



# The Risks of a Rigged Election in Nicaragua

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# Principal Findings

**What's new?** Three years after the government responded to massive protests with a lethal crackdown, killing hundreds and displacing thousands, Nicaragua approaches its November presidential and legislative elections in a climate of extreme polarisation. State persecution of the fragmented opposition and fears of a skewed election persist amid a prolonged economic slump.

**Why does it matter?** Although protests have waned since 2019, the grievances underlying the uprising remain unaddressed. Disquiet has grown over President Daniel Ortega's remoteness and increasingly authoritarian rule. A fraught election could further isolate the government internationally and rekindle domestic unrest.

**What should be done?** The government should reverse reforms that tilt the playing field and agree with the opposition on measures to ensure a fair poll, while committing to political coexistence after the elections. Foreign powers should push Ortega to run a clean vote and encourage dialogue and compromise on both sides.

## *Executive Summary*

Three years after mass protests brought Nicaragua's historical rifts back to the surface, the standoff between the government and a resolute but factious opposition continues. In 2018, President Daniel Ortega quelled unrest through a crackdown that left at least 328 dead, chiefly protesters, and drove more than 100,000 to flee, mostly to neighbouring Costa Rica. An arsenal of laws, controls and police operations since then have largely extinguished public dissent, although online condemnation of the government persists. Establishing a level playing field for the polls in November will require urgent modification of recent one-sided electoral reforms and agreement on conditions acceptable to all sides. Without these, opponents and foreign powers are likely to brand the elections as rigged, potentially stirring renewed unrest and repression. While the government's intransigence as well as competing priorities have led several countries to scale back diplomatic engagement in Nicaragua, the U.S., European Union and Latin American states should all press for a fairer election and support an accord on political coexistence, while holding back on new sanctions, which are unlikely to sway Ortega.

Nicaragua remains a divided and troubled land. In the Ortega government's eyes, its efforts to turn the page on the 2018 mayhem have largely prevailed. But even if the past year has seen virtually no protests, the government has not regained its former public support. Only a third of the population now backs the president. Discontent simmers even within the ranks of the ruling Sandinista National Liberation Front, with Ortega cutting an increasingly isolated figure surrounded by a narrowing circle of relatives and aides. COVID-19 claimed the lives of over a dozen senior party figures in 2020, while authorities were downplaying the virus and burying the dead in secret. The economy contracted again in 2020, marking a three-year slump that the pandemic and two back-to-back hurricanes have deepened.

In response to these adverse conditions, the government has relied on repression to keep the opposition at bay. The electoral authorities recently ruled that the party representing the civic and political movements that form the opposition National Coalition could not compete in the forthcoming polls. New laws threaten to jail those criticising authorities with what the government calls "fake news", or anyone who took part in the 2018 protests and wishes to campaign in the forthcoming presidential and legislative elections.

Opposition groups also face internal struggles. Due to personal rivalries and ideological differences, civic and political movements are now divided into two blocs. Severely weakened, they appear unable to offer a cohesive alternative to the government, and they failed to form an alliance for the election by 12 May, the deadline set by electoral authorities. Around 60 per cent of Nicaraguans do not identify with any party, according to surveys. Even so, the risks of an egregiously unfair election – which, given recent experience in Nicaragua, might feature miscounted votes, harassment of opposition politicians and the prohibition of their parties – is likely to trigger public ire. A contested poll would also deepen the country's international isolation and aggravate its economic distress.

While the need for changes to the electoral system is widely recognised inside and outside the country, there is little agreement on what reform is essential. Root-and-branch proposals for electoral and constitutional reform from the opposition as well as calls for comprehensive international monitoring of the polls contrast with the government's express intentions to make only minor alterations. Furthermore, the recent appointment of government loyalists to the Supreme Electoral Council and the approval of a controversial, amended electoral law underlined just how reluctant the government is to cede control over election management. The Organization of American States set the end of May as a deadline to undertake various largely technical reforms, but some, like cleaning up the voter register, already appear impracticable due to time constraints. Channels of communication between the government and foreign powers are largely moribund despite recent efforts, reportedly spearheaded by the Holy See, to rekindle some diplomatic ties.

Washington's reliance in recent years on sanctions as a means of browbeating the Nicaraguan government has been ineffective, if not counterproductive, with Ortega responding by adopting harder-line positions on domestic dissent and alleged foreign interference. More robust diplomacy and less reliance on punitive measures, particularly from the U.S., are urgently needed. The domestic opposition also needs to come together and formulate clear electoral demands and a greater spirit of compromise in order to elicit meaningful concessions from Ortega.

There is still a small window of opportunity for the government and opposition to set the stage for a credible election and avoid an escalation of tensions. Ideally, the months ahead would see national political forces not only agree on acceptable conditions for a level playing field in the elections, including revising the composition of the Supreme Electoral Council and inviting unrestricted international observation, but also set the stage for a post-election effort to reach the terms of peaceful political coexistence. Backed by foreign partners, this process could also aim to address the unresolved legacies of revolution and war that underpin a great deal of today's political bitterness. Achieving a fair and peaceful election should be the first crucial step on the way to ensuring that Nicaragua does not soon find itself consumed by another outbreak of political violence.

**Guatemala City/Bogotá/Brussels, 20 May 2021**

# The Risks of a Rigged Election in Nicaragua

## I. Introduction

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Three decades after the civil war that followed the 1979 revolution led by the Sandinista National Liberation Front (FSLN), Nicaragua is still among the hemisphere's poorest nations. It is also still haunted by the political divides of the post-revolutionary period. After losing power in 1990, President Daniel Ortega, a Sandinista hero, became a champion of the poor by attacking free-market policies applied by the governments succeeding him. He regained the presidency in 2006.<sup>1</sup> Once back in power, he oversaw rapid economic growth while also progressively filling state institutions with loyalists and hindering opposition participation in elections.<sup>2</sup> Mounting discontent over his efforts to concentrate power erupted in April 2018 when protests – led by younger people and denounced by the government as an attempted coup – shook the country. A crackdown by security and para-police forces left at least 328 dead, mostly protesters.<sup>3</sup>

The government twice embarked on negotiations with the protesters, along with business and civic organisations, aimed at bridging their differences. These efforts proved largely in vain, although the talks did manage to secure some access for international human rights organisations to the country in 2018 (they were later expelled) and the release of around 500 political prisoners in 2019.<sup>4</sup> Intransigence on both sides and confused or unrealistic demands accounted for these failures.<sup>5</sup> Since then, the country has seen little if any progress on electoral reform, other political issues or the protection of human rights.<sup>6</sup> More than 100 people are reportedly still jailed for political reasons, and the government's opponents face the constant threat of harassment, both in person and online, by police and government supporters.<sup>7</sup>

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<sup>1</sup> In the aftermath of the 1979 revolution, Ortega served as coordinator of a governing board and then as president after the FSLN won the 1984 elections, before losing power in 1990 to Violeta Barrios de Chamorro. He then promised to “govern from below”, exploiting the Sandinistas’ social movements as well as its business empire, until he regained the presidency in 2006, partly due to divisions among liberal parties. In doing so, he managed to appeal both to the old Sandinista base and the *contras*, the counter-revolutionaries of the 1980s, who reportedly felt abandoned by their leaders. Ortega’s running mate in 2006, Jaime Morales Carazo, was a former *contra*. “From ‘Governing from Below’ to Governing Right Up at the Top”, *Revista Envío*, November 2006. Crisis Group interview, former Nicaraguan ambassador, Managua, 17 March 2021.

<sup>2</sup> Crisis Group Latin America Report N°72, *A Road to Dialogue After Nicaragua’s Crushed Uprising*, 19 December 2018.

<sup>3</sup> *Ibid.*

<sup>4</sup> The first round of talks took place at the height of the crisis in 2018 and the second between March and May 2019. Crisis Group Latin America Report N°74, *The Keys to Restarting Nicaragua’s Stalled Talks*, 13 June 2019.

<sup>5</sup> *Ibid.*

<sup>6</sup> Crisis Group Commentary, “Coaxing Nicaragua Out of a Deadly Standoff”, 16 October 2019.

<sup>7</sup> “Nicaragua mantiene en la cárcel a 122 presos políticos, según un informe”, 100% Noticias, 8 May 2021; “¿Por qué la dictadura de Daniel Ortega y Rosario Murillo ha impuesto “casa por cárcel” y “Managua por cárcel” a opositores?”, *La Prensa*, 21 January 2021.

Nicaragua's crisis has also been moulded by regional events and foreign pressure.<sup>8</sup> Under the Trump administration, the U.S. placed the country in the same basket as Venezuela and Cuba due to Ortega's close ideological, economic and political ties with these governments. Indeed, Ortega's openness or resistance to opposition demands often tracked the wavering fortunes of his Venezuelan counterpart, Nicolás Maduro. As an illustration, in early 2019, when it briefly looked as if a U.S.-backed opposition challenge had some hope of toppling the president in Caracas, Ortega conceded to resuming dialogue with the Civic Alliance, an opposition umbrella organisation.<sup>9</sup> For the most part, however, U.S. sanctions and strongly worded Organization of American States (OAS) resolutions – informed by the same “maximum pressure” strategy used in Venezuela – have proven ineffective and occasionally counterproductive in Nicaragua. They seem to have increased both Ortega's sense of victimhood and his reluctance to contemplate any diminution of his power.

Nicaragua's November presidential and legislative elections are thus rapidly approaching in a tense, polarised climate, with the government seemingly unwilling to meet the opposition on a level playing field. This report assesses the dangers that may result from a flawed election, including the prospect of worsening international isolation and renewed public unrest. It also identifies steps that could still be taken to restore electoral credibility and shape a more stable post-election *modus vivendi* between government and opposition forces. It is based on more than 45 interviews with Sandinistas, opposition and private-sector representatives, diplomats, journalists, election experts, political analysts and human rights defenders, including more than a dozen interviews held during a visit to Managua and other Nicaraguan cities in mid-March 2021. Government officials and National Assembly members rejected or did not respond to Crisis Group's requests for meetings.

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<sup>8</sup> Tiziano Breda, “A Thaw or a Trap? Nicaragua's Surprise Return to Negotiations”, Crisis Group Commentary, 6 March 2019.

<sup>9</sup> Phil Gunson, “In Venezuela, a High-stakes Gambit”, Crisis Group Commentary, 24 January 2019; Robert Malley, “What We Heard in Caracas”, Crisis Group Commentary, 8 February 2019; Ivan Briscoe, “Will Pressure Bring Down Venezuela's Government?”, Crisis Group Commentary, 9 April 2019.

## II. An Unresolved Crisis

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Nicaragua's political standoff seems stuck in place, with neither side showing either sufficient momentum or strength to break the deadlock. Through a series of new laws, the government has narrowed the space for political expression and paved the way for a renewed crackdown on dissent, should it decide that is necessary. It is also trying, not altogether successfully, to coax back business and other allies that it alienated in the 2018 tumult, and facing a public that is deeply concerned about the economy in the wake of a prolonged contraction of GDP, worsened by the pandemic. On the other side of the nation's political divide, the myriad parties and movements that compose the political opposition seem to have lost their appeal and are struggling to unify around a common electoral strategy.

### A. *The Government's Crackdown*

Even before the April 2018 unrest, the Ortega government had grown accustomed to silencing critics rather than addressing their demands. Since returning to power in 2007, Ortega has progressively concentrated power and narrowed the space for political competition, fuelling sporadic outbursts of public discontent.<sup>10</sup> The March 2018 proposal of Vice President Rosario Murillo (Ortega's wife) to "regulate" the use of social media and poor government handling of a massive wildfire in the Indio Maíz Biological Reserve a month later riled the public.<sup>11</sup> But it was the plan to reform the Nicaraguan Institute of Social Security by reducing pensions and increasing contributions that prompted mass protests led by students and supported by various groups, including former government allies like the Catholic Church and the private sector.<sup>12</sup> Talks between government and opposition failed to reach a negotiated solution. Eventually, the authorities opted to assert control over the country by force, dismantling protesters' barricades by July, ruling street marches illegal in September and detaining hundreds of opposition activists.<sup>13</sup>

Since mid-2019, the government's strategy has become less blatantly coercive and more carefully targeted. Politically motivated arrests continue, although imprisonment is mostly temporary.<sup>14</sup> As of early May, Nicaraguan civil society groups reported 122

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<sup>10</sup> Among the leading organisers of protests since 2007 is the *campesino* movement, whose members have marched several times against the government's plan to dig a Grand Canal across Nicaragua. "Nicaragua reprime las protestas contra el Canal", *El País*, 30 November 2016; Crisis Group Report, *A Road to Dialogue After Nicaragua's Crushed Uprising*, op. cit.; "From 'Governing from Below' to Governing Right Up at the Top", *Revista Envío*, November 2006.

<sup>11</sup> Crisis Group telephone interview, protest movement leader, 18 February 2021. "Daniel Ortega pretende regular las redes sociales en Nicaragua", *El País*, 14 March 2018; "Jóvenes marcharon por Indio Maíz a pesar de represión policial", *Confidencial*, 13 April 2018.

<sup>12</sup> Crisis Group Report, *A Road to Dialogue After Nicaragua's Crushed Uprising*, op. cit.

<sup>13</sup> A December report by the Inter-American Commission on Human Rights (IACHR) identified at least 1,614 political arrests between April 2018 and May 2020. Crisis Group Report, *The Keys to Restarting Nicaragua's Stalled Talks*, op. cit. "Personas privadas de libertad en Nicaragua", IACHR, 5 October 2020.

<sup>14</sup> "Personas privadas de libertad en Nicaragua", op. cit.

political prisoners still in jail.<sup>15</sup> Virtually all of them are being or have been tried.<sup>16</sup> The way in which the government charges political targets has also changed. “Now [prosecutors] don’t accuse them of terrorism or other serious crimes, but rather petty crimes”, according to a Nicaraguan human rights defender.<sup>17</sup> The Nicaraguan Blue and White Observatory, an independent civic platform, reported 1,797 attacks on opponents in 2020, the vast majority of which involved threats and harassment by the security forces or para-police.<sup>18</sup>

Locals and diplomats believe that the government has “eyes and ears everywhere”, and uses undercover agents, local sympathisers, ex-convicts and even parking valets to conduct surveillance.<sup>19</sup> Dozens of prominent opponents report that they live under constant intimidation, with police almost permanently stationed in front of their houses or following them in the street, preventing them from moving about freely.<sup>20</sup>

The government has also enacted new laws that muzzle dissent and impede opposition electoral participation. The Foreign Agents Law, based on similar Russian and Venezuelan laws, compels all people and organisations receiving funds from abroad to register as “foreign agents” at the interior ministry.<sup>21</sup> Another law bars from candidacy any Nicaraguan found to have jeopardised national sovereignty, including by leading or financing a coup, altering the constitutional order, or inciting terrorist acts and foreign intervention – all categories that can be stretched to penalise political adversaries.<sup>22</sup> A third sets jail terms for anyone who leaks government information or produces or shares “fake” or distorted news, without saying what that phrase means.<sup>23</sup> Congress has approved life sentences for perpetrators of vaguely defined “hate crimes” and extended the length of provisional detention from 48 hours to 90 days.<sup>24</sup> Most recently, Sandinista deputies incorporated several of these bills’ provisions in an

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<sup>15</sup> These 122 include ten detained before 2018. “Nicaragua mantiene en la cárcel a 122 presos políticos, según un informe”, 100% Noticias, 8 May 2021.

<sup>16</sup> Crisis Group telephone interview, Nicaraguan human rights defender, 5 February 2021.

<sup>17</sup> Crisis Group telephone interview, Nicaraguan human rights defender, 29 January 2021. “¿A cuántos presos políticos ha condenado por delitos comunes el régimen este año?”, *La Prensa*, 20 March 2021.

<sup>18</sup> “Paramilitares del régimen siguen amenazando de muerte”, *Confidencial*, 14 February 2021.

<sup>19</sup> Crisis Group interviews, priest, shop owner, diplomat, security guard, taxi driver, academic, Granada, Managua and Catarina, 14-19 March 2021.

<sup>20</sup> “¿Por qué la dictadura de Daniel Ortega y Rosario Murillo ha impuesto ‘casa por cárcel’ y ‘Managua por cárcel’ a opositores?”, *La Prensa*, 22 January 2021.

<sup>21</sup> As a result, two NGOs, the Nicaragua Chapter of PEN International and the Violeta Barrios de Chamorro Foundation, decided to cease operations in early February, while many others receiving outside funds tried to bypass the control by receiving bank transfers abroad and opted not to register. The Articulación de Movimientos Sociales, a group of more than 60 Nicaraguan NGOs, filed appeals against the law before the Supreme Court. Crisis Group telephone interview, Nicaraguan activist in Costa Rica, 1 February 2021. “Interponen recurso por inconstitucionalidad contra Ley de Agentes Extranjeros”, *Confidencial*, 3 December 2020.

<sup>22</sup> The government has dubbed the 2018 uprising a “failed coup”. “Nicaragua: Law Threatens Free, Fair Elections”, Human Rights Watch, 22 December 2020.

<sup>23</sup> “Nicaragua approves ‘cybercrimes’ law, alarming rights groups”, AP, 27 October 2020.

<sup>24</sup> “Nicaraguan parliament approves controversial hate crimes law”, Reuters, 10 November 2020. “Detained without charges for up to 90 days in Nicaragua”, *Confidencial*, 30 January 2021.

amended electoral law and tasked the police, instead of electoral authorities, with authorising campaign rallies.<sup>25</sup>

Whether or not these laws comply in whole or in part with international standards on paper, the concern is that they will be used to hound opponents.<sup>26</sup> Sandinistas argue that other countries apply most of these measures to avoid misuse of foreign funds or prevent the spread of disinformation. They say such is their intention as well.<sup>27</sup> But Nicaraguan and foreign observers suggest that their purpose is to instil fear without necessarily driving a fresh wave of judicial persecution.<sup>28</sup> “More than punishment, what the government wants to impose is terror”, a former Nicaraguan deputy minister said.<sup>29</sup> One electoral expert argued that the goal is “to convince the people that it is not worth voting”.<sup>30</sup>

According to opposition activists, the laws display Ortega’s determination not to repeat the “mistake” of 1990, when the landmark election at the civil war’s end led to defeat for him and his party.<sup>31</sup> In light of domestic and international repudiation of the crackdown on protests in 2018, losing the poll could be a “life-threatening risk”, a Managua-based diplomat observed, adding that the government is now better prepared to handle unrest than it was in 2018.<sup>32</sup>

In theory, Ortega, his family and his allies could face criminal prosecution on charges relating to human rights abuses and corruption, should they lose power. The Inter-American Commission on Human Rights’ Interdisciplinary Group of Independent Experts has already indicated that the methods used to repress street protests may be considered crimes against humanity.<sup>33</sup> Media investigations have also shed light on alleged corruption rackets involving Ortega and his family, who reportedly built a business empire in telecommunications, energy and other sectors by diverting part of around \$5 billion in Venezuelan funds received by Nicaragua between 2007 and 2017, mostly through the Albanisa holding company.<sup>34</sup>

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<sup>25</sup> The police have not granted a single permit for an opposition rally since September 2018, when the law made it mandatory to request one. “Ortega declares marches ‘illegal’ and imposes a police state”, Confidential, 1 October 2018.

<sup>26</sup> UN and IACHR officials assess that, on paper, the life sentence amendment and the cybercrime law comply with international standards on those matters. Crisis Group interviews and telephone interviews, IACHR and UN High Commissioner on Human Rights representatives, diplomats, Managua, February and March 2021.

<sup>27</sup> Crisis Group interview, Sandinista former police commander, March 2021.

<sup>28</sup> Crisis Group telephone interviews, diplomats, civil society representatives and human rights defenders, February and March 2021.

<sup>29</sup> Crisis Group telephone interview, 23 February 2021.

<sup>30</sup> Crisis Group telephone interview, 29 January 2021.

<sup>31</sup> Crisis Group telephone interviews, civil society and opposition representatives, March 2021.

<sup>32</sup> Crisis Group interview, European diplomat, Managua, 15 March 2021.

<sup>33</sup> The Group is known by its Spanish acronym, GIEI, for Grupo Interdisciplinario de Expertos Independientes. It was granted access to the country thanks to an agreement struck in the first round of talks between government and opposition in 2018. “Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018”, GIEI, February 2019.

<sup>34</sup> The Nicaraguan government responded to one round of Albanisa-related sanctions affecting Ortega’s family by saying they were “interventionist policies” that would hit “above all the most vulnerable, the poorest”. “Las sanciones de EE.UU. causan daño a ‘los más pobres’ Nicaragua, según el gobierno”, EFE, 2 May 2019. The U.S. Treasury has in fact sanctioned several entities and officials

## B. *Ortega's Struggle to Win Back Allies*

Discouraging opposition voters and clamping down on dissent are only part of Ortega's political repertoire. He has also reportedly heightened pressure on the private sector in an apparent bid to strong-arm it into resuming a working relationship with his government, including via a tax reform that raised businesses' social security contributions – along the lines of the bill that triggered the April 2018 uprising – as well as a “customer protection” law that virtually prohibits banks from denying services to anyone, including relatives or acquaintances of officials sanctioned by foreign countries.<sup>35</sup> “Ortega wants to co-opt the private sector into restoring relations” along the lines of the “dialogue and consensus model” with business that fell apart in 2018, a Nicaraguan economist said.<sup>36</sup>

The government is reportedly approaching private-sector organisations bilaterally to pursue this objective. Ortega has even alluded to a new “great national dialogue” with the private sector, but only after the elections.<sup>37</sup> While one representative confirmed that members of the construction and industry unions would be eager to negotiate with the authorities, most business groups insist that a political settlement between government and opposition is a precondition for resuming friendly relations.<sup>38</sup>

Ortega also aims to win back disgruntled Sandinistas by stressing his government's valour in resisting alleged U.S.-backed “coup-mongers”.<sup>39</sup> But the party is undergoing both generational and leadership turmoil.<sup>40</sup> Over 60 high-level FSLN members died in 2020 alone – including Edén Pastora, known as “Commander Zero”, and Ortega intimates such as former Managua Mayor Dionisio Marengo – at least fifteen of them from COVID-19.<sup>41</sup> Even before the pandemic, Ortega's inner circle was shrink-

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for their alleged involvement in money-laundering activities (see Appendix C). In 2019, it designated for penalties both of Albanisa's main stakeholders, the Venezuelan oil and gas company PDVSA (holding 51 per cent of its actions) and Petronic, the company that distributes Nicaragua's oil (holding the remaining 49 per cent). “Ortega media enrich his family, entrench his hold on Nicaragua”, Reuters, 23 November 2020; “Treasury Sanctions Venezuela's State-Owned Oil Company Petroleos de Venezuela, S.A.”, U.S. Treasury Department, 28 January 2019; “La bonanza de Daniel Ortega se llama Venezuela”, Connectas, 7 June 2015.

<sup>35</sup> Crisis Group interviews, diplomats, Managua, 15 March 2021. “Empresarios de Nicaragua advierten que reforma a ley de los consumidores compromete al sistema financiero”, CNN, 4 February 2021.

<sup>36</sup> Crisis Group telephone interview, 23 February 2021.

<sup>37</sup> Crisis Group email interview, Nicaraguan journalist, 28 January 2021. “Presidente Ortega afirma que habrá diálogo en Nicaragua hasta después de comicios y evita hablar de reforma electoral”, CNN, 14 January 2021. “Daniel Ortega ‘sueña’ con regresar a esquema de pacto, dicen opositores tras propuesta de diálogo nacional”, 100% Noticias, 12 January 2021.

<sup>38</sup> Crisis Group interviews, diplomat and private-sector representative, Managua, 15 and 19 March 2021. “Cosep: Diálogo con Ortega, si cumple acuerdos de 2019 y reforma electoral”, Confidencial, 20 January 2021.

<sup>39</sup> Crisis Group interviews, European diplomats, Managua, 15 March 2021.

<sup>40</sup> Crisis Group telephone interview, political expert, 25 March 2021.

<sup>41</sup> The departed include former ministers, deputies, party political secretaries, mayors and security officials, among others. Paul Oquist, an adviser to Ortega, died of COVID-19 in April 2021. Pastora's nickname dates back to the August 1978 seizure of the Nicaraguan National Palace by a group of FSLN combatants, all of whom used numbers as codenames, with Pastora as Zero. “La covid-19 arrasa en las filas del FSLN”, Confidencial, 8 June 2020; “Edén Pastora, ‘Commander Zero’ in Nicaragua,

ing. “The Carmen [the president’s residence] progressively emptied of advisers and filled with ‘courtiers’”, said a former Nicaraguan ambassador in describing the phenomenon.<sup>42</sup>

Against this backdrop, conflict over succession may intensify. “Those of us who know history are aware that we owe much to Daniel [...] but youngsters who did not live the struggle think differently”, said a shop owner in a Sandinista neighbourhood in Managua.<sup>43</sup> Rosario Murillo, the vice president and first lady, reportedly aims to assume the reins, but she seems to enjoy less support. According to a former Nicaraguan diplomat: “People fear, respect and love Daniel, but they only fear Rosario”.<sup>44</sup>

### C. *The Effects of COVID-19*

The COVID-19 pandemic has added a further challenge to President Ortega’s efforts to regain public affection. For months, the government imposed no mobility restrictions – instead promoting mass events and encouraging tourists to visit the country – and managed coronavirus-related data with secrecy, underreporting deaths and contagion figures.<sup>45</sup> These moves reportedly sought to prevent panic and economic collapse, but they soon caused additional bitterness between government and opposition.<sup>46</sup> The government also prohibited, at first, the use of face masks and fired at least fifteen doctors who vocally opposed its laissez-faire approach.<sup>47</sup> Between April and June 2020, hospitals and morgues were overwhelmed with dead bodies that the government tried to conceal through “express burials”.<sup>48</sup>

By mid-2020, the government was quietly changing tack, but that has only gone some way toward allaying public concern. It has imposed stricter requirements for entering the country and promoted pandemic awareness, while continuing to encourage social activities.<sup>49</sup> Since then, the situation has improved, although most recently both government and independent data have pointed to an upward trend in new cases.<sup>50</sup>

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dies at 83”, *The New York Times*, 16 June 2020; “US-born aide to Ortega dies in Nicaragua”, Associated Press, 13 April 2021.

<sup>42</sup> Crisis Group interview, Nicaraguan former ambassador, Managua, 17 March 2021.

<sup>43</sup> Crisis Group interview, shop owner, San Sebastián, 16 March 2021.

<sup>44</sup> Rosario Murillo has been the primary government patron of the Sandinista Youth. This group played a crucial role in cracking down on protesters and actively supports party initiatives across the country, but it is not involved in the decision-making process. Crisis Group telephone interview, Sandinista Youth representative, 18 February 2021; Crisis Group interview, Nicaraguan former ambassador, Managua, 17 March 2021.

<sup>45</sup> As of 11 May, the government recognised only 183 COVID-19 related deaths, but a civilian observatory reports at least 9,000 more deaths in 2020 than the annual average in the period 2015-2019. It surmises that many of these excess deaths are attributable to the virus. “MINSAs oculta 8824 muertes atribuibles a covid-19, según datos de sobremortalidad”, *Confidencial*, 20 March 2021.

<sup>46</sup> Crisis Group interviews, European diplomat and Sandinista former police commander, Managua, 15 and 16 March 2021.

<sup>47</sup> “Nicaragua: prohibieron el uso de mascarillas a los médicos para no alarmar a la población; ahora muchos tienen coronavirus”, *Infobae*, 24 May 2020; “Tres meses de pandemia: Los médicos de Nicaragua ante la covid-19”, *Confidencial*, 19 June 2020.

<sup>48</sup> “Nicaragua realiza decenas de ‘entierros expres’ por la noche, en plena pandemia”, *France 24*, 9 June 2020.

<sup>49</sup> One health expert maintains that the government’s attitude changed when the ruling party started to lose important figures to the virus. “Nicaragua y el Covid-19: entre la falta de información y un

Public approval of Ortega's pandemic management has risen from 29 per cent in September 2020 to 37 per cent in March 2021.<sup>51</sup> But disapproval still runs high, as Ortega has failed to contain the public's worries about the pandemic's economic damage. In fact, polls show that unemployment has displaced COVID-19 as the main public concern.<sup>52</sup> Private-sector representatives agree with the government that jobs would be scarcer still if officials had imposed a lockdown.<sup>53</sup> The country's economic contraction since 2018, described in more detail below, had forced many low-level public employees out of work or to accept fewer shifts even before the pandemic struck.<sup>54</sup> "Before you earned 12,000 córdobas (\$340) a month; now they call and pay you for fewer days, and you make 4-5,000 (\$110-140) córdobas, and if you criticise anything, you're out", grumbled a security guard working for a state-controlled firm.<sup>55</sup> A waiter in a tourist area also complained about the lack of government assistance. "We [restaurants] all closed, but the government didn't help anyone", he said.<sup>56</sup>

#### D. *Opposition Divisions*

If Ortega's grip on power has faced certain challenges, a fractured political opposition has not been well positioned to take advantage of it. Its fragmentation has recently been demonstrated by the failure of the two main blocs to register as an electoral alliance in the forthcoming polls.

There had been efforts to unite disparate opposition groups. The Civic Alliance, the grouping that sat opposite the government in past rounds of talks, was created in 2018 under the aegis of the Catholic Church to give shape to the amorphous protest movement.<sup>57</sup> Then, with the goal of building a more representative coalition, the Alliance presided over the creation of the Blue and White National Unity (UNAB) in October 2018, which comprised political movements, student associations and local protest organisers.<sup>58</sup> The Alliance and the UNAB joined with three political parties to form an electoral front called the National Coalition in early 2020.<sup>59</sup>

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Gobierno que anima a aglomerarse", France 24, 14 September 2020; "Gobierno de Nicaragua reforzará las campañas y lucha contra la covid 19", El 19 Digital, 6 October 2020.

<sup>50</sup> "OPS confirma el aumento de contagios por Covid-19 en Nicaragua: "Hacemos énfasis en que se detecten los casos", *La Prensa*, 5 May 2021.

<sup>51</sup> "Mayoría de nicas continúan reprobando a Ortega según encuesta de CID Gallup", Nicaragua Investiga, 4 March 2021.

<sup>52</sup> Ibid.; "Encuesta: nicaragienses más preocupados por desempleo que por COVID-19", VOA, 5 October 2020; "Encuesta CID Gallup: 49% opina que el régimen orteguista ha manejado 'muy mal' la pandemia", *Divergentes*, 2 October 2020.

<sup>53</sup> Crisis Group interviews, private-sector representatives, Managua, 17 and 19 March 2021.

<sup>54</sup> Crisis Group interviews, security guard, shop owner, taxi driver, Managua, March 2021.

<sup>55</sup> Crisis Group interview, security guard, Managua, 18 March 2021.

<sup>56</sup> Crisis Group interview, waiter, San Juan del Sur, 19 March 2021.

<sup>57</sup> It included students, civil society and private-sector figures, academics and farmers' representatives. Crisis Group Report, *A Road to Dialogue After Nicaragua's Crushed Uprising*, op. cit.

<sup>58</sup> Ibid. Among the political movements, the Sandinista Reformist Movement, now called Unamos, holds particular weight.

<sup>59</sup> The first member parties were Yatama, the Democratic Restoration Party and the Liberal-Constitutionalist Party. "Civic movements and political parties launch the National Coalition", *Confidencial*, 26 February 2020.

But the new front soon showed signs of strain. Denouncing slow progress and “old political practices”, the Alliance left the Coalition in late 2020 and has since suffered a bout of internal strife.<sup>60</sup> It recently joined the Citizens for Freedom party to form yet another grouping – the Citizen Alliance – which reportedly enjoys the sympathy of the country’s business magnates and Catholic clergy, and which has regarded the Coalition project with suspicion since its conception.<sup>61</sup> Meanwhile, the National Coalition has had its own struggles, expelling the Liberal-Constitutionalist Party in November 2020 for its alleged affinities with the Sandinista government and suspending the Yatama party in May for approving the appointment of a Sandinista electoral judge.<sup>62</sup>

While “unity” is the preferred slogan of many opposition leaders, there is precious little of it among them and their followers.<sup>63</sup> Personal antipathies, some decades old, have opened rifts that are often exacerbated by differences over substantive issues like abortion, the means of selecting presidential candidates and conditions for participating in elections.<sup>64</sup> A former Civic Alliance member complained that a number of opposition figures cling to the logic of “join me, rather than ‘let’s build unity’”.<sup>65</sup>

But other powerful motives drive the jostling for supremacy. In the 1990 election, a similarly diverse array of political and social movements beat Ortega under the wing of the National Opposition Union.<sup>66</sup> With this precedent in mind, Ortega and

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<sup>60</sup> As a result, high-level political, academic and civil society representatives and the *campesino* movement have abandoned the Alliance, now reportedly spearheaded by the private sector. Crisis Group telephone interview, political analyst, 28 January 2021. “Renuncian otros cuatro dirigentes de la Alianza opositora de Nicaragua”, EFE, 31 October 2020; “La Alianza Cívica por la Justicia y la Democracia se retira de la Coalición Nacional en Nicaragua”, CNN, 26 October 2020.

<sup>61</sup> Crisis Group telephone interview, political analyst, 26 April 2021. “Alianza Cívica y Ciudadanos por la Libertad concretan su alianza política”, *La Prensa*, 13 January 2021; “Kitty Monterrey: ‘La Coalición no existe y la Unab tampoco’”, Confidencial, 14 January 2021.

<sup>62</sup> The remaining party is the Democratic Restoration Party, the movements are the Blue and White National Unity, the *campesino* movement and National Democratic Front. “Coalición Nacional expulsa al PLC”, *La Prensa*, 30 November 2020; “Coalición Nacional suspende a Yatama por la ‘infracción grave’ a código de ética”, 100% Noticias, 6 May 2021.

<sup>63</sup> A “good-will commission”, led by former Education Minister Carlos Tünnermann, aims to bring the Alliance and the Coalition together. At least seven presidential hopefuls signed a letter indicating that they would defend opposition unity and support the eventual candidate. “Cristiana Chamorro firma compromiso para apoyar candidatura única”, *La Prensa*, 22 February 2021; “¿Es suficiente el esfuerzo de la Comisión de Buena Voluntad?”, Nicaragua Investiga, 2 February 2021.

<sup>64</sup> Crisis Group interviews and telephone interviews, Civic Alliance members, Blue and White National Unity members and electoral expert, January-March 2021. “¿Cuál es el vehículo para la unidad opositora: CxL, PRD, o los dos?”, Confidencial, 22 February 2021.

<sup>65</sup> The Citizen Alliance has so far refused to meet with the Coalition as a whole, instead looking for partners to join its initiative. Crisis Group telephone interviews, political analyst, civil society representative and former Civic Alliance member, January and February 2021. “Alianza Ciudadana descarta un encuentro con la Coalición Nacional”, Despacho 505, 22 February 2021.

<sup>66</sup> Many opposition activists, particularly older ones, support the candidacy of Cristiana Chamorro, daughter of former President Violeta Barrios de Chamorro, a liberal initially sympathetic to the revolution who broke with the Sandinistas over disagreements with other members of the revolutionary governing board – which she formed part of. She eventually ran against and beat Ortega in the 1990 election. “Así fue como la UNO seleccionó a Violeta Barrios para que enfrentara a Daniel Ortega en 1990”, Nicaragua Investiga, 18 January 2021. Crisis Group telephone interviews, civil society representative and political opponents, January and February 2021.

former President Arnoldo Alemán agreed on electoral reforms in 2000, which among other things mandated that any coalition has to be headed by one leading party, which also gets disproportionate sway over candidacies and resources.<sup>67</sup> Both current opposition blocs, the Coalition and the Alliance, have already defined their own internal processes to select possible presidential candidates.<sup>68</sup> Differences over the selection process, as well as the allocation of candidates for seats in the Assembly, underpinned the recent decision to run separately in the elections.<sup>69</sup> Shortly after, the newly appointed Supreme Electoral Council – broadly sympathetic to the Ortega administration – withdrew the legal status of the Democratic Restoration Party, which functioned as the opposition National Coalition’s electoral vehicle, thus preventing its participation in the polls.<sup>70</sup>

The opposition’s internal struggles and government repression lie behind waning public dissent in the country. “We gave you [the opposition] detainees, dead and exiles, and you threw it away”, grumbled a citizen who participated in the 2018 protests.<sup>71</sup> Only 4 per cent of interviewees in a January survey identified as supporters of the Blue and White National Unity, while the opposition party that attracted the most backing was Citizens for Freedom, with 3 per cent.<sup>72</sup> Most opposition representatives remain optimistic that they will manage to present a common front, believing that the shared desire to provide Nicaraguans with a clear alternative to Ortega will outweigh internal divisions.<sup>73</sup> If they do, they think they can attract the vote of the 65 per cent of people who, according to the same poll, are willing to vote. Many of these potential voters “are neither with the government nor with us, because they don’t know who to vote for”, according to a youth movement representative.<sup>74</sup> Given recent developments, however, forming a common front will require one of the blocs (the National Coalition) to support the other (the Citizen Alliance).

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<sup>67</sup> Crisis Group telephone interview, electoral expert, 4 March 2020. “El camino a las elecciones: un proceso fraudulento”, *Revista Envío*, November 2001.

<sup>68</sup> “Coalición Nacional presenta a sus seis candidatos presidenciales oficiales”, *La Prensa*, 2 May 2021; “Conoce a los cuatro precandidatos presidenciales inscritos en la Alianza Ciudadana”, IP Nicaragua, 30 April 2021.

<sup>69</sup> “Oposición no logra acuerdo: Ciudadanos por la Libertad inscribe ante el CSE su alianza sin el PRD”, *La Prensa*, 12 May 2021.

<sup>70</sup> “CSE cancela personería jurídica al PRD confirma Saturnino Cerrato”, *Nicaragua Investiga*, 18 May 2021.

<sup>71</sup> Crisis Group telephone interview, 15 February 2021.

<sup>72</sup> “Cristiana Chamorro encabeza lista de preferencias políticas de acuerdo a un sondeo de la firma Cid Gallup”, *La Prensa*, 2 February 2021.

<sup>73</sup> Crisis Group telephone interviews, political analysts, Civic Alliance and Blue and White National Unity representatives, March 2021. Others disagree with this assessment. Even before negotiations to form an electoral alliance fell apart, the head of Citizens for Freedom, Kitty Monterrey, suggested that “only a miracle” would unite the two blocs. “Kitty Monterrey descarta la unidad con la Coalición Nacional”, *La Prensa*, 30 April 2021.

<sup>74</sup> Crisis Group telephone interviews, members of UNAB and Civic Alliance, political expert, February and March 2021. In the poll, 62 per cent of interviewees said they did not identify with any political party. “Cristiana Chamorro encabeza lista de preferencias políticas de acuerdo a un sondeo de la firma Cid Gallup”, *op. cit.*

### III. The Risks and Costs of a Disputed Election

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Against this backdrop of unresolved political tension and polarisation, “elections are unlikely to stabilise the crisis, any way they go”, in the words of a UN official.<sup>75</sup> To the contrary, the vote could well cause long-running tensions to escalate, particularly if there are credible allegations that it has not been cleanly run.

#### A. *An Uneven or Co-opted Election*

The greatest concern is that Ortega will inhibit opposition participation and meddle with the results, undermining the vote’s legitimacy and sowing further grievance.

Past elections offer hints as to possible government tactics. In the 2008 municipal and 2011 and 2016 general elections, FSLN-controlled electoral authorities withdrew some opposition parties’ legal credentials and reportedly interfered with the vote count by denying access to or hindering the work of independent and political party observers.<sup>76</sup> A former opposition party observer in the 2011 and 2012 elections recounted that FSLN representatives constantly violated procedure in the polling stations – recalling that they “did not want us to count how many ballot boxes were received, wanted to let people vote whose names did not appear in the voter registry and did not allow us to go the stadium, where the count takes place”.<sup>77</sup> In 2016, after the government’s moves to stymie the participation of the Independent Liberal Party’s candidates, the main opposition parties decided to boycott the elections, paving the way for Ortega’s third consecutive term.<sup>78</sup>

Ortega may try to skew the elections yet again, but it is unclear which methods he might choose. He could merely threaten to use the recently approved laws to discourage voting and scare away the opposition, or he could actually apply those laws.<sup>79</sup> In some heavy-handed scenarios, electoral authorities could rule the Citizens for Freedom party illegal as well, while the police may deny permission for electoral rallies and keep threatening – and even detain – leading opposition figures. A former police commander argued that Ortega would not go as far as to arrest the “coup-mongers”, although he would be within his rights to do so, but others maintain that the president is capable of anything.<sup>80</sup>

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<sup>75</sup> Crisis Group telephone interview, UN officer, 25 February 2021.

<sup>76</sup> As an illustration, the Supreme Electoral Council suspended the legal representation of the Sandinista Renovation Movement and the Conservative Party in 2008. Crisis Group interview, political expert, Managua, 18 March 2021. “Nicaragua is the municipal elections’ big loser”, *Revista Envío*, November 2008; “Las Elecciones de 2011 en Nicaragua: Informe de una misión de estudio del Centro Carter”, The Carter Center, 9 January 2012.

<sup>77</sup> Crisis Group telephone interview, former electoral observer, 15 February 2021.

<sup>78</sup> “La oposición se retira de las elecciones en Nicaragua”, *El País*, 16 June 2016.

<sup>79</sup> Crisis Group interviews, civil society representative, security guard, shop owners, Managua, Catarina and San Juan del Sur, March 2021.

<sup>80</sup> Crisis Group telephone interviews, diplomat, Sandinista former police commander and opposition representatives, March 2021.

Risks of cheating and greater repression may be greater if the opposition manages to forge a common front. “Ortega would have to commit more fraud if the opposition is united”, a diplomat noted.<sup>81</sup>

### B. *A Stifled but Hostile Political Opposition*

Government persecution has displaced the opposition from the public stage, and also had a subtler chilling effect: micro-level recriminations and animosity have made political debate increasingly taboo, even within households.<sup>82</sup> The opposition’s own lack of unity has also undermined its capacity to shape public opinion. But hostility to the Ortega government still runs high in many parts of society, above all among the younger, better-educated segments of the population, and the possibility of renewed protests cannot be discounted, particularly in the case of a manifestly rigged election.<sup>83</sup>

With public dissent encountering more obstructions, political discussion has largely moved online.<sup>84</sup> “We [young people] are left with quiet resistance”, said a former student who took part in the 2018 protests. “We can’t express ourselves”.<sup>85</sup> Social media have become the main platform for sharing anti-government messages, even though Nicaragua has relatively low internet coverage.<sup>86</sup> One news editor reported that government propaganda efforts during the 2018 protests were “debunked by social media and Nicaraguans with cell phones. ... That is the loudest media voice right now”.<sup>87</sup> The National Self-Convened Movement of Nicaragua at one stage organised a national tweet protest against the police, while anti-government activists have coalesced around hashtags demanding an end to repression ([#FreePoliticalPrisoners](#)), branding the government as terrorist ([#FSLNIsTerrorism](#)) and calling for sanctions ([#SanctionTheDictatorship](#)).<sup>88</sup>

The government has sought to counter these campaigns by exerting greater control over social media and disseminating its own messages.<sup>89</sup> Sandinista supporters are

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<sup>81</sup> Crisis Group telephone interview, diplomat, 8 February 2021.

<sup>82</sup> Participation in the 2018 marches became a divisive issue straining family ties. On occasion, people would spot younger relatives or neighbours among the protesters and denounce them to the police. Crisis Group telephone interviews, Sandinistas, protesters, civil society representative, March and April 2021.

<sup>83</sup> Even before 2018, fraught elections had sparked opposition-led street protests. “Claims of a rigged vote foment bitter protests in Nicaragua”, *The New York Times*, 19 November 2008. For a breakdown of Ortega’s popularity by age and education, see Figure 2 in Appendix B.

<sup>84</sup> Crisis Group telephone interviews, FSLN supporters and protesters, February 2021. “En Nicaragua ‘nada está normal’, aunque el régimen intenta que el país lo olvide”, *Confidencial*, 3 February 2021.

<sup>85</sup> Crisis Group telephone interview, representative of a “self-convened” group, 18 February 2021.

<sup>86</sup> The World Bank estimated 27.8 per cent internet coverage in 2019. World Bank data.

<sup>87</sup> John Otis, “In Nicaragua, Ortega’s control over the media slips even as a government crackdown intensifies”, *Committee to Protect Journalists*, 7 August 2018.

<sup>88</sup> Mildred Largaespada, “Daniel Ortega sin masas en la plaza el 19, ganó una audiencia digital, ¿para qué?”, *Confidencial*, 24 July 2020.

<sup>89</sup> Over the course of three terms, most TV and radio stations have come under Ortega allies’ control. The headquarters of *Confidencial* and *100% Noticias*, two independent outlets, were confiscated at the height of the 2018 protests and have subsequently been turned into health ministry facilities, forcing staff to continue publishing from elsewhere. “Nicaragua passes bill criminalizing what government considers fake news”, *Reuters*, 27 October 2020; “Como Ortega levantó un imperio mediático que enriquece a su familia y afianza su poder en Nicaragua”, *Reuters*, 23 November 2020;

relatively less visible on social media platforms, since they tend to be older and have less access to the internet.<sup>90</sup> Still, they have coalesced around hashtags celebrating the government like #UnitedInVictory and #WeWillWin, often accompanied by praise for the Sandinista revolution.

Nor has the risk of a resurgence in offline discontent, which could boil over into violence, vanished, and opposition representatives, both in Nicaragua and abroad, agree that a fraught election could be a trigger.<sup>91</sup> “We are like a ticking bomb”, said a high-level exile in Costa Rica.<sup>92</sup> While most opposition factions insist on peaceful dissent, making armed insurrection unlikely, the risk of local flare-ups of violence, set off by electoral fraud or an intensified state crackdown, cannot be excluded.<sup>93</sup> A former Nicaraguan minister argued that the protest movements of 2018, at the time largely spontaneous, are now better equipped to mobilise people.<sup>94</sup> At the same time, much will depend on whether the opposition is able to offer an alternative to Ortega that is credible and cohesive enough to incite mass public demonstrations. “Supplying more deaths for such an incompetent opposition will not solve anything, either”, a disaffected student representative observed.<sup>95</sup>

Sandinistas, for their part, voice concern that violence could also erupt in the event of a surprise opposition victory, however unlikely such a result appears, especially if the new government were to embark upon an anti-Sandinista witch hunt in state institutions. “It would be war”, warned a Sandinista former police commander.<sup>96</sup> A local ruling-party activist remarked that, in the event of an opposition victory, much of the Sandinistas’ response would depend on Ortega: “If Daniel says ‘they stole the election’, we take to the streets”.<sup>97</sup> A Nicaraguan political analyst stressed that the FSLN remains in essence a guerrilla movement, which, if faced with a contest for control of the state, could lash out violently. “The day the opposition wins the elections, I will lock myself up at home”.<sup>98</sup> Managua-based diplomats say there is little debate within opposition ranks about the risks of violence they would have to manage in the event of electoral victory: few have talked about how they would deal with FSLN loyalists, who dominate public institutions and account for at least one quarter of the population.<sup>99</sup>

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“Gobierno de Nicaragua inaugura centros de salud en instalaciones de medios de comunicación clausurados”, CNN, 26 February 2021.

<sup>90</sup> Largaespada, “Daniel Ortega sin masas en la plaza el 19, ganó una audiencia digital, ¿para qué?”, op. cit.

<sup>91</sup> Crisis Group telephone interviews, Civic Alliance and Blue and White National Unity members, February 2021.

<sup>92</sup> Crisis Group telephone interview, Nicaraguan exile, 1 February 2021.

<sup>93</sup> Opposition representatives reckon that some minor groups might be willing to take up arms. Weapons have been widely available in the country since the civil war. Crisis Group telephone interviews, Nicaraguan exile, street protester and long-time Sandinista, February and March 2021.

<sup>94</sup> Crisis Group interview, former minister, Managua, 19 March 2021.

<sup>95</sup> Crisis Group telephone interview, student representative, 5 March 2021.

<sup>96</sup> Crisis Group interview, Sandinista former police commander, Managua, 16 March 2021.

<sup>97</sup> Crisis Group telephone interview, Sandinista activist, 29 April 2021.

<sup>98</sup> Crisis Group interview, political analyst, Managua, 18 March 2021.

<sup>99</sup> Crisis Group interviews, diplomats, Managua, 15 March 2021.

### C. *International Isolation*

A disputed election that leaves Ortega clinging to power would have costs that extend beyond further alienation of the domestic opposition; it would also most likely deepen Nicaragua's international isolation. A Managua-based journalist labelled this eventuality a "Venezuela-like scenario", while another political analyst warned of a "slow but relentless decline" toward pariah status.<sup>100</sup>

In some respects, Nicaragua is already on this trajectory. Various foreign countries and multilateral organisations have already severed ties with the government, halting cooperation and imposing sanctions on individuals and institutions, including the entire National Police.<sup>101</sup> The OAS has discussed Nicaragua's predicament on several occasions and considered applying Article 20 of the Inter-American Democratic Charter (applicable in situations where a member state has experienced serious impairment of the democratic order), which could lead to the country's expulsion from the Inter-American system – although that prospect is remote.<sup>102</sup> The U.S. Congress, for its part, passed a bill in late 2018 known as the Nica Act, which instructs U.S. officials in multilateral lending institutions to use their influence to halt funding to Nicaraguan state bodies, and more recently saw the introduction of the Renacer Act, which would add electoral wrongdoing to the potential grounds for U.S. sanctions.<sup>103</sup> "The portfolio of investments in Nicaragua is blocked", confirmed a high-level Inter-American Development Bank official.<sup>104</sup>

Some of these measures have made it harder for the country, one of the poorest in Latin America, to climb out of a pronounced economic slump that began around the time of the 2018 protests. The International Monetary Fund (IMF) reported in April 2021 that Nicaragua's GDP had suffered a 4 per cent contraction in 2018, 3.9 per cent in 2019 and 3 per cent in 2020, partly as a result of the pandemic.<sup>105</sup> Even before the onset of COVID-19, 3,400 businesses had to shut down, and close to 200,000 jobs had been lost in the formal sector alone, as political turmoil and tax increases hurt domestic and foreign investments, and caused tourism, a sector that contributed more than 4 per cent of GDP in 2017, to collapse.<sup>106</sup> Two hurricanes that devastated the country in November 2020, with damage estimated by the government at \$742

<sup>100</sup> Crisis Group telephone interviews, Nicaragua-based journalist and political analyst, February 2021.

<sup>101</sup> Since the crisis began, the U.S. has imposed at least eleven rounds of sanctions against a total of 26 individuals and seven businesses and institutions. The EU, United Kingdom and Switzerland have also sanctioned six Nicaraguan police and government officials each, while Canada has sanctioned nine. For a timeline of U.S. sanctions, see Appendix C.

<sup>102</sup> "OAS seeks to activate democratic charter on Nicaragua", VOA, 29 December 2018.

<sup>103</sup> "Donald Trump signs the Nica Act to pressure Ortega", Confidential, 21 December 2018; "RENACER Act of the US Senate expands causes to sanction Ortega's abettors", Confidential, 29 March 2021.

<sup>104</sup> Crisis Group telephone interview, Inter-American Development Bank official, 27 February 2021.

<sup>105</sup> The government recognised a GDP contraction of only 2.5 per cent in 2020. "Global economy on firmer ground, but with divergent recoveries amid high uncertainty", IMF, April 2021; "Banco Central admite que economía de Nicaragua acumuló caída de -2.5% en 2020", Confidential, 9 March 2021.

<sup>106</sup> "Tras un año oculto, el INSS publica su anuario estadístico, que revela la pérdida de más de 3,400 empresas en Nicaragua", *La Prensa*, 10 March 2021; "Nicaragua ha perdido más de 200 mil empleos formales desde inicio de crisis de 2018", Confidential, 17 October 2020; "El turismo en Nicaragua, seis años en retroceso tras la crisis sociopolítica", EFE, 12 February 2020.

million – or around 6 per cent of GDP – made matters worse.<sup>107</sup> Government supporters squarely blame the protests for the country’s economic plight. “The destruction of 2018 was worse than the pandemic and the hurricanes”, argued a former police commander.<sup>108</sup>

International cooperation funds – namely loans and grants to the public sector – have declined as donors have snubbed the country.<sup>109</sup> One Managua-based diplomat said the real drop in aid to Nicaragua is even higher than official figures suggest, since these reflect previously approved loans that were disbursed later, whereas no new loans from institutions such as the World Bank, the IMF and the Inter-American Development Bank were approved between 2018 and late 2020, when coronavirus-related funds were released (see Section IV.B).<sup>110</sup> Foreign direct investment, for its part, has nosedived from \$1 billion in 2017 to \$182 million in 2020, according to Central Bank figures.<sup>111</sup> A contested election followed by public unrest could accelerate the decline in investor confidence in Nicaragua and compound the reduction in formal employment (particularly in tourism, construction and retail).<sup>112</sup>

New sanctions and a drop in foreign investment resulting from allegations of electoral rigging or a post-electoral crackdown would place further strain on the economy, with potentially dire consequences for the Nicaraguan people.<sup>113</sup> “Beyond the political, economic and human rights crisis, this could turn into a humanitarian one”, said a former World Food Programme official.<sup>114</sup> A fresh exodus from the country could result. The combination of high unemployment and political persecution has already pushed more than 100,000 Nicaraguans to flee abroad, mostly to neighbouring Costa Rica.<sup>115</sup> Two of three Nicaraguans interviewed in an early 2021 survey said they also wished to leave the country.<sup>116</sup>

More Nicaraguan arrivals would put Costa Rica in a very difficult situation. Before the pandemic, Costa Rican authorities were having difficulty coping with the influx of asylum requests.<sup>117</sup> While border shutdowns halted the flow of asylum seekers,

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<sup>107</sup> “Gobierno de Nicaragua da a conocer el informe preliminar de daños materiales de los huracanes Eta y Iota”, *El 19 Digital*, 24 November 2020.

<sup>108</sup> Crisis Group interview, Sandinista former police commander, Managua, 16 March 2021.

<sup>109</sup> Funding fell from \$711.5 million in 2017 to \$623.7 million in 2019. “Informe de la Cooperación Oficial Externa, I Semestre 2020”, Nicaraguan Central Bank, October 2020.

<sup>110</sup> Crisis Group interview, diplomat, Managua, 17 March 2021. In 2018, domestic investment fell by 25 per cent and foreign investment by 53 per cent. Gabriela Selser, “Business group: Nicaragua’s economy in ‘free fall’”, AP, 24 April 2019.

<sup>111</sup> “La inversión extranjera directa en Nicaragua cayó un 63.8 % en el 2020”, *El Economista*, 5 April 2021.

<sup>112</sup> “Nicaragua: 2019 Article IV Consultation”, IMF, February 2020.

<sup>113</sup> *Ibid.*

<sup>114</sup> Crisis Group telephone interview, former World Food Programme official, 23 February 2021. “Otra explosión social en Nicaragua podría ocasionar ‘una nueva crisis migratoria’, advierte Fundación Arias”, *La Prensa*, 25 March 2021.

<sup>115</sup> The UN High Commissioner for Refugees reported that, as of June 2020, 108,000 Nicaraguans had sought asylum abroad, more than 81,000 of them in Costa Rica. The latter number had grown to 94,000 as of March 2021, according to updated figures a UN official shared with Crisis Group.

<sup>116</sup> “Dos de cada tres nicaragüenses quiere migrar a EU, España o Canadá”, *Forbes Centroamérica*, 2 February 2021.

<sup>117</sup> Crisis Group Commentary, “Coaxing Nicaragua Out of a Deadly Standoff”, op. cit.

whose numbers fell from 3,500 to 75 per month on average after March 2020, the system continues to struggle.<sup>118</sup> Part of the reason is that Costa Rican migration authorities suspended services, leaving a backlog of around 90,000 unadjudicated asylum requests, while the pandemic's economic impact made it even harder for Nicaraguans to get by in the country as they awaited resolution.<sup>119</sup> "While the country's response capacity decreased, asylum seekers' needs increased", a UN official stated, adding that the country's asylum system is on the brink of collapse and could not handle another uptick in requests.<sup>120</sup>

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<sup>118</sup> Crisis Group telephone interview, UNHCR officer, 5 March 2021.

<sup>119</sup> Many provisional work permits and IDs for Nicaraguans have also expired. See data from the journalist Cindy Regidor, based on information from Costa Rican migration authorities. Tweet by Cindy Regidor, @cindyregidor, 11:01 am, 31 January 2021. Costa Rica suffered an estimated 5.5 per cent decline in GDP in 2020. "World Economic Outlook, October 2020: A Long and Difficult Ascent", IMF, October 2020.

<sup>120</sup> Crisis Group telephone interview, UNHCR officer, 5 March 2021.

## IV. Achieving an Acceptable Election

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Defying national and international calls for far-reaching electoral reforms, the National Assembly recently took steps in the opposite direction, including appointing loyalists to electoral authorities. Given the risks associated with a rigged election, the government should reverse course while it still has time. The opposition, for its part, will need to adjust objectives and expectations, dropping more ambitious proposals that could rouse the government's strong pushback and collide with technical and time constraints. To defuse the risks of post-electoral turmoil and build a path out of the current crisis, the government and opposition should also explore the possibility of a political settlement after the election, regardless of its outcome, that could enable the two sides to begin overcoming their history of rancour. Stronger and more constructive diplomatic engagement, particularly from the U.S., will be essential to moving things forward.

### A. Ensuring a Level Playing Field

The government's recent effort to reshuffle the electoral authorities and update the electoral law has further antagonised the opposition and foreign powers. President Ortega had announced in November 2020 that his government would make only technical improvements to the electoral system.<sup>121</sup> According to Wilfredo Navarro, a liberal congressional deputy who has sided with the Sandinistas, these reforms were to be in line with a 2017 agreement with the OAS, which mostly focused on cleaning up the voter registry and stiffening regulations to prevent elected representatives from switching parties.<sup>122</sup> Instead of moving in this direction, however, the government in early May reasserted its one-sided control. Following consultations with nineteen parties, including those in the two opposition blocs, it renewed the Supreme Electoral Council's composition and amended the electoral law.<sup>123</sup> The opposition rejected these moves, particularly the election of the new magistrates (as council representatives are called), while the U.S., European Union (EU) and OAS released statements expressing concern over the move.<sup>124</sup>

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<sup>121</sup> "Daniel Ortega ordena reforma electoral, pero 'sin hacer cambios en CSE'", *Confidencial*, 6 November 2020.

<sup>122</sup> The accord expired in 2020 after the government failed to request its extension. Crisis Group telephone interviews, high-level OAS representatives, 4 March 2021. "Diputado dice que reformas electorales en Nicaragua serán técnicas", *Prensa Latina*, 18 December 2020; "Daniel Ortega's electoral accord with the OAS expires today", *Confidencial*, 28 February 2020.

<sup>123</sup> The FSLN holds 71 of the 92 seats, with the remaining nineteen divvied up among various opposition parties. "Asamblea Nacional aprueba reformas y adiciones a la Ley 331, Ley Electoral", *El 19 Digital*, 4 May 2021.

<sup>124</sup> Six of the seven principal magistrates were proposed by the FSLN, and one by the Conservative Party, considered a government affiliate. "Oposición cierra filas y condena "reformas FSLN" sin credibilidad", *Confidencial*, 5 May 2021; "Orteguismo mantiene el control total en el Consejo Supremo Electoral", *Despacho 505*, 4 May 2021; "Statement from the General Secretariat on the Election of CSE Magistrates and Electoral Reform in Nicaragua", OAS, 6 May 2021; "Nicaragua: Statement by the Spokesperson on the New Electoral Law", European External Action Service, 6 May 2021; "Ortega's Electoral Legislation, Biased Council Undermine Credibility of Nicaraguan Elections", U.S. State Department, 6 May 2021.

The opposition and foreign powers have made several demands for reform. A proposal drawn up in 2020 by a group of experts called Electoral Reforms Promoting Group (GPPE in Spanish), which was signed by all the main opposition forces except Citizens for Freedom, laid out root-and-branch reforms.<sup>125</sup> It envisaged a change in the Supreme Electoral Council's composition, given the body's alleged complicity in wrongdoing in past polls.<sup>126</sup> It also contemplated introducing non-partisan appointment of polling station officials, rather than their selection by parties; cleaning up the outdated voter registry; and allowing international observation. Additionally, it touched on issues requiring constitutional reform, such as prohibiting presidential re-election and raising the threshold for electoral victory to 50 per cent.<sup>127</sup> The OAS General Assembly adopted a resolution in October 2020 that promoted reforms largely consistent with the GPPE's plans, but without constitutional elements, though OAS officials recognise that cleaning up the voter registry will be impossible before November.<sup>128</sup>

Today, opposition movements are divided as to what the government must do by way of reforms and enabling conditions for them to participate in the forthcoming elections. For example, some are loath to take part if the government does not grant their representatives free movement or release political prisoners.<sup>129</sup> A boycott would serve neither side's interests and would certainly be detrimental to the interests of most Nicaraguans. It would leave the opposition bereft of representation. While a full or partial opposition boycott might help Ortega retake the presidency, it would only exacerbate the country's divisions once the election is over.

Despite the government's apparent unwillingness to meet national and international demands thus far, there are still a number of technically feasible, politically viable measures it could take to restore some credibility to the process and spur participation by parties. Ideally, it should revise the composition of the Supreme Electoral Council, replacing at least one or two magistrates with candidates proposed by the two opposition blocs.<sup>130</sup> Doing so would not only enhance oversight of the vote count but also increase the chances of a more balanced composition of regional and municipal electoral councils, bodies appointed by the Supreme Electoral Council and tasked

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<sup>125</sup> "Organizaciones de la Coalición Nacional firman propuesta de reforma electoral del GPPE", 21 September 2020.

<sup>126</sup> The U.S. sanctioned both the former president and the subsequent acting president of the Council, Roberto Rivas and Lumberto Ignacio Campbell Hooker, under this argument, in late 2017 and late 2019, respectively. "Estados Unidos impone sanciones al responsable de los fraudes electorales en Nicaragua", *El País*, 26 December 2017; "Treasury Sanctions Nicaraguan Government Officials Involved in Human Rights Abuse and Social Security Corruption", U.S. Treasury Department, 7 November 2019.

<sup>127</sup> The current threshold is only 35 per cent of the votes, a measure agreed upon between Ortega and Alemán in 2000 that suits the size of the FSLN's historical vote base. "Consenso Nacional sobre Reformas Electorales", GPPE, 18 September 2020; "Diez datos para entender el pacto Alemán-Ortega", *La Prensa*, 13 April 2019.

<sup>128</sup> Crisis Group telephone interview, high-level OAS representative, 4 March 2021.

<sup>129</sup> Crisis Group telephone interviews, UNAB and Civic Alliance members, student representatives, February and March 2021.

<sup>130</sup> For example, the recent re-election of Lumberto Ignacio Campbell Hooker, who is under U.S. sanctions, reinforces the Council's lack of credibility. "Orteguismo mantiene el control total en el Consejo Supremo Electoral", op. cit.

with selecting polling stations officials, among other duties.<sup>131</sup> As an immediate confidence-building measure, the government should also provide assurances that it will allow unrestricted national and international observation of the election, and formally invite the EU (or other credible partners) to deploy a mission; to leave time for adequate preparation, it should issue this invitation before June.<sup>132</sup>

Establishing a level playing field for elections will also require guarantees from the government that all parties and candidates can run campaigns safely.<sup>133</sup> In particular, the government should abide by pledges made in the two agreements reached with the Civic Alliance in March 2019 that it will respect citizens' rights, including peaceful assembly.<sup>134</sup>

Although many observers have grave doubts as to whether Ortega has any intention of making reforms that could foster greater political competition, it would be in his interest to avoid more domestic turmoil and further international isolation.<sup>135</sup> "Ortega can rule without legitimacy, but not without legality", as a former Nicaraguan diplomat put it, indicating that the president would be fearful of international non-recognition of the electoral results should he win.<sup>136</sup> The government's recent largely superficial efforts to consult with various political forces ahead of choosing the new election magistrates, as the OAS had requested, hint that Ortega is at least conscious of international expectations even as he pursues his own political advantage. That said, beyond making cosmetic changes, little suggests that he would be willing to commit to a fair and transparent election.

## B. *International Engagement*

Since the end of the second round of talks between the government and the opposition in mid-2019, the Nicaraguan crisis has slipped out of the international spotlight, drawing less attention from even its Latin American neighbours. According to a high-level OAS official: "Countries in the region all face internal problems and are not interested in getting into such a complicated situation".<sup>137</sup> International human rights bodies have been virtually the only ones to keep up reporting on the country, although the government has since mid-2020 cut off its communication with these

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<sup>131</sup> Crisis Group telephone interview, political analyst, 5 May 2021.

<sup>132</sup> At present, the only form of monitoring allowed under the new law is electoral "accompaniment", which operates on a smaller scale, and gives national authorities greater power over what observers can do and publish. Crisis Group telephone interview, diplomat, 8 February 2021.

<sup>133</sup> Crisis Group telephone interview, electoral expert, 25 March 2021.

<sup>134</sup> "Nicaragua: Statement by the High Representative/Vice President Josep Borrell", European External Action Service, 22 December 2020; "Resolution Restoring Democratic Institutions and Respect for Human Rights in Nicaragua Through Free and Fair Elections", OAS General Assembly, 22 October 2020.

<sup>135</sup> One Nicaraguan electoral expert said: "Ortega doesn't want a competitive game; he wants a controlled one". Crisis Group telephone interview, electoral expert, 29 January 2021.

<sup>136</sup> Crisis Group telephone interview, former Nicaraguan diplomat, 17 February 2021.

<sup>137</sup> These countries include those led by left-leaning governments, such as Mexico and Argentina, which, according to some Managua-based diplomats, could facilitate an exchange with the government. Crisis Group interviews and telephone interviews, high-level OAS representative and diplomats, Managua, 4 and 15-17 March 2021.

organisations.<sup>138</sup> “Before, there was dialogue, even though it wasn’t constructive. Now they don’t even reply to our communications”, said a UN official.<sup>139</sup> The same applies to the OAS, perhaps even more so, given that its image has been tainted in Nicaraguan government circles by its controversial role in Bolivia’s 2019 elections.<sup>140</sup> The Holy See reportedly spearheaded a discreet but fruitless effort to build bridges between the government and diplomats some months ago. “It was like both sides were talking to a wall”, a diplomat recalled.<sup>141</sup>

Even so, the COVID-19 pandemic and the wreckage left by hurricanes Eta and Iota partly halted the country’s isolation and restored some technical cooperation with donors. In late 2020, the government received around \$300 million in foreign loans to address the pandemic and \$8 million in humanitarian assistance to tackle the hurricanes’ effects.<sup>142</sup> From this perspective, the virus and the hurricanes “brought salvation to Ortega, as they injected foreign resources”, remarked a former Nicaraguan minister.<sup>143</sup> These resources are strictly tied to humanitarian relief, which the Nica Act permits, and improvements in cooperation at the technical level have not translated into more government openness on political or human rights issues.<sup>144</sup> Still, they are a step in the right direction. Moreover, the rush for COVID-19 vaccines, which are as desperately needed in the country as they are across Latin America, could offer an opportunity for U.S. and European partners to restore more cordial ties with Managua.<sup>145</sup> “Any help is more than welcome”, as a Sandinista former police commander put it.<sup>146</sup>

### C. *The U.S. Government Stance*

Given U.S. influence in the region, Washington’s posture will be an important reference point for international powers mapping out their strategy with respect to the Nicaraguan elections. But thus far the U.S. has not sent clear signals. Although President Joe Biden has personal knowledge of the region, having made numerous visits

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<sup>138</sup> Crisis Group telephone interviews, OAS, IACHR and UN officials, February 2021. The Human Rights Council approved a resolution on 23 March. For the third year in a row, the IACHR included Nicaragua in its Section 4 report published in mid-April. “ONU demanda a Daniel Ortega la aprobación de urgentes reformas electorales”, *Confidencial*, 23 March 2021; “La CIDH presenta su Informe Anual 2020”, IACHR, 16 April 2021.

<sup>139</sup> Crisis Group telephone interview, UN official, 25 February 2021.

<sup>140</sup> Crisis Group telephone interviews, diplomat and Sandinista former police commander, February 2021. On the OAS in Bolivia, see Crisis Group Latin America Briefing N°43, *Bolivia Faces New Polls in Shadow of Fraud Row*, 31 July 2020.

<sup>141</sup> Crisis Group interview, diplomat, Managua, 18 March 2021.

<sup>142</sup> “Ortega con fuerte ‘oxígeno financiero’: más de 1,300 millones de dólares para el 2021, en pleno año electoral”, *La Prensa*, 14 December 2020.

<sup>143</sup> Crisis Group telephone interview, former Nicaraguan minister, 23 February 2021.

<sup>144</sup> In-country UN agencies partnered with the government to deliver humanitarian aid to hurricane-hit areas. Crisis Group telephone interview, UN official, 5 March 2021.

<sup>145</sup> In January 2021, the government disclosed a plan to vaccinate 55 per cent of the country’s population in a first phase, using the AstraZeneca, Sputnik V, Moderna and Covaxina vaccines, but so far it has received little more than 400,000 doses of Sputnik V and AstraZeneca. “Nicaragua gestiona compra de 7,4 millones de vacunas”, *Deutsche Welle*, 14 January 2021; “Minsa recibe 70 000 dosis de la vacuna rusa Sputnik V”, *Confidencial*, 4 May 2021.

<sup>146</sup> Crisis Group telephone interview, Sandinista former police commander, 4 March 2021.

to Central America during his time as vice president under Barack Obama, his focus is not on U.S. relations with Managua.<sup>147</sup> Having recently passed its 100-days in office mark, the Biden administration is still struggling with domestic priorities and a migration surge at the southern U.S. border. In Washington, the latter is seen more as a function of crises in the so-called Northern Triangle countries of El Salvador, Honduras and Guatemala, the countries to which U.S. Special Envoy Ricardo Zúñiga's mandate is restricted.<sup>148</sup> Nicaragua gets less attention.

Indeed, Biden's presidential plan for Central America made no specific reference to Nicaragua, and he has yet to define a strategy.<sup>149</sup> Given the way in which the U.S. is revisiting at least some heavy-handed Trump-era policies, reconsideration of Washington's sanctions-centric approach to Nicaragua before the country's elections hardly seems out of the question, but the Biden administration has yet to craft a clear alternative. "It seems that the calendars of U.S. and Nicaraguan politics do not coincide", as a Managua-based diplomat wryly observed.<sup>150</sup>

A change in stance is overdue. The mounting use of sanctions by the Trump administration – including on some of the Ortega family's financial assets and its allies in the judiciary, government and security forces – failed to break the Sandinista ranks or force Ortega to resume talks with the opposition. Instead, the sanctions alienated the government and prompted it to become increasingly outspoken about the supposed evils of foreign interference, including the alleged role played by embassies based in Nicaragua.<sup>151</sup> According to one former Sandinista commander, not only are sanctions useless, they are an honour – "like putting a medal on your chest" – although he also argued that removing them is a "sine qua non" for the government to sit down and negotiate.<sup>152</sup>

Withdrawing sanctions and putting the brakes on Washington's efforts to halt multilateral loans would be politically difficult and unpopular moves, particularly in light of bipartisan support for them in the U.S. Congress.<sup>153</sup> Still, U.S. and EU au-

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<sup>147</sup> Crisis Group telephone interview, political expert, 28 January 2021.

<sup>148</sup> "Announcement of Ricardo Zúñiga as Special Envoy for the Northern Triangle", U.S. State Department, 22 March 2021.

<sup>149</sup> Crisis Group telephone interviews, U.S. State Department, diplomats and OAS officials, February and March 2021. In November 2020, he announced a plan for Central America, centred on the fight against corruption and involving a \$4 billion aid package to tackle the root causes of migration, but focused on the northern Central American countries (Guatemala, El Salvador and Honduras). "The Biden Plan to Build Security and Prosperity in Partnership with the People of Central America", Joe Biden's official website, November 2020.

<sup>150</sup> Crisis Group telephone interviews, U.S. State Department and OAS officials, 25 February and 4 March 2021. A Washington-based political analyst was more forthright: "It's like we are standing on a sideline watching a train wreck happening". Crisis Group telephone interview, political analyst, 7 April 2021.

<sup>151</sup> Crisis Group interviews, diplomats, Managua, 17 March 2021. "Daniel Ortega dice que EEUU busca 'asfixiar' a Nicaragua con sanciones, cuando medidas solo afectan a sus funcionarios, familiares y empresas", *La Prensa*, 10 June 2020.

<sup>152</sup> Crisis Group telephone interview, former Sandinista police commander, 4 March 2021.

<sup>153</sup> On 25 March, six U.S. senators from both major parties proposed a bill to target Ortega government officials, family members and other allies, including in the police and army, in a bid to press him to concede free and fair elections. Crisis Group telephone interview, U.S. diplomat, 10 February

thorities should consider offering sanctions relief – at least privately – to persuade Ortega to undertake electoral reforms and allow widespread participation in the forthcoming polls. At the very least, they should refrain from imposing new sanctions and step up diplomatic engagement before the electoral process begins.<sup>154</sup> One potential first step would be to include Nicaragua in Special Envoy Zúñiga’s mandate so as to open some fresh communication channels.<sup>155</sup>

Managua-based diplomats also caution that even if the polls are disputed and the validity of Ortega’s fresh mandate is questioned, further punitive moves may not be the best response. “What would be the consequences of non-recognition [of the government]?” wondered one diplomat. “Close to none”. The diplomat added that after the experience of Juan Guaidó’s challenge to President Nicolás Maduro in Venezuela, “nobody is willing to recognise another parallel government”.<sup>156</sup> According to one EU official, foreign partners can cut development aid and impose more sanctions, but this is unlikely to move Managua: “It is the pressure from inside that Ortega is most afraid of”.<sup>157</sup> Even so, they should stand ready to denounce electoral fraud, support firm regional and international condemnation of a rigged poll, and warn Ortega of the risks he is incurring should his victory be disputed.

#### D. *Beyond Elections*

Beyond paving the way for credible elections, the Nicaraguan government and opposition, with the support of foreign partners, would ideally agree to work together to address the underlying causes of the standoff, rooted in deep-seated enmity dating back to the revolutionary struggle of the 1970s and civil war of the 1980s.

In the opinions of representatives from both sides, the recurrent conflict derives from a “winner takes all” mentality in politics.<sup>158</sup> “The opposition wants a scorched-earth policy against Sandinismo, but that is impossible”, warned a journalist close to the government, adding that the FSLN is still the most popular and best organised political force in the country, with a core support base of at least 25 per cent.<sup>159</sup> As mentioned earlier, there has been little debate – much less agreement – among opposition groups as to how to deal with Sandinista supporters or government loyal-

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2021. “Senators Menendez, Rubio, Kaine, colleagues introduce legislation to advance democratic elections in Nicaragua”, U.S. Senate Committee on Foreign Relations, 25 March 2021.

<sup>154</sup> Crisis Group interviews, diplomats, Managua, 15 and 17 March 2021.

<sup>155</sup> Given his role in restoring U.S. relations with Cuba under the Obama administration, Zúñiga was seen positively by a former Sandinista police commander. Crisis Group telephone interview, former Sandinista police commander, 22 March 2021.

<sup>156</sup> Crisis Group interview, diplomat, Managua, 15 March 2021. For more on the failed campaign to remove Maduro in Venezuela, see Crisis Group Latin America Report N°85, *Venezuela: What Lies Ahead after Election Clinches Maduro’s Clean Sweep*, 21 December 2020.

<sup>157</sup> Crisis Group interview, EU official, Managua, 15 March 2021.

<sup>158</sup> Crisis Group telephone interview, National Coalition representative and Sandinista activist, 2 March and 29 April 2021.

<sup>159</sup> This support has remained virtually unchanged over the past two years, according to CID Gallup polls. Crisis Group email interview, Nicaraguan journalist, 28 January 2021. “Cristiana Chamorro encabeza lista de preferencias políticas de acuerdo a un sondeo de la firma Cid Gallup”, op. cit.

ists employed in virtually all state institutions and security forces in the event of an upset opposition election win.<sup>160</sup>

Proposals by some moderates to seek out means of coexistence with Sandinismo have led to disagreement with other factions, which insist on punishment for the actions of the government and security forces in the 2018 crackdown.<sup>161</sup> Business allies of the opposition tend to support restoration of working relations with the government should Ortega notch a reasonably fair victory in November.<sup>162</sup> Their pragmatism extends to an understanding that if the government were to suffer a poor electoral showing, it would likely cling to power if its alternatives are sufficiently off-putting. The prospects of criminal prosecution or political oblivion are particularly alarming in this regard. A former Nicaraguan diplomat argues that “you can only subdue the Sandinistas by giving them space”.<sup>163</sup>

One underlying problem is that the country’s rival forces have never sought to establish a common understanding of what has caused the fierce conflicts since the 1970s.<sup>164</sup> Many of today’s grievances and the most prominent politicians have remained unchanged over the last 40 years, and numerous amnesties have neither resolved these disputes nor given redress to victims’ relatives.<sup>165</sup> Crisis Group has previously recommended that government and opposition should agree to create a truth commission with a broad mandate that goes beyond the events of 2018, features representatives from both government and opposition as well as international experts, and potentially draws upon similar experiences elsewhere, such as in Colombia, Guatemala and South Africa.<sup>166</sup> Ortega’s call for a “great national dialogue” could turn into a reconciliation effort that seeks to create a framework for peaceful political coexistence and end recurrent outbreaks of violence. But for that to happen would require the willingness of both sides.

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<sup>160</sup> Crisis Group telephone interviews, diplomat, journalist, Civic Alliance and UNAB representatives, February and March 2021.

<sup>161</sup> “La controversia de ‘convivir con los sandinistas’”, *La Prensa*, 5 March 2021.

<sup>162</sup> Crisis Group interview, private-sector representative, Managua, 17 March 2021.

<sup>163</sup> Crisis Group interview, Nicaraguan former ambassador, Managua, 17 March 2021.

<sup>164</sup> Crisis Group telephone interview, Nicaraguan former diplomat, 29 January 2020.

<sup>165</sup> The newspaper *La Prensa* counted at least 52 amnesties that have been applied in Nicaragua’s recent history. “52 amnistías se han otorgado en la historia de Nicaragua, y ninguna ha logrado justicia para las víctimas”, *La Prensa*, 26 May 2019; “La Ley de Amnistía de Nicaragua: ¿una trampa para personas detenidas por motivos políticos?”, Due Process of Law Foundation, October 2019.

<sup>166</sup> Crisis Group telephone interviews, expert in transitional justice and Civic Alliance representatives, 11 April 2019 and 5 March 2021. Crisis Group Report, *The Keys to Restarting Nicaragua’s Stalled Talks*, op. cit.

## V. Conclusion

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Nicaragua's social and political divisions reopened during the 2018 uprising and the brutal government repression that followed. State surveillance and harassment, as well as the opposition's infighting and inability to organise, have helped clear the streets of protesters and stifled political debate. But resentment of the growing concentration of power in the presidential couple's hands runs deep. Three consecutive years of economic contraction, compounded by the impact of the COVID-19 pandemic and two hurricanes, have made it still more entrenched.

The forthcoming elections could test Nicaragua's recent calm. Should the polls give rise to accusations of unfairness, fraud or other wrongdoing, they could trigger renewed unrest, deepen the country's international isolation and economic misery, and spur a fresh outflow of migrants and refugees. But the lead-up to the polls could also lay the groundwork for a new attempt to settle the country's social and political conflicts. Much will depend on Ortega's readiness to allow for a reasonably competitive election and respect its results, whatever they are. The stance adopted by rival political forces and outside states could influence his decision. If opposition movements overcome mutual distrust and focus on agreeing on a technically feasible and politically viable set of conditions in the run-up to the polls, their chances of persuading Ortega would be higher. Stronger, less punitive and more constructive diplomatic engagement by foreign partners such as the U.S., left-leaning Latin American governments, the Holy See and the EU could also stay the government's penchant for confrontation over compromise.

Still, responsibility for charting a negotiated way out of the crisis and establishing the bases for a working relationship between Nicaragua's political adversaries will ultimately fall to the government, first and foremost, and also to the opposition. If they manage to treat the election not as an all-or-nothing battle but as a way to begin establishing the rules for peaceful competition, then Nicaragua may have an opportunity to begin moving beyond its troubled past.

**Guatemala City/Bogotá/Brussels, 20 May 2021**

Appendix A: Map of Nicaragua



Appendix B: Ortega's Popularity

Figure 1: Trends in the approval rate of President Daniel Ortega by year – from 2007 to January 2021

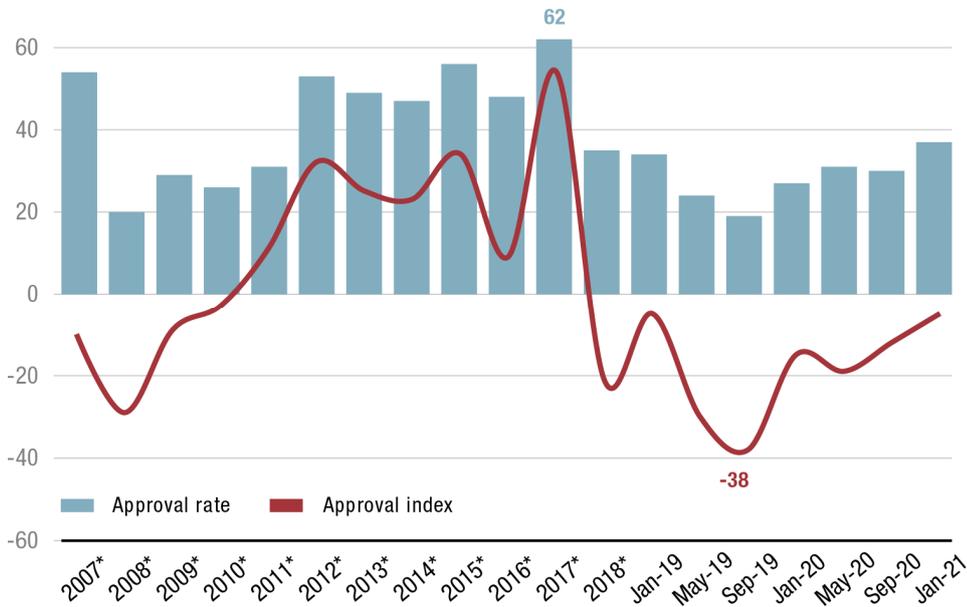
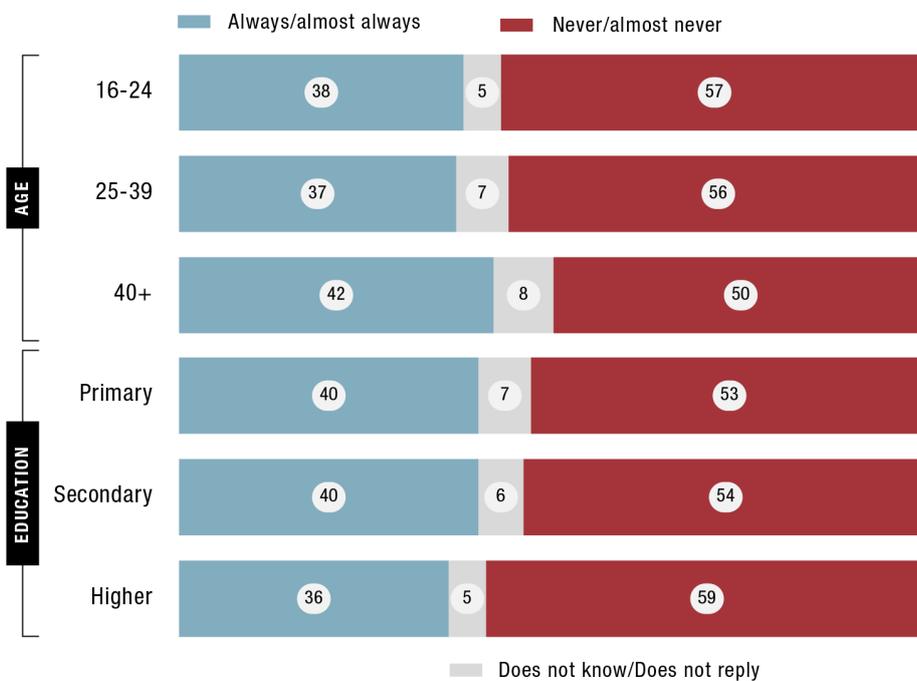


Figure 2: Frequency with which Ortega does what's best for the people, by age and education



\* Annual Average. Source: CID Gallup. / CB-G / CRISIS GROUP.

## Appendix C: Timeline of U.S. Sanctions from April 2018 to April 2021

05.07.2018

**Francisco Javier Díaz Madriz**  
**E.O. 13818\***

Francisco Javier Díaz Madriz is the Nicaraguan National Police (NPP) commissioner, responsible or complicit in significant acts of violence and human rights abuse, including extrajudicial killings.

**Fidel Antonio Moreno Briones**  
**E.O. 13818**

Fidel Antonio Moreno Briones was personally implicated in ordering attacks on protesters as far back as 2013 and involved in using public funds to pay for FSLN party activities.

**José Francisco López Centeno**  
**E.O. 13818**

José Francisco López Centeno is the vice president of Albanisa, which used funds to finance the FSLN party.

27.11.2018

**Néstor Moncada Lau**  
**E.O. 13851**

Nestor Moncada Lau was engaged in acts of corruption on behalf of Ortega and Murillo.

**Rosario María Murillo De Ortega**  
**E.O. 13851**

Rosario María Murillo De Ortega has been the de facto co-president of Nicaragua since 2007. She is a leader with access and influence over the Sandinista Youth and has a long history of engaging in acts of corruption.

17.04.2019

**Banco Corporativo SA**  
**E.O. 13580**

Banco Corporativo SA arranged goods or services in support of Vice President Rosario Murillo.

**Laureano Ortega Murillo**  
**E.O. 13851**

Laureano Ortega Murillo is an official of Ortega's government and engaged in corrupt business deals.

21.06.2019

**Gustavo Eduardo Porras Cortés**  
**E.O. 13851; NHRAA\*\***

Gustavo Eduardo Porras Cortés serves as president of the Nicaraguan National Assembly, enacted significant actions or policies that undermine democratic processes or institutions in Nicaragua (e.g. the amnesty law).

**Orlando José Castillo**  
**E.O. 13851**

Orlando José Castillo was, at the time of the sanction, the General Director of the Nicaraguan Institute of Telecommunications and Postal Services, which President Ortega and Castillo have used to silence independent media.

**Sonia Castro González**  
**E.O. 13851**

Sonia Castro González is the minister of health, and was engaged in significant human rights violations.

**Oscar Salvador Mojica**  
**E.O. 13851**

Oscar Salvador Mojica promoted the Ortega regime's "exile, jail, or death" strategy to silence the opposition, and manages a significant portion of President Ortega and Vice President Murillo's official and personal finances.

07.11.2019

**Ramón Antonio Avellan Medal**  
**E.O. 13851; NHRAA**

Ramón Antonio Avellan Medal is a current official of Ortega's government and the director of the NPP that has been involved in acts of violence or human rights abuse.

**Lumberto Ignacio Campbell Hooker**  
**E.O. 13851**

Lumberto Ignacio Campbell Hooker is a current official of Ortega's government and the president of the Nicaraguan Supreme Electoral Council, involved in undemocratic tactics to ensure that President Ortega and his allies win elections.

**Roberto José López Gómez**  
**E.O. 13851**

Roberto José López Gómez is a current official of Ortega's government and the director of the Social Security Instituto, an entity that has engaged in many practices of corruption.

12.12.2019

**Rafael Antonio Ortega Murillo**

**E.O. 13851**

Rafael Antonio Ortega Murillo is a money manager for the Ortega family.

**Inversiones Zanzibar, S.A. and Servicio de Protección y Vigilancia, S.A.**

**E.O. 13851**

Inversiones Zanzibar, S.A. and Servicio de Protección y Vigilancia, S.A., engaged in money laundering for the Ortega regime and the Ortega family's personal enrichment.

**Distribuidor Nicaraguense de Petroleo S.A. (DNP)**

**E.O. 13851**

Distribuidor Nicaraguense de Petroleo S.A. engaged in money laundering for the Ortega regime and the Ortega family's personal enrichment.

05.03.2020

**Nicaraguan National Police**  
**E.O. 13851; NHRAA\***

The NNP is heavily involved in human rights abuse and violent repression on behalf of the Ortega regime.

**Juan Valle Valle**

**E.O. 13851; NHRAA\***

Juan Valle Valle is an NNP official, responsible for or complicit in significant acts of violence and human rights abuse.

**Luis Alberto Pérez Olivas**  
**E.O. 13851; NHRAA\***

Luis Alberto Pérez Olivas is an NNP official, responsible for or complicit in significant acts of violence and human rights abuse.

**Justo Pastor Urbina**  
**E.O. 13851; NHRAA\***

Justo Pastor Urbina is an NNP official, responsible for or complicit in significant acts of violence and human rights abuse.

22.05.2020

**Julio César Avilés Castillo**

**E.O. 13851**

Julio César Avilés Castillo was politically aligned with President Ortega, refused to order the disarmament and dismantling of the paramilitary.

**Iván Adolfo Acosta Montalván**  
**E.O. 13851**

Iván Adolfo Acosta Montalván arranged significant financial support to the Ortega regime.

17.07.2020

**José Jorge Mojica Mejía**  
**E.O. 13851**

José Jorge Mojica Mejía (Mojica) is one of the most trusted front men of the Ortega family. He acts as a personal representative of the Ortegas, creates shell companies to launder money and conceals their ownership and illicit profits.

**Juan Carlos Ortega Murillo**  
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Juan Carlos Ortega Murillo was responsible for or complicit in directly or indirectly engaging or attempting to engage in a transaction or series of transactions involving deceptive practices or corruption by, on behalf of, or otherwise related to the Nicaraguan government or a current or former official of the government, such as the misappropriation of public assets or expropriation of private assets for personal gain or political purposes, corruption related to government contracts, or bribery.

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09.10.2020

**Paul Oquist**  
**E.O. 13851**

Oquist was, at the time of the sanction, the Secretary of the Presidency for President Ortega and played a lead role in covering up and justifying the regime's crimes and human rights abuses.

**Ana Julia Guido Ochoa**  
**E.O. 13851**

Guido is the Attorney General of the Prosecutor's Office, and she helped form a group of prosecutors who worked with the U.S.-sanctioned NNP to fabricate cases against political prisoners. Additionally, Guido created a specialised unit that has spent the past two years bringing charges against peaceful protesters.

**Caja Rural Nacional (CARUNA)**  
**E.O. 13851**

CARUNA is a savings and loan cooperative operating as the Ortega regime's main tool for funneling proceeds from Nicaragua's concessionary oil schemes with Venezuela to use as a resource to pay off the Ortega patronage network. Regime officials, including those sanctioned by the Treasury's Office of Foreign Assets Control, are taking advantage of Caruna's lack of regulatory oversight to shelter their ill-gotten gains.

21.12.2020

**Marvin Ramiro Aguilar García**  
**E.O. 13851**

Marvin Ramiro Aguilar García is the vice president of the Supreme Court, national political secretary of the Sandinista Leadership Council, and a member of the Council for the Administration and Judicial Career of the Nicaraguan Supreme Court of Justice, which ensures regime supporters are selected for key posts. As the national political secretary, Aguilar is in direct contact with President Ortega and Vice President Murillo and reportedly coordinates the targeting of pro-democracy opposition members.

**Wálmaro Antonio Gutiérrez Mercado**  
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Wálmaro Antonio Gutiérrez Mercado publicly supported the controversial Foreign Agents Law.

**Fidel de Jesús Domínguez Álvarez**  
**E.O. 13851**

Fidel de Jesús Domínguez Álvarez is the chief of the NNP in Leon, and has reportedly directed numerous assaults on Nicaraguan citizens and journalists.

\* Global Magnitsky Human Rights Accountability Act

\*\* NHRAA: Nicaragua Human Rights and Anticorruption Act 2018

Apoyo de los Estados Unidos a un retorno a la democracia en Nicaragua

## Appendix D: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former Foreign Minister of Argentina and Chef de Cabinet to the United Nations Secretary-General, Susana Malcorra.

After President & CEO Robert Malley stood down in January 2021 to become the U.S. Iran envoy, two long-serving Crisis Group staff members assumed interim leadership until the recruitment of his replacement. Richard Atwood, Crisis Group's Chief of Policy, is serving as interim President and Comfort Ero, Africa Program Director, as interim Vice President.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

Crisis Group receives financial support from a wide range of governments, foundations, and private sources. Currently Crisis Group holds relationships with the following governmental departments and agencies: Australian Department of Foreign Affairs and Trade, Austrian Development Agency, Canadian Department of National Defence, Danish Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, European Union Emergency Trust Fund for Africa, European Union Instrument contributing to Stability and Peace, Finnish Ministry of Foreign Affairs, French Development Agency, French Ministry of Europe and Foreign Affairs, Global Affairs Canada, Irish Department of Foreign Affairs, Japan International Cooperation Agency, Ministry of Foreign Affairs of the Principality of Liechtenstein, Luxembourg Ministry of Foreign and European Affairs, Norwegian Ministry of Foreign Affairs, Qatar Ministry of Foreign Affairs, Swedish Ministry of Foreign Affairs, Swiss Federal Department of Foreign Affairs, United Arab Emirates (Ministry of Foreign Affairs and International Cooperation and Anwar Gargash Diplomatic Academy), United Nations Development Programme, United Nations World Food Programme, UK Foreign, Commonwealth and Development Office, and the World Bank.

Crisis Group also holds relationships with the following foundations and organizations: Carnegie Corporation of New York, Ford Foundation, Global Challenges Foundation, Henry Luce Foundation, John D. and Catherine T. MacArthur Foundation, Open Society Foundations, Ploughshares Fund, Robert Bosch Stiftung, Rockefeller Brothers Fund, and Stiftung Mercator.

**May 2021**

## Appendix E: Reports and Briefings on Latin America since 2018

### Special Reports and Briefings

*Council of Despair? The Fragmentation of UN Diplomacy*, Special Briefing N°1, 30 April 2019.

*Seven Opportunities for the UN in 2019-2020*, Special Briefing N°2, 12 September 2019.

*Seven Priorities for the New EU High Representative*, Special Briefing N°3, 12 December 2019.

*COVID-19 and Conflict: Seven Trends to Watch*, Special Briefing N°4, 24 March 2020 (also available in French and Spanish).

*A Course Correction for the Women, Peace and Security Agenda*, Special Briefing N°5, 9 December 2020.

*Containing the Shock Waves from Venezuela*, Latin America Report N°65, 21 March 2018 (also available in Spanish).

*Mexico's Southern Border: Security, Violence and Migration in the Trump Era*, Latin America Report N°66, 9 May 2018 (also available in Spanish).

*Risky Business: The Duque Government's Approach to Peace in Colombia*, Latin America Report N°67, 21 June 2018 (also available in Spanish).

*The Missing Peace: Colombia's New Government and Last Guerrillas*, Latin America Report N°68, 12 July 2018 (also available in Spanish).

*Building Peace in Mexico: Dilemmas Facing the López Obrador Government*, Latin America Report N°69, 11 October 2018 (also available in Spanish).

*Saving Guatemala's Fight Against Crime and Impunity*, Latin America Report N°70, 24 October 2018.

*Friendly Fire: Venezuela's Opposition Turmoil*, Latin America Report N°71, 23 November 2018 (also available in Spanish).

*A Road to Dialogue After Nicaragua's Crushed Uprising*, Latin America Report N°72, 19 December 2018 (also available in Spanish).

*Gold and Grief in Venezuela's Violent South* Latin America Report N°73, 28 February 2019 (also available in Spanish).

*A Way Out of Latin America's Impasse over Venezuela*, Latin America Briefing N°38, 14 May 2019 (also available in Spanish).

*The Keys to Restarting Nicaragua's Stalled Talks*, Latin America Report N°74, 13 June 2019 (also available in Spanish).

*A Glimmer of Light in Venezuela's Gloom*, Latin America Report N°75, 15 July 2019 (also available in Spanish).

*Calming the Restless Pacific: Violence and Crime on Colombia's Coast*, Latin America Report N°76, 8 August 2019 (also available in Spanish).

*Venezuela's Military Enigma*, Latin America Briefing N°39, 16 September 2019 (also available in Spanish).

*Containing the Border Fallout of Colombia's New Guerrilla Schism*, Latin America Briefing N°40, 20 September 2019 (also available in Spanish).

*Fight and Flight: Tackling the Roots of Honduras' Emergency*, Latin America Report N°77, 25 October 2019 (also available in Spanish).

*Peace in Venezuela: Is There Life after the Barbados Talks?*, Latin America Briefing N°41, 11 December 2019 (also available in Spanish).

*A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, Latin America Report N°78, 20 February 2020 (also available in Spanish).

*Imagining a Resolution of Venezuela's Crisis*, Latin America Report N°79, 11 March 2020 (also available in Spanish).

*Broken Ties, Frozen Borders: Colombia and Venezuela Face COVID-19*, Latin America Briefing N°42, 16 April 2020 (also available in Spanish).

*Mexico's Everyday War: Guerrero and the Trials of Peace*, Latin America Report N°80, 4 May 2020 (also available in Spanish).

*Miracle or Mirage? Gangs and Plunging Violence in El Salvador*, Latin America Report N°81, 8 July 2020 (also available in Spanish).

*Bolivia Faces New Polls in Shadow of Fraud Row*, Latin America Briefing N°43, 31 July 2020 (also available in Spanish).

*Leaders under Fire: Defending Colombia's Front Line of Peace*, Latin America Report N°82, 6 October 2020 (also available in Spanish).

*Virus-proof Violence: Crime and COVID-19 in Mexico and the Northern Triangle*, Latin America Report N°83, 13 November 2020 (also available in Spanish).

*Disorder on the Border: Keeping the Peace between Colombia and Venezuela*, Latin America Report N°84, 14 December 2020 (also available in Spanish).

*Venezuela: What Lies Ahead after Election Clinches Maduro's Clean Sweep*, Latin America Report N°85, 21 December 2020 (also available in Spanish).

*The Exile Effect: Venezuela's Overseas Opposition and Social Media*, Latin America Report N°86, 24 February 2021 (also available in Spanish).

*Deeply Rooted: Coca Eradication and Violence in Colombia*, Latin America Report N°87, 26 February 2021 (also available in Spanish).

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