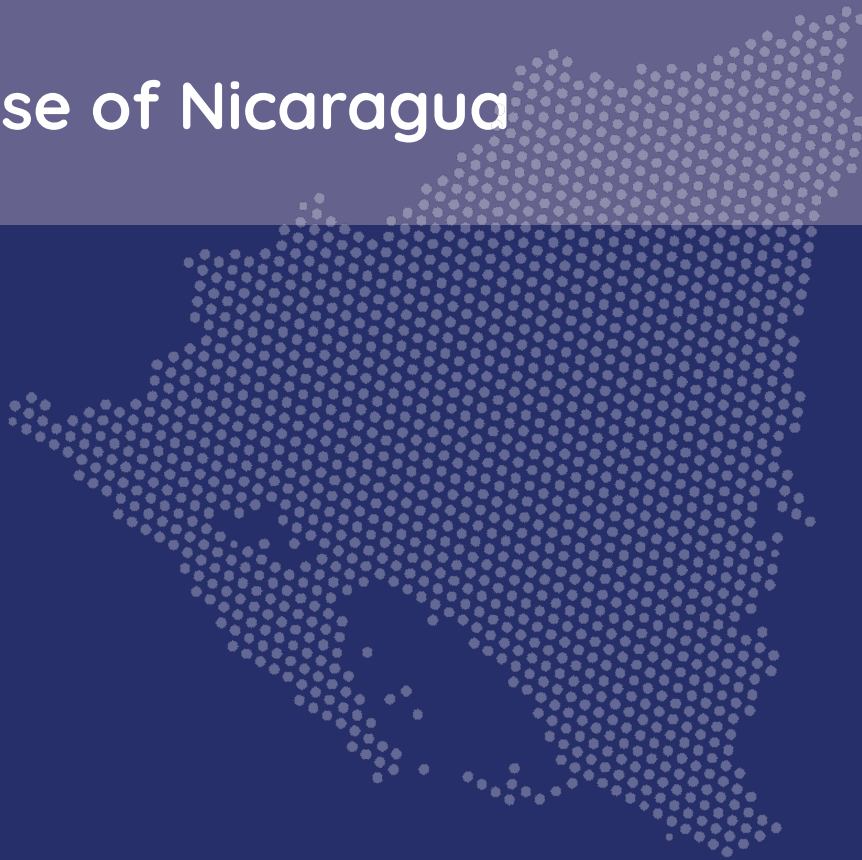


Democracy support in dominant party states

The case of Nicaragua





The European Democracy Hub is a joint initiative of Carnegie Europe and the European Partnership for Democracy. It acts as a focal point for work on democracy, bringing together analysts and policymakers engaged with EU democracy support and democratic challenges in Europe.

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Introduction

“Multipartyism is nothing more than a way to disintegrate the nation, to divide our people.” -Daniel Ortega, President of Nicaragua.

After the democratic transition that was initiated with a peaceful transfer of power in 1990, Nicaragua has struggled in its quest to consolidate its democracy. Under Daniel Ortega’s leadership, since 2007, the Frente Sandinista de Liberación Nacional (FSLN) has consolidated its status as a dominant party with control of all branches of power: the National Government, the Legislature, the Judiciary, and the Electoral Council. In addition, the FSLN controls the National Police, the National Controller, the regulator of the financial system, the Central Bank, state-owned enterprises and several digital, television and radio outlets around the country. It also holds supremacy over the Army.

The absolute hold over Congress, where 71 out of 92 legislators are FSLN members, has allowed the FSLN to push an agenda in which its political party elites are in control of their own legislators. For example, a new doctrine has been developed in recent years that establishes the idea that every seat in Congress must be allocated to an established and electorally recognised political party. Therefore, if a legislator engages in an act of political defiance – such as voting against the majority within their own party – he or she can be removed and be substituted by his/her alternate and even another member of his/her own party. This argument has been successfully applied in recent years to exert political control within political parties, and several legislators have been removed on these grounds.

The Supreme Electoral Council (CSE), the Supreme Court, and the National Assembly, all under control of the FSLN, coordinate efforts to maintain control of the political system and keep the opposition under check.

In 2016, for example, 28 legislators of the Partido Liberal Independiente (PLI) were removed from the National Assembly based on a decision of the Supreme Court on a *litis* or legal dispute between different factions of this party. The sequence of events was as follows: first, the Supreme Court established that members of a faction were the real representatives of the party; afterwards, the CSE suspended the election of the 28 legislators; and finally, the National Assembly removed all of them from their congressional seats. As a result, the opposition gathered under the umbrella of PLI was left without representation. Members of the Electoral Council and the National Assembly argued that the seats in congress belong to the political parties to justify this decision, with the argument being incorporated in legislation.¹ In practical terms, nowadays, internal dissent is a capital sin in the political parties of Nicaragua and perpetrators are ostracised and expelled from the political system.

Recently, in May 2021, the CSE banned two political parties (Partido de Restauración Democrática (PRD) and Partido Conservador (PC))², while during June and July of 2021 the police and Attorney General’s office sent at least six presidential contenders and a total of 27 opposition figures, business sector leaders and members of civil society to prison on charges of treason and other alleged crimes.³ One of them is facing house arrest. Other members of the opposition are also being prosecuted and have been jailed.

Historically, outlawing the opposition has been a tool used in Nicaragua to consolidate power. The Movimiento Renovador Sandinista (MRS), for example, was left without legal status many years ago just as

1 “El Parlamento de Nicaragua destituye a 28 diputados opositores”. BBC Mundo, July 29, 2016, available [here](#).

2 Mendoza, Y. & Kurmanaev, A. (2021): “Nicaragua’s Democracy Hangs by Thread as Crackdown Deepens”. New York Times, 6 June, available [here](#).

3 Associated Press (6 July 2021): “Nicaragua arrests 6 more opposition figures; EU weighs move”. Available [here](#).

the opposition represented in the PLI. However, this last faction was recently allowed to obtain a new legal status under the name of Ciudadanos por la Libertad (CxL). This pattern of arbitrariness is used systematically by the FSLN as a sword of Damocles to keep the opposition under check. This uncertainty contributes to generating division among the opposition, which helps the FSLN to consolidate its rule.

Curiously, before Ortega's crackdown on multipartyism, when he was in the opposition and even at the beginning of his new period of government, in 2007, he explored the idea of changing Nicaragua's political regime to a parliamentary system as a way to curtail power concentration under a presidential system. "If here we really want to strengthen democracy, then let's forget about kings", Ortega said while promoting this change of political system.⁴ The reform was never presented before the National Assembly because of lack of political support. However, years later, in one his frequent changes of opinion, Ortega expressed his sympathy for the Cuban model of one hegemonic political party. During a discourse praising what he considers achievements of the Cuban revolution, he expressed his disregard for multipartyism and pointed out the benefits of a one-party system. In conclusion, he said, "multipartyism is nothing more than a way to disintegrate the nation, to divide our people."⁵

In reality, Ortega has been a strong believer in presidentialism, as reflected in the 1987 Constitution that granted him extraordinary powers during the Sandinista revolution. After years in the opposition since 1990, in 2000 Ortega supported electoral and constitutional reforms agreed with then President Arnoldo Aleman (1997-2001), accords known as the *Pacto*, which allowed

both the FSLN and the PLC to distribute among the two parties quotas of representatives in all branches of power. The *Pacto* also established a rule that allowed a minority force to win without ballotage. This rule benefited Ortega in 2006 when he won the presidential election with 38% of the votes while the opposition was divided between the Partido Liberal Constitucionalista (PLC), Alianza Liberal Nicaragüense (ALN) and MRS. Since then, Ortega has implemented a strategy to co-opt all branches of power including the military and the police, municipalities, universities and even the PLC. Furthermore, a Supreme Court decision in 2010 allowed Ortega, as former president, to be re-elected indefinitely⁶; the move was sponsored by his adviser, now former magistrate in exile, Rafael Solís.⁷ In 2014, new constitutional reforms ratified the legality of the indefinite re-election for a president and amplified Ortega's power.⁸

In a recent study, authors Navia and Perelló describe the FSLN "as a party that has achieved dominant status during democratic backsliding", and they add that "the country has shifted to a non-democratic regime with a dominant party." They also demonstrate through statistical analysis based on survey data that "the FSLN (has) turned into an ideologically pragmatic party after initially appealing to leftist supporters."⁹

According to a source from the international community, interviewed in February 2021, "the current political party system is one of a hegemonic party, the FSLN, with a range of small parties that depend on the will of the ruling party to participate in the party system (maintain their "legal status"). There are formally about 18 political parties, but only in name."

4 Europa Press (31 October 2007): "Nicaragua - Daniel Ortega pide la reelección presidencial y un sistema parlamentarista ante la Asamblea Nacional". Available here.

5 See "Conspiración y partido único." Envío No. 326, May 2009, available here.

6 Maldonado, C.S. (2010): "Corte sandinista decreta la reelección de Daniel Ortega". Confidencial, 30 September, available here.

7 Maldonado, C.S. (2019): "Magistrado Rafael Solís renuncia a CSJ y al FSLN". Confidencial, 10 January, available here.

8 BBC Mundo (28 January 2014): "Nicaragua: reforma oficializa la reelección indefinida". Available here.

9 Perelló, L. & Navia, P. (2020): "Changes in support for Nicaragua's Sandinista National Liberation Front during democratic backsliding". Politics, pp. 1-17, available here.

The end of civic space in Nicaragua

Ortega's government had made it near impossible for many civil organisations to be able to continue their work of activism, defence of human rights, demands for democracy, and support of independent media. What was possible at the beginning of Ortega's administration in 2007 is now unfeasible. Ortega and Murillo blame civil society and independent media for the 2018 uprising that derailed the government's economic plans and put light on the mounting pressure in Nicaragua's society for a better democratic system and more equal society. During a recent celebration on International Women's Day, Ortega accused NGOs of money laundering and of using funds from international donors to support terrorist activities to destabilise his government.¹⁰ In fact, one presidential hopeful, Cristiana Chamorro, is being prosecuted as of June 2021 on charges of money laundering, after the NGO she led - which supported independent media outlets - came under investigation. Ortega's blockage of the work of civil organisations has evolved from constant police harassment to bureaucratic impediments that make it unfeasible for them to continue their work.

In the last quarter of 2020, the National Assembly under the control of the FSLN approved several bills to strengthen its control on civil society and independent media, among them: a) A new Foreign Agents Law with harsh measures against journalists, independent media, and NGOs that received international sponsorship¹¹; b) A bill against cybercrimes that many denounce as a way to censor social media¹²; c) A bill that establishes life imprisonment for "hate crimes"¹³; d) A bill that allows

detentions for a maximum period of 90 days while authorities investigate a detainee; and e) A bill that charges anyone who suggests any sanction against the government or discuss any sort of democratic support to the country from the international community with the crime of treason.¹⁴ This law was used in June 2021 to prosecute several presidential hopefuls and leaders of the opposition that have been in jail as of June 2021. The new Foreign Agent Law mirrors the one passed by President Vladimir Putin in Russia, but in some respects is even more punishing. It inhibits anyone labelled as a foreign agent - due to them receiving international funding - from running for office and exercising their political rights. The Foreign Agent Law establishes institutional controls that make it unfeasible for any NGOs to operate with minimal autonomy, and natural persons can be subject to political control, harassment, and intimidation. Failure to register is punished with onerous fines.

According to a source in the international cooperation sector, interviewed in February 2021, with all these actions "the Ortega regime seeks to 'legalise' the de facto state of siege imposed since the end of 2018. There is a restrictive legal framework for civil society organisations to legally justify attacks, increased control, monitoring, intimidation and restriction of the work of international organisations, and the operation of civil society organisations and human rights defenders."

These measures also seem to be the response of Ortega's Government to multiple sanctions established

10 Munguia, I. (2021): "Daniel Ortega acusa a oenegés de lavar dinero y justifica leyes punitivas de su régimen". Confidencial, 9 March, available here.

11 La Gaceta Diario Oficial (19 October 2020): "Ley de Regulación de Agentes Extranjeros, Ley No. 1040". No. 192, available here.

12 La Gaceta Diario Oficial (30 October 2020): "Ley Especial de Ciberdelito, Ley No. 1042". No. 201, available here.

13 Deutsche Welle (19 January 2021): "Parlamento de Nicaragua ratifica polémica ley de cadena perpetua". Available here.

14 Asamblea Nacional de Nicaragua (21 December 2020): "Ley de Defensa de los Derechos del Pueblo a la Independencia, la Soberanía y Autodeterminación para la paz, Ley No. 1055". Available here.

by the United States based on the “Nica Act”¹⁵ and the Global Magnitsky Act that sanction alleged human rights violations and corruption. A total of 31 government officers, police chiefs and members of the CSE, as well as the Chief of the Army, have been sanctioned by the United States¹⁶, a measure that includes the revocation of their US visas, and the freezing of financial accounts worldwide and of their properties in the United States.¹⁷ The European Union has also established sanctions against Nicaraguan officials.¹⁸ The U.S. Congress is considering tightening sanctions against Ortega’s government through new legislation.¹⁹

The enacting of the new Foreign Agents Bill in Nicaragua has produced tremendous shockwaves in Nicaragua among civil society organisations, by curtailing their ability to continue their work. The legislation establishes harsh economic sanctions for any violation and a series of administrative measures that make it very difficult if not impossible to meet its standards. The Nicaraguan chapter of the organisation Poets, Playwrights, Editors, Essayists, Novelists (PEN International), has announced that it will end its work in rejection of the harsh measures established by this legislation.²⁰ The Comisión Permanente de Derechos Humanos (CPDH), one of the last human rights organisations working within the country, has struggled to meet the requirements established by the Foreign Agents Bill.²¹ *Ética y Transparencia*, a

civic organisation that promotes electoral reforms and observes elections, has announced that it will not receive more international funds in order to avoid being registered as a foreign agent.²² The Fundación Violeta Barrios de Chamorro also ended operations in the light of the new legislation, with negative consequences for 15 media outlets it supported. Its former leader, Cristiana Chamorro, is now under house arrest and has been accused of money laundering and other alleged crimes that she denies, while more than 20 journalists have been called to testify on this cause and many have been threatened with formal prosecution. The Supreme Court has not responded to any of the appeals presented against this legislation.²³ The European Union has also expressed its concern with regard to the Foreign Agent Law, as has the new Biden administration in the United States.²⁴

Civic space in Nicaragua has been progressively restricted in the past fourteen years, especially since the protests of 2018 that left more than 326 people dead, mainly due to excessive use of force by the police and parapolice forces to crash these protests, according to a report by the Group of Independent Experts (GIEI) of the Inter-American Commission of Human Rights (IACHR).²⁵ The opposition has denounced the fact that there are more than one hundred political prisoners still jailed in Nicaragua.²⁶

15 See the text of the “Nica Act”, available here.

16 Galo, A. (2020): “Estos son los 27 funcionarios Orteguistas sancionados por Estados Unidos”. Radio Corporación, 24 December, available here.

17 See U.S. Department of Treasury: “Nicaragua-related sanctions”. Available here.

18 Council of the European Union (14 October 2019): “Nicaragua: EU adopts conclusions and a framework for targeted sanctions”. Available here.

19 United States Senate Committee on Foreign Relations (22 June 2021): “Committee approves Renacer Act to hold Ortega regime accountable for subverting democracy in Nicaragua”. Available here.

20 Deutsche Welle (5 February 2021): “PEN Nicaragua cierra por polémica ley promovida por Ortega”. Available here.

21 Inestroza, E. (2021): “Migob pone trabas a la CPDH para que inicie proceso de inscripción como agente extranjero”. La Prensa, 4 February, available here.

22 Cruz, A.L. & Munguía, I. (2021): “Organismos rechazan registro de “agentes extranjeros”. Confidencial, 5 February, available here.

23 Vasquez, V. (2020): “Interponen recurso por inconstitucionalidad contra Ley de Agentes Extranjeros”. Confidencial, 3 December, available here.

24 Delegation of the European Union to Nicaragua (22 December 2020): “Nicaragua: Statement by the High Representative/Vice-President Josep Borrell”. Available here. U.S. Department of State (8 February 2021): “Nicaragua’s Foreign Agents Law Drives Nicaragua Toward Dictatorship, Silencing Independent Voices”. Available here.

25 GIEI Nicaragua (2018): Report on the violent events that took place in Nicaragua between April 18th and May 30th. Organisation of American States (OAS), available here.

Currently, social protests are not allowed in Nicaragua. Meetings held by political parties, NGOs or social movements are met with police harassment and surveillance. More than 80 leaders of the opposition have not been allowed to leave their homes and have been held under a de facto house arrest status without a warrant or a judicial order.²⁷ Some of them are now in prison, while others were able to leave the country to avoid police harassment.

After protests in December 2018, some NGOs, human rights organisations, such as Centro Nicaragüense de Derechos Humanos (CENIDH), and independent media outlets, such as 100% Noticias, Confidencial and Esta Semana, were raided. Their properties and equipment were seized and later transferred to government entities in what independent media call “de facto confiscations” with no legal basis.²⁸ The leadership of another human rights organisation, the Asociación Nicaragüense Pro-Derechos Humanos (ANPDH), needed to go into exile in order to avoid reprisals. Confidencial’s newsroom was raided again in May 2021 and its equipment seized by the police without legal basis.

The media environment is severely restricted. Independent reporters are harassed by the police on a regular basis. Independent reporters are also prosecuted under false pretences and charged with hefty fines.²⁹ Ortega also has control of the airwaves. Even before the 2018 crisis, the government had control over the main television stations (Channel 2, 4, 6, 8, 13, among others), dozens of radio stations, and a few digital outlets. Independent media does not have access to public information, neither official events nor the opportunity to interview public officers. Nicaragua is currently rated as not free in terms of political rights and civil liberties by Freedom House.³⁰

Elections are not considered free by the opposition in Nicaragua and in fact, given the lack of autonomy of the political parties that have participated, are far

from competitive. The Supreme Electoral Council (CSE) that manages national elections is controlled by the FSLN. The opposition demands electoral reforms in order to participate in the following national elections of November 2021. However, the National Assembly approved new electoral reforms and selected new authorities that furthered the FSLN’s control of elections in May 2021, against the call of the Organisation of American States (OAS) that has proposed to the National Government some measures to procure free elections in Nicaragua in November 2021.

26 Confidencial (14 January 2021): “Familiares de presos políticos demandan que su libertad “sea prioridad” en año electoral”. Available here.

27 Esta Semana (1 February 2021): “La resistencia al Estado policial en la ciudad de Somoto, Madriz”. Available here.

28 Torrez, C. (2020): “Confidencial sigue ocupado, pero ‘no pudieron confiscar el periodismo’”. Confidencial, 13 December, available here.

29 Cruz, A.L. (2021): “Solicitan aumento de multa en contra de periodista Kalúa Salazar”. Confidencial, 9 March, available here.

30 Freedom House: “Freedom in the World 2020: Nicaragua”. Last accessed on 15 July 2021, available here.

The old struggle against international cooperation

Since Ortega came back to power in 2006, he has consistently shown both a profound hostility and distrust of international cooperation and donors, particularly from Europe and the United States, and a willingness and the political necessity to control all possible streams of revenue coming from abroad, such as cooperation, loans from multilateral organisations, foreign investment and electoral financing.

During the Sandinista revolution, Ortega's government (1984-1990) faced a covert war sponsored by the United States which included the backing of the contras guerrilla and covert actions by the CIA. Almost in every speech of the last forty years, Ortega has denounced U.S. imperialism and what he considers to be systematic efforts to intervene, dominate Nicaragua and plot against the FSLN or his government. Europe has been added to his list of foes since he got back into power in 2006. In one of his latest speeches, he attacked the European Union for imposing sanctions on Venezuela. It is then not surprising that he would see any sponsorship of civil society organisations as part of a large scheme to attack him and undermine his government with ominous intentions.

One of the first attacks against civil society happened early in his new administration in 2008, when the government accused several organisations of money laundering - including the Movimiento Autonomo de Mujeres (MAM) and the Centro de Investigaciones para la Comunicación (CINCO), charges denied by these organisations. At the heart of the attack was the Fondo Común de Gobernabilidad sponsored by several

European donors and managed by Oxfam. The fund that sponsored the work of several NGOs was progressively undermined.³¹

After this first attack, Ortega pressured donors to focus their work on economic development rather than on human rights and democracy support and established that most of the international cooperation efforts be channelled through the government. Many donors followed through with this alignment, while at the same time some of them quietly lowered their presence in Nicaragua and others cut direct support to the government, especially after the municipal elections of November 2008, considered to be fraudulent by the opposition. The European Union suspended direct budget support to Ortega's government in January 2009. In June of the same year, the United States announced the cancellation of the implementation of the Cuenta Reto del Milenio, which implied a loss of US\$62 million for Nicaragua, because of the rigged elections of the previous year.³²

In the following decade, Ortega could afford to lose those streams of revenue directed to the country thanks to an oil agreement with then president of Venezuela, Hugo Chavez. Ortega was able to control directly - out of the national budget - a stream of US\$3.8 billion dollars between 2008 and 2017, originating from the oil trade with Venezuela.³³ These petrodollars were invested in social programs, media enterprises, private companies and supporting the FSLN's agenda, and they are likely to be incorporated into public accounts as public debt in the future. Those golden years have ended, however,

31 El Nuevo Diario (8 December 2011): "Fondo Común aprueba doce proyectos a la sociedad civil". Available here.

32 Confidencial (26 May 2011): "EE.UU. oficializa cierre en Nicaragua de programa Cuenta Reto del Milenio". Available here.

33 Feinberg, R.E. (2018): "Nicaragua: Revolution and Restoration". Brookings, available here.

due to the deterioration of the Venezuelan economy, and the reduction in oil prices and trade with Venezuela. Some of the organisations sanctioned by the United States, such as Caruna, Bancorp and Albanisa, were used to manage these funds. In that sense, sanctions have been quite painful to Ortega's regime and family. The new laws enacted against civil society organisations to prevent them from accessing international funding can be understood as a retaliation from Ortega's Government. He has blamed the opposition - Ortega equals civil society to the opposition - for these sanctions. From Ortega's point of view, the struggle against interventionism and what he considers its local backers, whom he calls "traitors" and "vendepatrias", is a crucial struggle *about power*. It is in this context that any support for Nicaraguan democracy needs to be understood.

Support for Nicaragua's democracy

While the FSLN has consolidated its hegemony in all branches of powers and in Nicaraguan society, some donors have decided to have a more accommodating approach in their relationship with Ortega's Government. One lesson learnt by the EU, for example, according to its Country Strategy Paper and Multiannual Indicative Programme (2014-2020) for Nicaragua, was that "it is important to remain present in the sectors where the Government has a clear interest in the support of the donors, where dialogue can be fluid and where the EU has had a privileged position over the years (e. g. in education and rural development). Other sectors could be targeted, but only through focused technical assistance, training and similar activities that strengthen the counterparts' capacities. In sectors where the Government is not in favour of allowing donors to work, other counterparts may be sought out to implement the cooperation (supporting democracy through non-state actors)."³⁴

Still, some organisations and governments have continued implementing programmes to support democracy in Nicaragua in the last decade, although under increasing restrictions and limitations. The EU declared in its country strategy that it "will also remain a key source of support to civil society through its thematic activities". This strategy also mentions that other donors will work on issues of democratic governance, including human rights and support to civil society.

Some areas where support to democracy have been noticeable include support for local governments; support for civic participation through civil society organisations; strengthening of local governance; support for freedom of expression through independent media; empowerment of women's rights; promotion and

defence of human rights; dialogue among political actors; and support for the institutionalisation of political parties.³⁵

In the view of a member of an international organisation that supports democratic development in Nicaragua, interviewed in February 2021, and who requested confidentiality to discuss the topic candidly:

"There has been a fairly acceptable efficacy (in terms of support to civil society), especially in support of community organising activities, building organisational structures in municipalities and departments, both within different organisations and among the networks of organisations that have emerged. As a result, there is a network of local organisations that can play a crucial role in a massive mobilisation of participation in elections and in peaceful resistance to the police state."

In the view of this interviewee, one aspect where civil society organizations and alternative political forces have improved, with the support of international organisations, has been in their ability to convey their political proposals and use communication tools to reach broader audiences.

One key lesson learnt in democracy support in Nicaragua is that any progress made in terms of generating capabilities among civil society organisations, political parties and media outlets will not be sustainable if the National Government deliberately undermines any flourishing of civil society, personal liberties, and the democratic process itself, in an international context of inaction, indifference and division.

34 European Union External Action Service: "Country Strategy Paper and Multiannual Indicative Programme 2014-2020: Nicaragua". Last accessed on 16 July 2021, available [here](#).

35 In the interest of the safety of some of these organisations, the public version of this paper does not go into details regarding specific programmes or projects.

Is there anything left?

The implementation of programs that support the strengthening of civil society organisations has led to rewarding results in the view of some donors. An assessment of USAID's program to develop capacities among civil society organisations found out that 17 organisations that were part of it increased their advocacy efforts on a range of topics from "preventing sexual abuse and violence, promoting and defending the rights of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community", to "raising awareness on the right to have a legal identity." In addition, these organisations produced evidence-based studies to influence public policy and were able to improve their internal governance processes and capacity of monitoring and evaluation, according to the report.³⁶

Fostering democratic values seems to be a line of work that could still be promising in Central America. For example, the Netherlands Institute for Multiparty Democracy (NMID) supported a project of Schools of Democracy with young Nicaraguans in Costa Rica that fostered new leadership, and a better understanding of democracy and of the national reality. The experience also nurtured political dialogue, networking, and discussion of proposals of electoral reforms between civil society organisations and members of some political parties, according to Susan Batres, Executive Director of NMID in Guatemala.

One puzzling aspect of supporting democracy in Nicaragua and Central America, in general, is how to interact with a dominant political party. Is it possible to build bridges of cooperation within this context? For Susan Batres, it could be possible to build bridges and areas of work with dominant parties in Central America with social support and strong international pressure. In her opinion, "it is important to find points of interest of the dominant party in the political, economic, social, cultural, environmental and intermediation areas. This would

allow finding forms of relationship, cooperation and articulated work."³⁷ In her view, donors and implementers of programs to support democracy should be open to dialogue with the whole ideological spectrum of political parties, which implies building bridges with different ideological streams in areas of mutual interest.

What can be done?

Is there any space left to work with civil society organisations and/or political parties in Nicaragua? In the view of one member of the international cooperation field, interviewed in February 2021, at the time there was still some space at the local level to support "organisational strengthening activities" but the work needed to be done "almost clandestinely" due to security risks. However, this practitioner recognised that the repression unleashed by the Government made democracy support increasingly difficult:

"Due to the repression, it is necessary to take into account several security elements: development of contingency plans for the protection of human rights defenders, consolidation of protection actions and computer security, support with investment in new technologies, and greater linkage of national actions with regional and international actions, to make them visible."

The legal blitz unleashed by Ortega at the end of 2020 and the legal processes initiated in June 2021 may have changed the rules of engagement for the near future. Under the current legal and political environment, it is not feasible to sponsor democracy support efforts hosted inside the country with a minimum level of autonomy, freedom of action and respect for fundamental rights. The government wants to control any effort in this regard and any formal organisation recipient of international funds will be subject to intense control, scrutiny, harassment, intimidation, and even judicial prosecution. Any future engagement depends on the political will of

36 USAID (2018): "Final report: Capacity building for civil society advocacy project". Chemonics, available here.

37 Interview conducted in January 2021.

Ortega's Government to lift the sanctions it has imposed on Nicaraguan civil society, which would require direct engagement at the diplomatic level. However, there are no assurances that these efforts would succeed.

Any effort to support Nicaraguan democracy under these circumstances would need to be channelled through indirect means (via the Nicaraguan diaspora in exile, in Costa Rica for example); and innovative strategies to support informal grassroots movements, youth organisations and digital media in exile, which could be recipients of grants, digital tools and information without fearing repression. That will demand high flexibility from donors and international NGOs and the willingness to take the political risk.

Conclusion and recommendations

International support for empowering the voices of civil society and independent media seems to have been one of the most successful strategies in Nicaragua to support democracy in Nicaragua - but all that has been achieved in a challenging environment where gains can be lost without further support. Unfortunately, under current conditions, it is not feasible to deliver this support through traditional means.

On the other hand, support to political parties shows mixed results: there is still too much fragmentation, division, and issues of leadership in the opposition. At the same time, a few political organisations have consolidated their internal processes and stand ready to participate in the political process, if a window of opportunity emerges, with better capabilities and political messaging skills. Simultaneously, the promotion of electoral reforms has failed to bring results. But there are still some voices demanding these reforms, which are also supported by the OAS' General Assembly.

One area of work that seems missing is more engagement with the dominant party due to the deliberate hostility of the FSLN and Ortega's government against what they perceive as foreign interventionism. It remains a crucial challenge to find ways to collaborate, cooperate and interact with the dominant party in Nicaragua if this is possible in the future. Being able to persuade the FSLN to open up to any sort of collaboration could be crucial to opening new venues of political dialogue in Nicaragua, but that would require strategic engagement at the diplomatic level. Any further collaboration with civil society, independent media and political parties would require innovative ways of support for the development of capabilities while preventing further attacks against these actors.

What can be done in Nicaragua in this new context where civic organisations, political parties and donors are severely restricted in the work they can do? Here, we share some recommendations to be considered, based on the interviews and research carried out for this study.

For practitioners and donors:

1. Support grassroots and youth movements, start-up media and human right defenders through flexible grants in unconventional settings.

Donors and practitioners should evaluate the possibility of supporting the civil society of Nicaragua through groups located in exile in countries like Costa Rica, Spain, and the United States, where they would not be subject to the restrictions and persecutions they would suffer in Nicaragua. Donors and practitioners should evaluate if it is feasible to do this through flexible grants, an avenue that is already being discussed in the context of the new EU democracy strategy.³⁸

38 Godfrey, K. & Youngs, R. (2019): "Toward a new EU democracy strategy". European Democracy Hub, available here.

2. Disseminate funding opportunities through user-friendly digital platforms and digital workshops.

Many grassroots movements, start-up media and human right defenders do not know that there are funding opportunities available and are afraid of the paperwork and requirements to access this funding. Extra effort can be made to make this information easily available and the process straightforward. In particular, opportunities for human right defenders are of paramount importance in a context of repression.

3. Build capabilities for community organising and protection against transnational digital repression.

Digital workshops can be implemented to build capabilities for community organising skills, democratic values, the fostering of political dialogue and building skills to avoid digital repression, a phenomenon now facilitated thanks to the dissemination of new technology to authoritarian regimes.

4. Foster independent media.

As the experience of Nexta in Belarus has shown, a start-up media hosted in destinations of exile can play a crucial role in disseminating information and helping people to mobilise and organise to peacefully defend their democratic rights. There are several media outlets in Costa Rica doing valuable work about Nicaragua that could be supported in order to provide the Nicaraguan public with information that they otherwise would not be able to get.

5. Build capacities among political parties on consensus building and alliance building.

It is important to share examples of consensus and alliance building through digital workshops and events in order to provide practical instructions on countering the dominant party apparatus.

For diplomats and international organisations:

A. In a scenario in which negotiations with Ortega's government are feasible:

1. Gather international political support to strengthen democracy in Nicaragua in order to re-establish a functioning space for civil society organisations, political parties and independent media, and demand respect for human and civil rights.

International actors such as the United States, European Union, the Vatican, the OAS and the UN, should join diplomatic efforts to open venues of dialogue with the Nicaraguan Government and the opposition. Crucial in this interaction should be the demand for opening an operational space for civil society, independent media and political parties without harassment and interference and with respect of human and civil rights. It is crucial that the international community shows unity, decisiveness, and willingness to take action in a timely manner to persuade the Ortega administration about the importance of not further isolating itself.

2. Explore the creation of an international group of mediation.

Central America has benefited in the past from international support to promote peace accords. One example was the mediation efforts promoted by the Grupo de Contadora, which crucially contributed to the pacification of the region during the Cold War.³⁹ A similar effort by the international community could contribute to reinstating democracy and human rights in the country. The Vatican could also play a role as a facilitator given its recent contribution in the freeing of political prisoners.

3. Work towards electoral observation in the 2021 vote.

The EU should also negotiate the deployment of an electoral observation mission for the 2021 Nicaraguan elections and do a follow up on its own recommendations from 2011 to improve the electoral system.⁴⁰

4. Remain open to agreement on negotiated outcomes in the event of a democratic opening.

If Ortega's government shows openness to negotiations, the international community should assess if, as part of a negotiation between Ortega's Government, the OAS, the Vatican and the opposition among other actors, some sanctions can be eased in exchange for the implementation of electoral reforms to guarantee competitive elections, respect for human and civil rights, as well as the release of political prisoners.

B. In a scenario where there is no negotiation space left by Ortega's government:

1. The Council of the European Union (EU) should update and do a follow-up on the European Parliament's resolution of October 8, 2020.⁴¹

In the view of a member of the international cooperation community, interviewed in February 2021, "while the Ortega regime does not show signs of restoring civil and political rights cancelled by the police state and the new package of repressive laws, it is recommended that the institutions and member states of the European Union implement the recommendations of said resolution." The EU should also evaluate the developments of events in Nicaragua in the light of its new framework for sanctions against human rights abusers.⁴²

2. The international community should also be prepared to not recognise the legitimacy of 2021 national elections and of a new Ortega government if he is re-elected as a result of a flawed process.

One member of the international cooperation community interviewed in February 2021 pointed out that "a massive

39 Páez Montalbán, R. (2021): "El proceso de negociación del grupo de Contadora". Revista Digital de la Secretaría de Relaciones Exteriores del Gobierno de México, last accessed on 16 July 2021, available here.

40 European Election Observation Mission to Nicaragua (2011): "Final report on the general elections and Parlacen elections". Election Observation and Democracy Support, last accessed on 16 July 2021, available here.

41 European Parliament (8 October 2020): "The 'Foreign Agents' Law in Nicaragua". Available here.

42 Council of the European Union (7 December 2020): "EU adopts a global human rights sanctions regime". Available here.

participation of the population in the elections, even without adequate guarantees, could lead to a favourable scenario for the restoration of democracy. If the Ortega regime does not carry out substantive electoral reforms in line with the OAS recommendations, or if it commits fraud in November, it runs the risk of having its government declared illegitimate. The international community must prepare for this scenario of not recognizing a future Ortega government, as the result of a flawed process.”



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