinista television station, which they take as a more accurate guide to the Sandinistas' real feelings about private enterprise than the assurances they receive from government ministers. As a result private enterprise has almost ceased to invest in Nicaragua. Foreign private investment, never large in Nicaragua, is virtually non-existent. And yet, the Sandinista government has continued to provide generous credit, and more recently, higher prices for farm products, in an effort to provide incentives for the private sector.

Over the past five years, the Sandinistas have received more aid from the west and from other developing countries than from the Soviet bloc. Present levels of aid from the west, however, are lower. British bilateral aid for 1984-85 was about £25,000 and is not expected to rise. The level of Soviet aid, which includes the arms the Sandinistas need to fight the 'contras', is more a reflection of their failure to obtain aid from the west, than of ideological affinity with or dependence on the Soviet Union. The United States, traditionally the major source of aid and technical assistance, has given no aid to Nicaragua since 1980 and has campaigned to cut off other sources of aid in the multilateral institutions and in Europe.

The Sandinistas' positive achievements are predominantly in the fields of health and education. In 1980, with the help of over 70,000 volunteer teachers, most of them secondary school pupils, the Sandinistas organised the Literacy Crusade, which was followed by adult education classes, again run by volunteers. With inoculation and preventive health campaigns, they have made a significant impact on communicable and endemic diseases. Neither of these achievements would have been possible without the enthusiasm and involvement of the ordinary citizens of Nicaragua. They show what can be achieved by a poor country when people unite to work for common goals.

The agrarian reform has redistributed 35 per cent of Nicaragua's arable land, 20 per cent from the Somoza family empire and a further 15 per cent from other private producers, either because they abandoned their holdings or were cultivating them inadequately. The agrarian reform law protects efficient private producers and establishes no limit to the size of their holdings. Two-thirds of this land has been

redistributed to individual farmers with the rest being divided between state-owned farms, which tend to be the largest agro-industrial enterprises with special management needs, and agricultural cooperatives.

Human Rights

As part of our concern for the context of the elections, we took some time to interview people concerned with the administration of justice and with human rights. Between us, we saw Dr. Roberto Arguello, President of the Supreme Court; Dr. Lino Hernandez, Legal Director of the Permanent Commission for Human Rights (an independent body highly critical of the government's record); and Sister Mary Hartman of the Commission for the Protection and Defence of Human Rights, an official but autonomous body set up by the government to monitor human rights and to make representations on behalf of prisoners and detained people.

Our main area of concern was the operation of the Popular Anti-Somocista Tribunals, which have been operating since April 1983. These consist of an upper and a lower court, functioning in Managua only for the time being, although they could be set up in other parts of the country, with a lawyer as president and two other members drawn from pro-government popular organisations. The Tribunals try people accused of 'crimes of war and against humanity'. The legal code of Nicaragua guarantees basic rights in terms of access to lawyers and speedy appearance before a magistrate which compare well with other countries.

These rights do not apply to people being brought before the Tribunals. The Supreme Court has no jurisdiction over these Tribunals. The government body responsible is the Ministry of the Interior. We heard also that, when defence lawyers are permitted in trials before them, they sometimes find it impossible to obtain official transcripts of court proceedings. Moreover, there is no publicly known procedure for determining whether a person detained by the police should be brought before the normal courts or the Popular Anti-Somocista Tribunals. Such a system is clearly open to abuse. We were told that the significant number of pardons granted by the Ministry of the Interior could be taken as an indication of wrongful convictions by the Tribunals. We were given a rough estimate of approximately 600 convictions by the Tribunals since they were set up. It should be noted that 'contras' captured on the battlefield are brought before these Tribunals, so it should not be assumed that the Tribunals are being used by the government systematically to punish or silence legitimate political dissent. Opposition figures to whom we spoke did not bring up the functioning of the Tribunals as a matter of special concern. Suspicions about the Tribunals, however, can only be allayed either by closing them down and providing the normal courts of Nicaragua with the means to hold speedy and open trials for people accused of 'terrorist' offences, or at least, by bringing the Tribunals under the jurisdiction of the Supreme Court.

The President of the Supreme Court said that the system of administration of justice in Nicaragua had to be rebuilt completely after 1979 and that it still relied on many archaic laws and procedures inherited from the past and involving written submissions to the court rather than oral proceedings. This, together with the lack of resources, made the administration of justice exceedingly slow.

We heard a detailed account of the psychological torture of an alleged political detainee which we found extremely worrying. The very low numbers of such alleged cases of torture, or of unexplained

killings, led us to conclude that there is no systematic government policy of torture and that extra-judicial executions or disappearances, if they occur at all, are extremely few in number. Such serious allegations cannot be taken lightly, however, and need careful investigation. An important step towards resolving these doubts would be to enact a law governing the conduct and procedures of the Security Police (Seguridad del Estado) and to make them accountable to the courts for abuses of authority. At present there is no publicly known statute setting out their powers.

We wish to make clear that, although these are matters of deep concern, they occur in a country which is at war, and that they constitute faults in a society which bears no comparison with the dictatorship which it replaced. In Nicaragua today, people do not put their lives at risk when they express political dissent; they do not have to fear the police, they are not 'disappeared' without trace, and there are no death squads.

The Parties

The following parties ran in the election:

1. Independent Liberal Party (PLI)
2. Democratic Conservative Party of Nicaragua (PCDN)
3. Popular Social Christian Party (PPSC)
4. Socialist Party of Nicaragua (PSC)
5. Communist Party of Nicaragua (PCN)
6. Marxist-Leninist Popular Action Movement (MAP M-L)
7. Sandinista Front for National Liberation (FSLN)

The following parties are members of the Coordinadora Democratica Nicaraguense (Nicaraguan Democratic Coordinating Committee - CDN) which did not participate in the elections:

8. Constitutionalist Liberal Party (PLC)
9. Social Christian Party (PSC)
10. Social Democrat Party (PSC)
11. An unregistered faction of the Conservative Party

1. The Independent Liberal Party was founded in 1944, when it split away from the Nationalist Liberal Party headed by the first General Somoza. The PLI supported the FSLN in the insurrection. The PLI's presidential candidate, Virgilio Godoy, was Minister of Labour in the Sandinista-led, post-1979 government. He resigned in March 1984 to run in the presidential election.

During the campaign, the PLI was very critical of the government's management of the economy and its war measures. It called for guarantees for private property and the abolition of the Patriotic Military Service conscription law, introduced by the Sandinistas in October 1983. The PLI, however, is broadly in favour of the structural reforms introduced after the revolution but has been outspoken in its criticism of abuses.

2. The Democratic Conservative Party of Nicaragua can trace its ancestry back to the old Conservative party founded in the middle of the last century. The Conservative party was the traditional opposition to Somoza's Liberal Party. Its leadership was always drawn from the landowning and business classes, but it also had a popular support, specially among the peasantry in cattle-raising areas of the country. The modern Conservative Party developed in the early 1960s and was led by a group which demanded a more combative opposition to the Somoza dictatorship than the passive stance taken by the traditional Conservative leadership.

The PCDN was formed after a split in the Conservative Party in November 1983 when the National Council of Political Parties, a body representative of the political parties the Council of State, recognised the PCDN as the legitimate Conservative party. The Supreme Electoral Council refused to register the dissident faction, led by Mario Rappaccioli and Miriam Arguello, on the grounds that the registration of two conservative parties for the elections would cause confusion. This

faction now forms part of the abstentionist Coordinadora Democratica Nicaraguense (see below). In the latter years of the Somoza dictatorship, the Conservative Party, under the leadership of the veteran conservative and journalist, Pedro Joaquin Chamorro, editor of La Prensa until his murder by a paid assassin on 10 January 1978, seemed to be the most active non-Sandinista opposition party. The Conservative Party has been more a party of interests and personalities than of programmes, accommodating until recently both Dr. Arturo Cordova Rivas, a landowner and lawyer who served on the three man junta, the official executive arm of government from 1979 until its dissolution in January 1985, and out-and-out opponents of the Sandinistas.

3. The Popular Social Christian Party broke away in 1976 from the Christian Social Party (PSC - see no. 9 below), which is affiliated to the World Union of Christian Democrat Parties. The PPSC has supported the Sandinistas since before the revolution. During the election campaign it made a clear appeal to Nicaragua's Christians, offering policies of reconciliation.

4. The Socialist Party of Nicaragua is generally accepted as being to the left of the FSLN. It was founded in 1944 as a pro-Moscow Communist Party but was not recognised by the Soviet Union until 1970. It insists on state ownership of the means of production, but is seen as being more pragmatic in its approach than the Communist Party of Nicaragua (PCN).

5. The Communist Party of Nicaragua is a rigid and orthodox Marxist-Leninist party which advocates the dictatorship of the proletariat. It was formed in 1967 and acquired its current name in 1970. It is openly critical of the FSLN which it describes as moderate, reformist and bourgeois.

6. The Marxist Leninist Popular Action Movement, described sometimes as Maoist and sometimes as Trotskyite, was formed in the early 1970s by dissident members of the Sandinista Front and the Socialist Party. It collaborated in the guerrilla war against Somoza and had its own militia. It accuses the Sandinistas of having betrayed the revolution by making alliances with the middle and upper classes.

7. The Sandinista Front for National Liberation (see The Sandinistas and their record, p.4).

Abstentionist Parties: Members of Coordinadora Democratica Nicaraguense (CDN)

8. The Constitutionalist Liberal Party (PLC) was formed in 1967 breaking away from Somoza's Liberal Party. It has a small membership confined mainly to the middle and upper classes.

9. The Social Christian Party (PSC) was founded in 1957. It is the largest of the four political parties in the Coordinadora. Its membership was considerably reduced when the PPSC was formed in 1967. It is affiliated to the World Union of Christian Democrat Parties and is allied to the CTN trade union federation in Nicaragua, with approximately 2,000 members.

10. The Social Democrat Party (PSD) was formed in 1979 shortly after the overthrow of Somoza. It is closely associated with La Prensa and is the most intransigent of the opposition parties in the Coordinadora.

11. This Conservative faction lost control of the party in November 1983 to the current PCDN leadership which went on to participate in the elections. Its attempt to register itself for the elections were turned down by the Supreme Electoral Council.

The PLC, PSC and PSD all lost their legal status as political parties because they failed to register candidates for the election by the 4 August deadline.

Abstention

We travelled to Nicaragua to observe an election, an event of supreme political importance in any democratic country, both establishing the principle of government by consent and permitting the people to make a significant choice about the sort of government it wants. In Nicaragua, however, we found a country where the competition between and the chances of the parties in the election, and its outcome, were not the main issue. It was universally assumed that the Sandinistas would win the election. The question for the opposition parties was whether they should fight an election they had no chance of winning or seek, by refusing to participate, to make the election a hollow contest. The main issue became the nature of the Sandinista government, present and future, its prospects and difficulties, and the appropriate response for those who disagreed with its policies.

The main debate inside the opposition parties until a few days before the election was whether or not they should withdraw. The CDN (Coordinadora Democratica Nicaraguense), a coalition including two small trade union federations, a private enterprise grouping and four political parties (PLC, PSC, PSD and a group of dissident Conservatives: see nos. 8-11 above) did not register for the elections by 4 August 1984. In December 1983, the CDN published a list of nine conditions which it said should be fulfilled before it would consider running in the elections. Several of these conditions, such as the demand for a general amnesty, including the armed rebels and the abolition of laws which allegedly violated the principle of private property, could more properly be described as an electoral platform than as a basis for free elections. The Nicaraguan government for the most part ignored these demands as the drafting of the electoral law went ahead. In March, just before the electoral law was published, the CDN called on opposition parties to boycott the elections. Serious negotiations between the government and the CDN did not begin until late July, when Arturo Cruz was chosen as the CDN presidential candidate. The Sandinistas made concessions on several of the points but the most contentious demand remained the general amnesty for the armed rebels and permission for them to return to the country and participate in the elections. While we can understand the tough negotiating position of the CDN, we have heard no explanation for the CDN's delay in starting these negotiations. The date for the elections was announced on 21 February and the Electoral Law was published on 15 March. It seems likely that the CDN seriously considered the possibility of participation only when its member groups saw that the elections would definitely take place in spite of the threatened boycott.

We note that the CDN enjoyed certain advantages which other opposition parties did not. The US government and the international news media consistently portrayed the CDN as the only genuine opposition to the Sandinistas. Had the CDN participated in the elections, this favourable attitude would have ensured reasonably fair treatment by the Sandinistas since its campaign would have been run under the glare of constant international publicity.

The government and Dr. Arturo Cruz, the CDN presidential candidate designate continued to negotiate until 3rd October, at which point the negotiations, convened by the Socialist International, were broken off. We were told by a European ambassador that there was a difference of opinion within the CDN about the elections and that the business grouping, COSEP (Superior Council of Private Enterprise), was opposed to participation in the elections in any circumstances.

On 21 October, the national conference of the PLI (See no. 1 in list) voted by 94 to 20 votes to withdraw from the elections. The PLI presidential candidate, Virgilio Godoy, advocated abstention on the grounds that there were 'insufficient guarantees for the elections to reflect the genuine will of the people'. On the previous day, the US ambassador, acting on the instructions of his president, had told Godoy that, in the opinion of the administration, the forthcoming elections in Nicaragua would be neither free nor fair. In spite of the apparently decisive vote, there was considerable division within the PLI, with the PLI vice-presidential candidate and local leaders criticising the decision. The formal decision to withdraw was not presented to the Supreme Electoral Council until 30 October. By that time it was too late to remove the PLI's candidates from the expensively printed ballot papers. The Supreme Electoral Council refused to ink out the names of the PLI candidates and said that individual candidates had until 2 November to submit personal withdrawal requests. Not one candidate did so. Virgilio Godoy pointed out correctly that the electoral law specifically allowed the party to withdraw its candidates and that it was the party that had registered its candidates for the elections in the first place. There is doubt about how widely the PLI decision was known. The government censored news of the PLI decision in the opposition paper, La Prensa, on 21 October, but the same evening, Godoy appeared on national television to announce his withdrawal and to criticise the censorship of the La Prensa report. Finally, on 2 November, Godoy announced that he was running because he was obliged to do so, ('Voy pero obligado'). In the event, the PLI received 105,497 votes, compared with the Conservative Party's 152,883. Before the election most Nicaraguan observers agreed that the PLI was the most important of the opposition parties, so the confusion would appear to have seriously reduced the PLI vote. Dr. Leonel Arguello, a member of the Supreme Electoral Council, has estimated that the PLI lost between 100,000 and 150,000 votes.

A meeting of the Conservative Party (PCDN - see no.2 on the list) was held on 28th October, also to discuss withdrawal from the elections. The meeting was disrupted, however, by a crowd of young party members, not FSLN sympathisers as has been alleged, and ended in uproar and with the Conservatives staying in the election.

The attempts to withdraw the PLI and the PCDN from the elections, if successful, would have severely damaged the credibility of the elections and of the subsequently elected Sandinista government, and would perhaps have forced the government into new negotiations regarding further elections in 1985. The non-participation of the CDN has been used to discredit the elections, both before and after 4 November. Official US spokesmen described the elections as a 'farce', even before they were held, and, as we have seen, this point of view was put to

Virgilio Godoy by the US ambassador in Nicaragua, Mr. Harry Bergold, on the day before the PLI decided to withdraw.

With the CDN urging its supporters to abstain, it was clear that turn-out was going to be an important issue. There is no law in Nicaragua which obliges citizens to vote, as there is in several other Latin American countries. The electoral law, however, specifically forbids campaigning for abstention but many of the statements made by CDN member groups impugning the legitimacy of the elections were tantamount to calls to abstention. Representatives of the opposition parties made much of the possibility that there might be reprisals against non-voters, and that in particular, they might lose their ration cards which are managed and distributed by the Sandinista Defence Committees, the neighbourhood block committees which act both as neighbourhood associations and as grassroots Sandinista organisations and have been described as the 'eyes and ears' of the Sandinista revolution. When we questioned one prominent member of the abstentionist opposition about his personal fears on this score, however, he said that he was not worried because his Sandinista Defence Committee, in a middle class area of Managua, was comprised of non-Sandinistas. Although a record is kept of those who did and did not vote, it seemed to us highly improbable that non-voters would suffer in any way as a result of their failure to vote. In the event, the significant number of non-voters, 25 per cent of those registered, shows that such fears were not taken seriously. We note that any opposition sympathiser who had genuine fears of victimisation if he or she should abstain from voting, could always spoil his or her ballot as an equivalent, and much less ambiguous, demonstration of repudiation of the whole electoral process. At the count which Alf Dubs saw in Granada it was clear that a certain number, not a high proportion, of the invalid ballot papers were deliberately spoiled. We were told, however, that in Granada in particular, support for the Sandinistas is weaker than elsewhere in the country.

The Electoral Law

The necessary preparation for the election was the drawing up and approval of the Law of Political Parties and the Electoral Law. The Law of Political Parties was passed by the Council of State in August 1983. It was drawn up after extensive study of other electoral systems in Western Europe and Latin America. The British single member constituency, first-past-the-post system was rejected because it would have been too favourable to the Sandinistas as the majority party. The Electoral Law was approved in March 1984, after a long process of drafting which began in 1981. Further amendments were made in the months before August 1984 in response to pressure from and negotiation with opposition parties.

The Supreme Electoral Council

The Electoral Law created a Supreme Electoral Council (CSE) to supervise the elections. The Council had three members appointed by the Supreme Court. The members chosen were Dr. Mariano Fiallos, a Sandinista supporter but not a member of the FSLN, who had twice been elected by the staff to be rector of the National University (in 1974 and 1979); Dr. Leonel Arguello, a former director of COSEP, and Amanda Pineda, a member of AMNLAE, the Sandinista Women's organisation. At the insistence of the opposition parties, who claimed that this group was not sufficiently independent of government, two more members were nominated by the National Council of Political Parties, Carlos Garcia Caracas of the popular Social Christian Party and Maria Icabalceta of the Democratic Conservatives.

The CSE named nine Regional Electoral Councils which in turn appointed 91 sub-regional electoral boards. The CSE also named the 3,892 polling boards, a presiding officer and an assistant (president and secretary), to whom, at the insistence of the opposition parties, a second secretary was added, to be appointed by the National Council of Political Parties. By the date of the elections, however, only 60 per cent of the polling stations had their second secretaries. The necessary preparation for the elections was the drawing up and approval of the Law of Political Parties and Electoral Law. The Law of Political Parties was passed by the Council of State in August 1983. The Electoral Law was approved in March 1984, after a long process of drafting which began in 1981. Further amendments were made during the months before August 1984 in response to pressure from and negotiation with opposition parties.

The electoral law included the compulsory national voter registration process which took place on 27-31 July. Because of the lack of personal documents in Nicaragua - under the Somoza dictatorship there had been no national identity card system and the National Guard made a good income in providing under-the-counter documents - people could use driving licenses, social security cards, birth certificates or the evidence of two witnesses to prove their identity. There were few

complaints about this procedure. Each registered voter received a blue tarjeta civica (voter registration card) which he/she had to take to the polling station on voting day and surrender to electoral officials. These were to be returned after the election for use in future elections. Citizens were also able to replace lost cards with official certificates serving the same purpose up to a few days before the election.

In the four days at the end of July, 1,560,580 citizens registered, estimated at 93.7 per cent of the eligible population. This was more than the 1.2 million the government had expected on the basis of previous records, and gave rise to the accusation on the part of some opposition figures that many voters had registered more than once. This is very unlikely, however, since after the registration process lists of those who had registered were posted for 10 days during which both individual citizens and political parties could submit complaints about any citizen who had registered improperly. The Supreme Electoral Council did not receive any formal complaints from any of the political parties regarding the registration process.

The voting age of 16 and the non-exclusion of soldiers as voters were features of the law which the opposition criticised but which the Sandinistas refused to change. The justification of the young voting age, which has 19th and early 20th century precedents in Nicaraguan history, was the argument that if sixteen year olds are old enough to die on the battle-field, they are old enough to vote. It was also pointed out that with so many young people, those under 18 formed a majority of the population. Both the soldiers and the 16 to 18 year olds were seen as being predominantly Sandinista contingents of voters. Although it is understandable that soldiers willingly serving in the army would be Sandinista supporters, we saw no evidence to suggest that young people in general voted in greater numbers for the Sandinistas than the population as a whole.

The electoral law set up a system of proportional representation, dividing the country into nine electoral districts which elected a National Assembly with 96 members. This system guarantees a minority presence in the National Assembly far more effectively than our own single member constituency system would do. One novel feature of the law was the provision that the defeated presidential candidates of minority parties would automatically become members of the Assembly, so 90 of its members were elected as Assembly members and a further six were opposition party leaders. The presidential election was a national election on the first-past-post system.

The voting procedures were carefully laid down in a step by step procedure which minimised the possibility of fraud and intimidation. The presiding officers and their assistants received training in advance for both the registration process and the election. Only one voter at a time was allowed in the polling station, except where there were two sets of officials and two voting booths, in which case there could be two queues of voters. The only other people who could be present were the presiding officer and his/her assistants, the officers of the specially set up Electoral Police, the designated party observers ('fiscales'), officials of the Regional Electoral Council and

international observers. Counting procedures were similarly divided into steps. The results were communicated directly to the Supreme Electoral Council's national centre in Managua once the count had been completed in the polling station, and again from a recount at the regional level carried out in the premises of the Regional Electoral Council.

The Campaign

Events and conditions during the campaign must be examined with some care since it is on these that opposition leaders and some outsiders base their claim that conditions for free and fair elections did not exist in Nicaragua. The FSLN had a substantial advantage in the official campaigning period from 4 August to 2 November. In our view, however, this advantage did not prevent opposition parties from taking their cases to the people and conducting vigorous campaigns. Nor do we think that the advantages enjoyed by the Sandinistas justified the deliberate abstentionist policy adopted by the CDN, if their aim was truly to affect the future of their country through democratic institutions.

It would be wrong to assume that the FSLN's advantage was the result of deliberate measures taken during the campaign to undermine the opposition. The overall advantage of the Sandinistas can be broken down into three components:

1. The first and from our point of view the most important component is made up by those measures and actions, for which the Sandinistas were responsible or which they had the power to prevent or control, that threatened opponents or limited their electoral freedoms. These include the censorship of the opposition newspaper, La Prensa, and the disruption of opposition political rallies.

2. The second was the advantage enjoyed by the Sandinistas as the incumbent party and can be compared to the advantage of any governing party seeking re-election. In Nicaragua, as elsewhere, this meant that government leaders had easier access to transport and enjoyed greater news coverage than their opponents.

3. The third component, by far the most significant electorally, was the advantage which the Sandinistas enjoyed as a revolutionary movement in power with a high degree of political support and mobilisation. The mass movements such as the ATC (Association of Rural Workers), the CST (Sandinista Workers' Congress), AMNLAE (Luisa Amanda Espinoza Women's Association) and the CDS's (Sandinista Defence Committees) which have their origins in the struggle against Somoza and were institutionalised after the revolution, and the new army (Popular Sandinista Army - EPS) and the Sandinista Police, replaced the corrupt and shattered structures of the Somoza era, and are the visible, institutional elements of the political advantage of the FSLN. Opposition parties complained specifically about the overt identification of national institutions, such as the army and the police, with the Sandinista movement, claiming that this blurred the distinctions between the political movement and the state. Such identification between party and state is not desirable in the long term but, in the particular circumstances prevailing in Nicaragua, five years after a revolution and with the country embroiled in a guerrilla war against externally supported rebels, it has to be seen as an advantage which was 'built in' to the situation and not susceptible to immediate adjustment as demanded by opposition leaders. One of the aims of the elections was to set in train a political process which could begin to correct this state of affairs without violence by formally opening a

share of power to other parties. The huge end of campaign demonstration of the Sandinistas, held in Managua in the afternoon and evening of 31 October, in which tens of thousands of people made their way in orderly and good humoured columns - some of them clearly in organised contingents from their workplaces - to an arena by the lakeside, showed both this advantage and the genuine and unforced popularity of the Sandinistas and their leaders.

The press in Nicaragua has been subject to prior censorship since the introduction of the State of Emergency in March 1982. There is a clear justification for some sort of censorship on the grounds of military emergency. Censorship has frequently been extended, however, often in capricious and damaging ways, to reports which have nothing to do with military security. Censorship of La Prensa was relaxed during the campaign period but nevertheless reports of political significance were still suppressed. The editor of La Prensa, Pedro Joaquin Chamorro, younger son of the previous editor who was assassinated in 1978, has been reported as saying that before the relaxation of censorship, between 30 and 40 per cent of the paper had to be changed to meet the demands of the censors and that afterwards this proportion went down to between 10 and 20 per cent. It is appropriate to note that, in spite of censorship, the enmity between the government and La Prensa is evident in the paper's coverage of political events. On Monday, 5 November, as early election results were coming in, La Prensa's headlines were VOTING UNDER GREAT APATHY; FIRST RESULTS - 18% ABSTENTION, 7.5% INVALID VOTES; Austrian observer says ELECTIONS DO NOT LEGITIMATE SANDINISTAS; CDN-ELECTIONS WILL NOT SOLVE PROBLEMS.

Two instances of censorship during the campaign were particularly significant. On 6 August, the editors of La Prensa refused to publish because a report of a rally in Chinandega organised by the CDN and attended by Arturo Cruz was heavily censored. Similarly La Prensa was not published on 22 October when it was prevented from carrying a report of the withdrawal of the PLI from the election.

The government, however, also took positive measures to help opposition parties campaign. Each competing party was given 9 million cordobas for electoral expenses from government funds, equal to US\$225,000 at the official tourist rate of exchange of US\$1 = 40 Cordobas. British parties receive no comparable help from the government. Although these funds would have covered only a part of the competing parties' electoral expenses, each party was able to pay for advertising in the press, handbills, posters, billboards and for teams of young party members to daub the walls of Nicaragua's towns and villages. At the same time the electoral law set aside 30 minutes a day of prime early evening time on national television for party political broadcasts. This time was to be divided equally between all of the competing parties which could elect to use their share in dribs and drabs or save it up for a longer broadcast. 45 minutes a day was set aside on the radio to be treated in the same way. Each of the parties was free to buy further time on the radio or television if it so wished. During the campaign period there were live political debates on television in which opposition candidates frequently appeared.

According to the Supreme Electoral Council, eight official

complaints were made, mostly by the PLI, about the disruption of political rallies during the election period. The Council investigated these complaints and upheld five of them. The most serious allegations about disruption, however, were made in connection with rallies held by the CDN and its candidate designate when the CDN had announced that it was going to boycott the election. The CDN accuses Sandinista mobs, 'turbas' as they are called, of breaking up Cruz rallies in Chinandega, Leon, Boaco and Masaya on 5 August, and 19, 21 and 22 September. It is not possible for us to determine the degree to which Sandinista officials were responsible for or condoned these demonstrations. Independent eye witness reports differ: a British Embassy official described the behaviour of the police on these occasions as 'impeccable' while the US Embassy alleges a degree of coordination between the police and the demonstrators that is not truly credible. The government somewhat indulgently interpreted the behaviour of the Sandinista supporters as demonstrations of popular indignation against a political grouping which is widely regarded as the political arm of the 'contras'. We note that when these political rallies were held neither Dr. Cruz nor the CDN had registered to participate in the elections, that the electoral law specifically forbids campaigning in favour of abstention and that the rallies were held in violation of Article 38 of the Electoral Law which requires all organisations seeking to hold campaigning rallies to request permission from the Supreme Electoral Council one week in advance, specially so that clashes between antagonistic groups can be avoided and the necessary police presence arranged. Such complaints as were made by the CDN were not directed to the Supreme Electoral Council but to domestic and international public opinion.

Representatives of the parties registered for the elections reported generally that they had no difficulty in organising rallies and that they were free from disruption. Certainly the representatives with whom we spoke in the headquarters of the PCDN, PPSC and PLI mentioned only trivial incidents. The one serious incident mentioned by the Vice-President of the PLI, Mr Bayardo Guzman, was of an off-duty soldier who, he said, fired on a minibus full of young PLI supporters when they refused to give him a lift, injuring one of them in the arm and the leg. We note that, except in the war zone where two electoral policemen were killed by rebels, no lives were lost as a result of electoral activities.

The advantages which the Sandinistas enjoyed as the incumbent party and as a ruling revolutionary movement cannot be disentangled from their genuine popularity. Apart from the instances which we have mentioned, and which we condemn, the Sandinistas did not abuse their privileged position. Although for the opposition parties the circumstances in which the elections were held were far from ideal, we believe that there was sufficient openness for them to campaign vigorously and to criticise the government without fear of reprisal. Furthermore, the guarantees provided by the electoral law and the law of political parties, the independence of the Supreme Electoral Commission and the FSLN's desire to consolidate a pluralist political system, of which periodic elections are a part, were sufficient for a genuine election.

Election Day

On election day, Sunday, 4 November, our group divided, with one of us, Alf Dubs, going west and then south to the villages of San Benito and Las Canoas and the provincial capitals of Boaco, Juigalpa and Granada, and David Ashby and Lord Kennet going north to the villages of Los Brasiles, Nagarote, Puerto Momotombo and the city of Leon. Between us we visited over 20 different polling stations. At all of them we were treated with courtesy by the presiding officers and their deputies who took great pains to explain the voting procedures about which we questioned them at length. Our visits were quite random and there was no question of any special show being put on for the foreign observers.

Everywhere we went we saw voting taking place in good order and, with all campaigning activities and the sale of alcohol suspended on polling day, without excitement. Even getting-out-the-vote activities were apparently forbidden. Polling stations were usually school rooms, sometimes private houses. In each of them, tables had been set up centrally, behind which sat the presiding officer flanked by two assistants. In front of the tables were the two ballot boxes, made of plywood and securely nailed together, one for presidential ballots, painted blue on top, and the other for National Assembly ballots, painted grey. Each voter who entered was asked to surrender the blue voter registration card and to give his or her name which was then ticked off in the electoral register. The presiding officer then explained that the voter had to place only one cross on each ballot. In each polling station there was a large sign saying 'Recinto Secreto' (Secret Place) indicating the polling booth, which was sometimes a corner of the room curtained off with heavy blue material, or in some of the larger schools, a separate room altogether. After voting, each voter put his/her ballots in the appropriate boxes and had to dip his/her index finger in indelible red ink.

The ballot papers were large pieces of paper, about A4 size for the presidential and vice-presidential candidates and somewhat larger for the National Assembly candidates. In Managua, each party put forward a list of 25 candidates with a further 25 deputies. The ballot papers were printed in colour, with each of the seven competing parties occupying a column, showing clearly the party's initials, its symbol and its full name. Halfway down the column was a blank circle in which the voter had to put a cross, and below this, the full names of the candidates. On the back, covering the space for the voter's cross, was a dark, opaque strip which made it impossible for anyone holding the folded ballot paper up to the light to see which party had been voted for. For the presidential ballots this strip was dark blue and for the National Assembly ballots it was dark grey, so that, once folded, the ballot papers would be put in the right ballot box.

Polling stations, as a rule, had no more than 500 people registered to vote. The head of the Regional Electoral Commission in Juigalpa explained that, although there were an enormous number of polling stations and this created extra work, this decision had been taken deliberately to avoid long queues which would perhaps make people

impatient with the process and go home without voting.

The electoral law provided for each party to appoint a 'fiscal' (observer) inside each polling station and within the premises of the Regional and National Electoral Councils during voting and the count. Everywhere we went we found Sandinista 'fiscales', but only rarely did we find 'fiscales' from opposition parties. Each of the 'fiscales' had an armband identifying him/her as a party observer, but none that we saw was wearing any badge or article of clothing to indicate party allegiance. This was something we had to find out by asking. In Juigalpa, we came across one 'fiscal' who proudly announced that he was representing both the Communist and the Conservative parties. In Nagarote, a Conservative spokesman said that a decision had been taken at national level not to appoint 'fiscales' so as not to appear to be supporting the Sandinistas. In Leon, we were told that the Communist and Socialist parties had registered about 100 local 'fiscales' each, out of 528 possible. In practice, however, they were relying on their regional 'fiscales' to drop in here and there. This was confirmed by the head of the Regional Electoral Council. At 1 a.m. on 5 November, we visited the national counting centre in Managua. Results were coming on 40 telex machines donated by the French government. Here we did find 'fiscales' from four of the six opposition parties slumped in armchairs on an honourably raised stage. They were taking little interest in the proceedings, evidently convinced that they proceedings were entirely satisfactory. The lack of opposition 'fiscales' was regrettable but was clearly not the responsibility of the government. We do not think that the outcome of the election was changed in any way by the presence of Sandinista 'fiscales' or the scarcity of opposition ones.

The Supreme Electoral Council reported that over the country as a whole the total number of 'fiscales' for each party was as follows:

Party	No. 'fiscales'	% of polling stations covered
FSLN	3,599	92.5
PCDN	348	8.9
PLI	50	1.3
PPSC	360	9.3
PCdeN	46	1.2
PSN	385	9.9
MAP-ML	0	0.0

Evidence of the war was obvious in several polling stations where we found young men in military uniform, but not bearing arms, queueing to vote. To cope with the problem of the military vote, with large numbers of soldiers posted to villages and towns far away from where they were registered, each soldier was given a mobilisation certificate (constancia de mobilizacion) by his commanding officer, which he had to surrender at the polling station together with his blue voter registration card. In the count their votes were added to those of the people who were registered to vote at that particular polling station.

We note finally that, as a result of 'contra' activity, 48 registration offices could not be opened at the end of July and, on polling day, nine polling stations could not open. Most of these

difficulties were in the heavily wooded and sparsely populated Atlantic Coast area. It has been estimated that up to 5 per cent of the people were unable to vote as a result of 'contra' activity.

The Count

The election law stipulated that the polls should close at 6pm unless there was a queue of people waiting to vote. At the polling station in the centre of Granada, visited by Alf Dubs, the polling station did not close its doors until 6.15 pm after waiting anxiously for any late voters.

The counting at this station was meticulous. First, the unused ballots were counted and put in a black polythene bag which was sealed. The number of unused ballots was entered on the form provided by the Electoral Council. The next stage was the counting of the blue voter registration cards against the ticks in the electoral register and the certificates issued to mobilised soldiers. These were counted and recounted until the totals were equal. (It was at this point that the inexperience of the officials was evident: instead of dividing the blue election cards into piles of 20 so that they could be recounted easily, they were counted straight into a bag.) After this stage was over, the votes were counted face down to obtain the total vote. It was then that the officials discovered that they were one blue card short: there were 335 votes and, as they found with another recount, 318 ticks in the register and 17 'constancias de mobilizacion' (mobilisation certificates), but only 334 cards. This discrepancy was noted with great regret because the woman who was the presiding officer wanted to do everything perfectly. Her insistence that they could not move on to the next stage until the previous one had been completed exactly slowed the process down to an exasperating snail's pace and it was over an hour before the group began to count the ballot papers party by party. As a result, Alf Dubs had to leave before the count and the formalities were completed.

During the counting of the votes, we noticed that the interpretation of the invalid votes was more strict than the instructions laid down by the electoral law, which says that votes are to be counted as valid where the voter has clearly indicated his or her preference. At this polling station all but those ballot papers correctly crossed were counted as invalid, even where a voter had put one cross on the party symbol rather than in the space provided for the cross. It is possible that some of the votes classified as invalid in this first count may have been re-classified as valid at the regional recount. We noticed that a few votes had been deliberately spoiled. It appeared, however, that the majority were involuntarily spoilt through ignorance - in spite of the clear instructions which were given to each voter - or clumsiness. After the invalid votes had been separated and put into a bag, duly sealed, the votes were counted by arranging them into seven piles, one for each party. At this point in the proceedings Alf Dubs had to leave to return to Managua. The result was to be recorded on the form provided for this purpose and the votes packaged. The form was to be taken to the Regional Electoral Council and the results telexed to the Supreme Electoral Council's national centre in Managua. The votes were then recounted and checked at the Regional Council and the results sent to Managua by telex. At the national counting centre in Managua, which we visited at 1 a.m. on 5 November, we followed the results as they were aggregated by stages and were satisfied that there was no possibility of falsification. The

consequence of this elaborate and scrupulous process was a long delay in the publication of the final definite results which were not confirmed until 13 days after the election, after we had left the country.

The results

The elections of 4 November produced, as expected, a Sandinista government. They also produced a National Assembly of 96 seats, in which the Sandinista Front has 61 seats, less than a two thirds majority. The Sandinistas, with 735,967 votes in the Assembly elections, polled just under half the maximum possible number of votes, that is, half the 1,560,528 people who were registered to vote.

25 per cent of the electorate, 390,486 people, abstained. Some of them evidently were supporters of the CDN who refused to vote to demonstrate their rejection of the electoral process. Inevitably the extent of CDN support within this figure is unquantifiable. Given normal levels of abstention in elections throughout the world, however, it would be impossible for the CDN to claim credibly more than a relatively small proportion of the non-voters as its own supporters.

319,905 Nicaraguans, constituting 27.3 per cent of the valid vote and 20.5 per cent of the total electorate, voted for the three opposition parties to the right of the Sandinista Front, giving them 29 seats in the National Assembly. This result invalidates the claims, made by some, that, as a result of pervasive psychological pressure or worse, the Sandinistas would win a crushing victory, comparable to those of the Communist Party in the Soviet Union. More experienced students of Nicaraguan politics and other foreign election observers to whom we talked agreed that the results were an accurate reflection of political loyalties in Nicaragua and a good measure of the popularity of the Sandinistas. The opposition vote can be seen as a signal to the Sandinistas that a substantial minority of the population, perhaps larger than they thought, is dissatisfied with their government and its policies.

The National Assembly with its present composition will be a forum in which the opposition party members will be able constantly to remind the Sandinista government of this dissatisfied minority and spell out their criticism of Sandinista policies while they develop detailed policies of their own. The provision of the electoral law which automatically makes the presidential candidates of the opposition parties members of the National Assembly works in favour of all the opposition parties, but specially for the three very small left-wing parties which doubled their representation in the Assembly from 3 to 6 as a result. We note that one way for the Sandinistas to reach a two thirds majority in the National Assembly would be to win their support.

The elections were an important step in themselves. The results open the way for further steps in the transition from dictatorship to the institutionalisation of a democratic system of government. This process of transition is far from over, but the opening, in the form of a genuinely representative National Assembly and the commitment to regular elections in the future, already exists. We do not expect the opposition parties to be satisfied with their minority status in the Assembly any more than minority parties are in other parts of the world. Nevertheless, their substantial if minority presence in the National

Assembly makes this body sufficiently representative of political opinion in Nicaragua, and is further grounds for treating this election as authentic and democratic.

Conclusions

The election of 4 November was not only an election to choose a party of government but the country's first election, held under neither US occupation nor the Somoza dictatorship, and with universal adult suffrage. The election has to be looked at in two ways. First, simply as an election, to see whether it met certain minimum standards which would enable the winning party to claim that it constituted a legitimately elected government; second, to judge it as a first step towards the institutionalisation of representative democracy in a country with no history of democratic institutions but, on the contrary, two generations of dictatorship behind it, followed by revolutionary upheaval and now subjected to a war waged by externally supported rebels.

The election

As observers, we had the following questions in mind:

1. Did the electors have a free choice among competing parties?

We are satisfied that the competing parties represented a wide choice of ideologies, ranging from the MAP on the left to the PCDN (Conservative Party) on the right.

2. Were any significant currents of opinion excluded from the election?

The CDN did not run. While we acknowledge the occasional harassment to which it was subjected as an abstentionist coalition, the CDN's contention that it would not have been able to campaign freely as a competing party is not proven. The favourable coverage given to the CDN by the international news media would have been, as we have noted, a formidable instrument of pressure had any abuses occurred. We concluded that the conditions prevailing the campaign period were not so difficult as to make it impossible for the CDN to participate. Other opposition parties did participate and fared well.

3. Were competing parties able to take their message to the people?

We are satisfied that the broadcasting and campaigning arrangements and the freedom of movement and expression enjoyed by the opposition parties did enable them, with difficulty sometimes and from a position of inevitable disadvantage, to wage vigorous campaigns.

4. Were opposition parties subjected to harassment?

The chief cases of harassment involved the abstentionist CDN. There appears to have been some harassment of competing opposition parties but this was not sufficiently intense or frequent to call in question the validity of the election.

5. Were opposition leaders intimidated or coerced?

Apart from the instances involving Dr. Arturo Cruz and the CDN, we received no reports that any opposition leader had been harassed. No-one reported fears for his/her physical safety. The US ambassador's visits to opposition leaders, though not of course constituting coercion

or intimidation, did constitute interference in the domestic political process of another country.

There appear to have been fears, put about by the opposition, that non-voters would be victimised. We also heard fears expressed that the authorities would come to know in some unspecified way how people had voted. Some of these fears may have been an inheritance from the Somoza years when intimidation and fraud were common. We were given no evidence, however, that there were real grounds for of these fears.

6. Were arrangements on polling day adequate?

We are satisfied that arrangements for voting and for the count were scrupulously fair. The vote, as we saw, was secret, the voters were secure and the count was fair.

The election in context

We have examined the electoral process itself and have come to the conclusion that the faults and difficulties we found or which were reported to us were not so great as to invalidate the election. When we put the election into its context, - a country with a recent history of dictatorship and rebellion, politically polarised, struggling against economic shortages and fighting a war against externally supported rebels - we are asked to make a judgment about the future. However promising this election was as a step towards the institutionalisation of representative democracy, we must recognise that the political and international environment in which Nicaragua's newly elected National Assembly must go on to draft a constitution and start using its powers, is bleak. The war and the related economic crisis might still blow Nicaragua off the course it is beginning to take. It is conceivable that the new government might react to continuing military and economic pressures by moving to restrict civil liberties and by tightening internal security. The Sandinista government with almost a two thirds parliamentary majority will need to move with care and sensitivity so as not to seem to ride rough-shod over the opposition. Nicaragua's political future will be as much the result of external pressures, which are beyond the control of the Sandinistas, as of the Sandinistas' own attitude towards their democratic institutions.

We acknowledge, however, that the past performance of the Sandinistas, though mixed, has been encouraging. Nicaragua is not a totalitarian country and the Sandinistas have endeavoured to rectify some of the mistakes of the past, notably their insensitive and rough treatment of the Miskito minority. We were specially encouraged by the opening of talks, while we were in Managua, between Brooklyn Rivera, the leader of the MISURASATA rebel Miskito faction, and the government.

We cannot see any benefit to be gained from the policy, still being followed by the present US administration, of exerting pressure on Nicaragua through armed 'contra' groups, military harassment or intimidation and punitive economic sanctions. This policy, if 'successful', can only bring further suffering to the Nicaraguan people, either because the government is forced to increase internal control and restrict civil liberties, or because it is undermined to such an extent

that the fighting becomes more widespread.

Although Nicaragua, under its present elected government, still faces the unremitting hostility of the present US administration, we are reasonably hopeful that with the assistance and encouragement of Western European countries and the Contadora Group, the new Nicaraguan government, headed by President Daniel Ortega, will maintain and expand the civil liberties that were evident in the months preceding the elections.

APPENDIX I

Election Results

Estimated total population eligible to vote	1,665,528
Total registered voters	1,560,588
Registered voters as percentage of population eligible to vote	93.7 %

I. PRESIDENTIAL ELECTIONS

Total registered voters	1,560,528
Total votes cast	1,170,142
Voter turnout percentage	75.0 %
Valid votes cast	1,098,933

Votes by party:

		%
Sandinista Front (FSLN)	735,967	62.8
Democratic Conservative Party (PCDN)	154,327	13.1
Independent Liberal Party (PLI)	105,560	9.0
Popular Social Christian Party (PPSC)	61,199	5.0
Communist Party of Nicaragua (PCdeN)	16,034	1.3
Socialist Party of Nicaragua	14,494	1.2
Marxist-Leninist Popular Action Movement (MAP-ML)	11,352	0.9
Invalid votes	71,299	6.6

II. NATIONAL ASSEMBLY ELECTIONS

Total registered voters	1,560,588
Total votes cast	1,170,102
Voter turnout percentage	75.0 %
Valid votes	1,091,878








Votes by party:

PARTY	VOTES	PERCENT (TOTAL VOTE)	PERCENT (VALID VOTES)	NATIONAL ASSEMBLY SEATS
FSLN	729,159	62.3	66.7	61
PCDN	152,883	13.0	14.0	14
PLI	105,497	9.0	9.7	9
PPSC	61,525	5.2	5.6	6
PCdeN	16,165	1.3	1.5	2
PSN	15,306	1.3	1.4	2
MAP-ML	11,343	0.9	1.1	2
Invalid	76,169	7.0	-	



BOLETA ELECTORAL PARA PRESIDENTE Y VICEPRESIDENTE

CONSEJO SUPREMO ELECTORAL REPUBLICA DE NICARAGUA

1	2	3	4	5	6	7
PPSC  PARTIDO POPULAR SOCIAL CRISTIANO	MAP-ML  MOVIMIENTO DE ACCION POPULAR MARXISTA LENINISTA	PCDN  PARTIDO CONSERVADOR DEMOCRATA DE NICARAGUA	FSLN  FRENTE SANDINISTA DE LIBERACION NACIONAL	PC de N  PARTIDO COMUNISTA DE NICARAGUA	PLI  PARTIDO LIBERAL INDEPENDIENTE	P.S.N.  PARTIDO SOCIALISTA NICARAGUENSE
PRESIDENTE MAURICIO DIAZ DAVILA	PRESIDENTE ISIDRO TELLEZ TORUÑO	PRESIDENTE CLEMENTE GUIDO	PRESIDENTE DANIEL ORTEGA SAAVEDRA	PRESIDENTE ALLAN ZAMBRANA SALMERON	PRESIDENTE VIRGILIO GODOY REYES	PRESIDENTE DOMINGO ANTONIO SANCHEZ SALGADO
VICEPRESIDENTE GUILLERMO MEJIA SILVA	VICEPRESIDENTE JUAN ALBERTO ENRIQUEZ OPORTA	VICEPRESIDENTE MERCEDITAS RODRIGUEZ DE CHAMORRO	VICEPRESIDENTE SERGIO RAMIREZ MERCADO	VICEPRESIDENTE MANUEL PEREZ ESTRADA	VICEPRESIDENTE CONSTANTINO PEREIRA BERNHEIM	VICEPRESIDENTE ADOLFO JOSE EVERTSZ VELEZ