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Nicaragua: Navigating the Politics of Democracy

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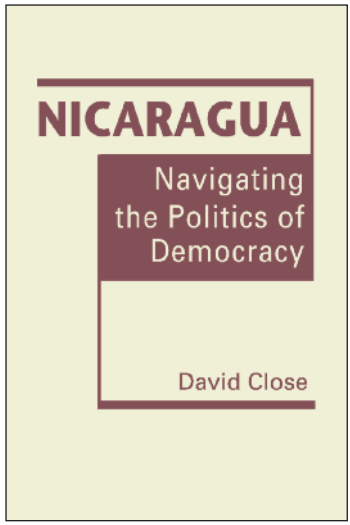

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Nicaragua's Political Transitions

President Daniel Ortega of Nicaragua has been a central figure in his country's government since 1979, when he was one of the key leaders of the Sandinista Revolution that overthrew the four-decade-long dictatorship of the Somoza family. From 1979 to 1984 he was a member of the nine-person Dirección Nacional (DN, National Directorate), the ruling Frente Sandinista de Liberación Nacional (FSLN, Sandinista National Liberation Front) and the Junta de Gobierno de Reconstrucción Nacional (JGRN, Governing Council of National Reconstruction), the revolutionary government's executive body. From 1984 to 1990, he was Nicaragua's president.

On losing the presidential election in 1990, Ortega became an opposition leader as head of the FSLN, then the country's second largest party. For sixteen years, however, he remained an essential part of the government, trading the often much-needed support of his FSLN for benefits that kept him and the party close to the apex of power. In 2006, Daniel, as he is universally known in Nicaragua, made his political comeback, winning the presidency for a second time. In 2015 he remains the president, having secured reelection in 2011. Should he opt to run again in 2016, Ortega will win his third straight term. Besides his being popular (his approval ratings generally run over 60 percent), the FSLN controls the electoral system—everything from issuing the ID cards needed to vote and deciding if a party or candidate can run, to counting the votes and declaring the winner—and Daniel's family and his personal friends own the vast majority of Nicaragua's mass media. The power to rule is concentrated in his hands. This book is about how that came about.

In his three-plus decades in Nicaraguan politics, Daniel Ortega has seen four political transitions that brought Nicaragua a new regime. These occurred in 1979, 1984, 2000, and 2011. The first two left Nicaragua more

pluralistic and democratic; the last two moved away from democracy. These transitions did not just bring a new government, but rather installed radically different political systems built around a new logic, using a distinct set of institutions, employing restructured processes, and bringing in a fresh set of influentials. In fact, when considering political transitions, it is most often changes from one regime to another, say a dictatorship to a democracy, that interest us. An ordinary change of government (i.e., altering the personnel who control "the set of institutions that makes decisions and oversees their implementation on behalf of the state for a particular period of time"[1]) can produce dramatic changes if the new governing party has a program starkly different from its predecessor, but a new regime will almost certainly be a source of significant reforms.

In Ortega's case, the first transition occurred in 1979 and followed the Sandinistas' seizure of power. The first Sandinista regime was a revolutionary vanguard system, one that reserved the right to rule to the group that led the revolution. Nicaragua's version of this regime differed from the Soviet and Cuban models by retaining a level of political pluralism that was sufficient to accept that other anti-Somoza forces could also legitimately oppose the FSLN, provided they worked through official state institutions.

Within three years the Sandinista leadership began moving toward an electoral democratic regime. This was largely the result of pressure from three sources. One was their domestic loyal opposition, those who accepted the need to preserve the revolutionary regime but opposed at least various policies of the FSLN government. Then there were Western European social democratic parties, who provided diplomatic support while pressuring the Sandinistas to move more decisively toward electoral democracy. Finally, there were the counterrevolutionary insurgents, who forced the administration to fight a counterinsurgent war and divert its economic and social reforms. Nicaragua's first acceptably honest elections since 1932 took place in 1984. They saw Daniel Ortega elected president, the FSLN take nearly two-thirds of the legislative vote, and six other parties win seats and form the parliamentary opposition.

That this regime worked as it should, and not necessarily as the FSLN hoped, was demonstrated when the next elections, held in 1990, saw Ortega and the revolutionaries swept from office. The system, however, lasted until 2000, when a power-sharing duopoly was constructed by Ortega and Arnoldo Alemán of the Partido Liberal Constitucionalista (PLC, Constitutionalist Liberal Party), who was then president of the republic. Under the new regime the president became less accountable, normally nonpartisan state institutions (courts, the electoral authority, and the national controller) came under the control of the duopolists, and a number of legal obstacles were erected to make it exceedingly difficult for other parties to challenge the power-sharing system.

The latest stop on Nicaragua's itinerary of regime transformations began in 2006 when Daniel Ortega staged a comeback after sixteen years out of office, winning a second term as president. This regime, best described as a dominant power system based on personal rule,[2] has seen electoral manipulation, the reappearance of violence as a political tool, and ever more effectively unaccountable political power vested in the hands of the president and his family.

That this should occur in Nicaragua today may surprise some. After all, when the FSLN came to power in 1979 many saw the Sandinistas as the good guys. However, time has not been kind to democracy in Nicaragua. Since 2000 the FSLN, along with numerous collaborators, has participated actively in moving the political system toward semidemocratic/semiautocratic.

From 1979 to 1990, Nicaragua and the FSLN were big news and a hot topic for academic research. But when the FSLN lost power in the 1990 elections, Nicaragua's second since those same Sandinistas brought the country electoral democracy in 1984, interest began to fade. This was understandable, as other stories were bigger, timelier, and more exciting. Yet Nicaragua did not stand still. Rather it continued changing, experimenting with new modes of governing and government, restructuring its political system twice more. In the process, a great deal of what once caused people to support the Sandinistas has changed, and perhaps the greatest changes are those that affected the FSLN and its leader Daniel Ortega.

Nicaragua: Navigating the Politics of Democracy examines the political changes the country has experienced since the Sandinista revolution of 1979. The first twenty-one years of that period saw the quality of democracy improve in the country. After that, Nicaragua's democracy began exhibiting more undemocratic characteristics. The country is still too pluralistic politically to be deemed autocratic, but it has strayed from the radical democratic path it laid out in 1970, as well as from the orthodox representative democratic course it embarked on in 1984.

The Book's Background

This book traces its lineage back to 2004 and a book titled *Undoing Democracy: The Politics of Electoral Caudillismo,* coedited by me and Kalowatie Deonandan. That book was about what Nicaraguans still call "the pact": the deal between the then-president of Nicaragua, Arnoldo Alemán of the PLC, and the Sandinista ex-president (1984–1990), Daniel Ortega, that gave rise to the power-sharing duopolistic regime analyzed in Chapter 6. We called the book *Undoing Democracy* because until the new regime that was initiated in 2000, Nicaragua was becoming steadily more democratic. It had moved beyond the redistributive focus of a surprisingly

pluralistic radical, revolutionary democracy to embrace electoral democracy in 1984. Eleven years later it took an important step toward constitutional democracy with a broad package of constitutional amendments, whose principal effect was to reduce presidential powers and make the chief executive more accountable. Those reforms unfortunately proved too much for the men heading the parties that got 89 percent of the presidential vote in 1996 (51 percent for the PLC, 38 percent for the FSLN). Freeing themselves and the successors of those restrictions changed Nicaragua's political trajectory away from democracy. It has continued on that path to this day.

In this book, I extend the examination of the country's political transitions from 1979 to 2015, which encompassed four regime changes. Again, these were not just changes of governments, as they went far beyond simply reordering personnel and policies. They were full-scale makeovers of the political system: the entire logic, function, and purpose of the state.

Four regime changes in three decades is an impressive record, and we would expect that a country that had overhauled its political system so frequently would be a textbook case of political instability. In Nicaragua, though, the government has functioned between adequately and well throughout this period. Further, just as government has remained stable, so too has the personnel of politics. The country's current president, Daniel Ortega, was one of the nine Sandinista Comandantes de la Revolución (Commanders of the Revolution) who led both the first and second transformations, one of two actors responsible for the third, and the principal actor driving the fourth. Although not all of Nicaragua's key political leaders have roots as deep as Ortega's, a good number, perhaps even a majority, have been active since the mid-1990s. Both outcomes run counter to the expectations of most political analysts, but part of the explanation may be that the last three transitions were the work of sitting governments.

There is a lot here to be described, discussed, analyzed, and explained. Some of it requires reviewing the political history of Nicaragua since 1979, with a focus on the struggle among its political elites to find an acceptable governing formula. The fact that they have failed in this quest has resulted in regimes imposed by those holding state power that are favorable to specific segments of that elite. In fact, analyzing this part of the problem requires presenting an overview of the country's history as an independent state, thus since 1821, to determine what political legacies the past has bequeathed Nicaragua. Informal institutions, especially those that point to specific modes of governing that have shown themselves efficient tools for ruling Nicaragua, are significant here. This is not to argue that history determines the present, only that people read history to discover what has worked well or badly over time.

More important than this background are the various regimes themselves. How did they come into being? How did they work once in operation? Did the changes yield new winners and losers; that is, did they leave a new set of influentials and outsiders? What did each do to either improve or damage the quality of democracy in Nicaragua? For those that no longer exist, how and why did they meet their end? Examining the life cycle of each regime will also provide insight into why those who built these regimes did so. This is particularly important with respect to the last two changes—the ones that moved the country further away from standard democratic practice. It will also shed light on why the changes were relatively easily achieved. Could leaders have chosen not to adapt to existing systems, or even shape those systems to better their needs, because building a made-to-order regime was a simpler task?

There are issues that reach beyond Nicaragua, however. One issue is that there is so much regime instability when, above all, governments are stable. The most plausible hypothesis to explain this curious combination of stable governments and unstable regimes is that a state's political elite is so divided that no consensus can be reached about a proper governing formula. But it does not explain why there is such a serious lack of consensus. In Nicaragua, the current division reaches back to the Sandinista revolutionary government, in both its vanguardist (1979–1984) and electoral (1984–1990) phases. That a revolution can polarize a society is unquestionable, but there are societies that are polarized even without the spark of a revolution, and Nicaragua historically is one of those. There are, that is, countries (and states, provinces, and municipalities) where political polarization is the way politics works. All politics is zero-sum, winner-take-all, and leave the loser in the dust. This goes beyond a spoils system, although it is part of the polarized system that makes accommodating an opponent unthinkable. In such systems, all political battles are waged with no quarter asked or given, because all outside your camp are enemies, not opponents.

Deeply divided and divisive politics of this sort are often found in personalistic political systems: ones where the leader is the state. Whether they are called Big Men, caudillos, dictators, or just plain bosses, the individuals who head personalistic regimes are clearly alone at the top of the ladder; but that can be a very shaky perch. To stabilize conditions, personal rulers play supporters against one another and mobilize society against their opponents.[3] All of this is done to allow the personal ruler to consolidate as much power as possible. Like too many other nations in the world, Nicaragua has more years of personal rule in its history than it does institutional government. Therefore, it is easy to imagine that an ambitious would-be ruler in such a place might aim to be a personal ruler in his or her own right, even if that meant being a dictator rather than the leader of a democratic party whose life will go on even with a different leader. If the received political

wisdom of a polity points toward one-person rule it will seem the most natural road to long-term power.

Linked to both polarization and personalism are a distrust of and consequently a disdain for nonpartisan, independent governmental machinery. This view is usually especially well developed when it comes to elections that incumbents can lose, but other state institutions are also candidates for partisan takeovers. Courts are usually included, as are any departments of government that can be turned against opponents. To take an example of the latter from the municipal level, health and safety inspections often serve this purpose. In Nicaragua, to protect themselves against the misuse of what should be nonpartisan government agencies, politicians have sought "quotas of power" in the form of representation in those agencies to better fight their corner. They do this rather than strengthen the independence of those same institutions.

Another issue that contemporary Nicaraguan politics brings to light is the very broad one of political stability and political change. Probably the first man or woman who thought seriously about how we humans organized our collective affairs and how we were governed or governed ourselves was not at the task long before encountering the question of political stability and its counterpart, political change. Those issues continue to engage observers of politics to this day. They do so in no small part because each has equally important positive and negative sides. Political stability is essential because without it, settled, predictable patterns of governance do not emerge; the continuity of policies and institutional arrangements is limited, leading to much energy expended in reinventing the governmental wheel instead of governing. Yet political change is also necessary as it prevents institutional sclerosis and because political change accommodates new actors and issues, thereby contributing to a system's strength and vitality.

Today's Nicaragua offers an unusual perspective on political stability and change, since it regularly alters regimes, yet, with the exception of 1979, does so not just peacefully but also legally. It is perhaps this combination that has let governments remain stable, even managed by the same personnel, while the basic structures and dynamics of the political system change. Further, I argue that Nicaragua's regime changes are linked to transitions to, through, and from democracy.

Transitions to democracy are familiar fare. They dominated political science in the 1980s and 1990s, and led to the creation of a new field of public policy in the form of democracy promotion. According to the views that were commonly held at the time, these new systems would soon become consolidated democracies, where all major players accepted that there could be no alternative to democratic politics. Democracy, therefore, was soon going to conquer most if not all of the world. That did not hap-

pen, at least not to the extent that the more enthusiastic students and practitioners of transitional politics once believed it should have. There were many successes, and freely competitive elections did indeed become far more common as the only acceptable way to win the mandate to rule. However, some states remained above the democratic tide and others saw their evolution as democracies stall or go into reverse.

The Arab Spring that occurred in the Middle East in 2010–2011 gave observers hope that another round of changes from authoritarian to democratic regimes was in the works, as massive antidictator movements arose in Tunisia, Egypt, Libya, Yemen, Syria, and Bahrain. Unfortunately, by 2012 only Tunisia remained on the road to democracy. In the others, democracy never took hold. There were too many actors, individuals and groups alike, who were convinced that their political objectives could only be achieved through absolute control over the state. As a result, even where authoritarian rulers fell—Egypt, Libya, and Yemen—the end product was not democracy but either a new form of dictatorship or civil war.

Shifting to a political system that is nondemocratic or antidemocratic, what today is usually called an authoritarian or autocratic regime, is another easily recognized phenomenon. Belarus, Egypt, and Russia are notable current examples. Another is Alberto Fujimori's 1992 presidential coup in Peru. Less dramatic but still significant are the stalling and sometimes partial reversal of democratic consolidation in many countries over the past two decades. There can be movement away from democracy even when the resulting regime is not a dictatorship. In fact, Latin America, unlike the Middle East, has seen no return to anything like the dictatorships that existed before the wave of democratic transitions.

What, though, can be said of transitioning through democracy? I have adopted this usage to distinguish cases where democratic government had some success over at least a few years, but still did not become a consolidated, institutionalized political system whose existence was unquestioned, from those instances where democracy worked badly and fell quickly. Thus the term applies to places where, even though democracy worked at least acceptably well over a reasonable length of time, it never became "the only game in town." Even more to the point, those who preferred a less democratic game had the wherewithal to stop democracy's development, even to undo democracy.

Nicaragua had a functioning, though imperfect, democracy for sixteen years, during which time it also developed more of the traits of liberal, constitutional democracy. Further, it also held competitive elections that were broadly accepted as fair for another six years, thus a total of twenty-two years as an electoral democracy. The democratic regime drafted a constitution and then amended it in significant respects. Three different parties won the three general elections held in 1984, 1990, and 1996. Governments

operating within this system both waged counterinsurgent war and negotiated peace with the insurgents. Most critically, they succeeded in keeping a deeply divided society from disintegrating. Democracy did not break down. It was discarded, amended first out of shape and now increasingly, but not totally, out of existence.

Another issue that comes from the study of political transitions is that they would necessarily see the introduction of properly functioning democratic governmental institutions. The operational logic of these institutions would reward with political success those who followed the rules and worked in a fashion consistent with and supportive of democracy, and those whose behavior contravened those rules would be punished with political failure. In Nicaragua, as in many other countries, that did not happen. Good rules did not guide politicians onto democratic paths. Rather, politicians were able to turn those rules against the institutions and use democratic structures to secure nondemocratic ends. Individuals trumped institutions, in other words—exactly the opposite of what was supposed to happen. Was this because the institutions had weak and shallow roots? Or were the politicians who acted within those structures so clever and determined that they were unstoppable?

To put Nicaragua's record into perspective, three other contemporary cases of transitions through democracy are considered. They are Hungary under Viktor Orbán, Russia led by Vladimir Putin, and Venezuela during the presidency of Hugo Chávez. Each has or had a strong, personalistic ruler who has used democratic rules and processes to concentrate power in his own hands, thereby eventually putting himself above the law. Although all three of these nations are much richer than Nicaragua, and Venezuela has a longer democratic tradition, in them, as in Nicaragua, the leader controlled the state and democracy suffered. Not only is Nicaragua therefore not alone in failing to consolidate its earlier democratic gains, it also belongs to a class of states where politicians have found democratic government undesirable (or at least unhandy) and moved systematically away from it. They may or may not have constructed a frankly undemocratic order, but their political systems have grown less democratic.

Outline of the Book

Nicaragua: Navigating the Politics of Democracy offers a perspective on the political changes that have taken place in Nicaragua since 1979. It is a work of contemporary political history that uses the concepts of political science to guide the research and structure its analysis. In writing it, I had two objectives: to present a fresh perspective on Nicaragua's political evolution since 1979, and to build the investigation around concepts drawn

from political science and use theoretical frameworks from that discipline to analyze the material under study.

More specifically, I employ concepts developed in the study of democratic transitions in the 1980s, notably the idea of a sweeping political transition and how it might or might not become an embedded element of a political system. These are combined with theoretical categories that have emerged in analysis of nondemocratic political systems since the mid-1990s. Among the most relevant of this group of concepts is the notion of a hybrid regime that manages to be both almost democratic and not quite authoritarian at the same time. Together, the two sets of analytical constructs provide a composite lens through which Nicaragua's history can be viewed and that allows key attributes with long histories in that nation's politics to stand out. Two of those attributes have been particularly significant: a propensity to produce regimes dominated by a single leader and a similarly strong tendency to practice polarized, "we are the embodiment of the good whereas they are evil personified" politics.

The material presented in this study comes overwhelmingly from secondary sources. I have done this for two reasons. First, although in the course of my field research over the past thirty-plus years I have talked with many individuals active in Nicaraguan politics, both practitioners and analysts, during the past decade I have only infrequently employed formal interviews. Thus I have used those conversations solely as background material that fed later reflection. Second, because Nicaragua is, in 2015, familiar territory to far fewer of those interested in Latin American affairs than it was thirty years earlier, I emphasize material that others, above all students, nonacademic professionals (such as journalists and development workers), and anyone with an interest in Latin America or problems of democratization can easily consult. For that reason, wherever possible I have used English sources or both Spanish and English ones. There are obviously instances where only material in Spanish was available, but my objective here has been to make as much of my material readily available to as many readers as possible. That imposes certain limitations on the work, but they are minimal.

Following this chapter, in Chapter 2, "Thinking About Regimes," I introduce the concepts employed in the book, set out the analytical lines that I develop, and lay the foundation for appreciating Nicaragua's transitions first to, then through, and now away from democracy since 1979.

In Chapter 3, "Nicaragua in 1979," I present an overview of Nicaraguan political history from independence in 1821 to the Sandinista revolution in 1979. I give special attention to two periods that were at least protodemocratic: the Conservative Republic (1858–1893), with a very limited franchise; and a series of three honest if still predemocratic elections (1924, 1928, and 1932), the 1932 election being organized and supervised

by the United States. Either of these experiments could have been the foundation for democratic rule, but both were overthrown by dictators, who restored caudillo-style personal rule.

The Sandinistas and their first regime are the featured actors in Chapter 4, "Radical Sandinismo and the Vanguard Regime," which covers the period from 1979 to 1984. Although this was not a democratic system, because revolutionary vanguard parties exclude the possibility of losing power in the regimes they establish, it nevertheless made Nicaraguan politics more open and pluralistic than it had been under the Somozas.

In Chapter 5, "Electoral Democracy, 1984–2000," I focus on what until now has been the longest-lived of Nicaragua's four post-1979 regimes. For more than sixteen years a recognizable, acceptably effective democratic political system confronted and overcame serious challenges—not least a foreign-financed insurgent war—introduced significant policy initiatives, and kept a deeply divided society from fracturing irreparably. What this regime accomplished, as well as who was dissatisfied with it and why, is detailed in the chapter.

In Chapter 6, "Power-Sharing Duopoly, 2000–2011," I turn to the political regime that marked the first step away from democratic government. At the heart of this system was a pact struck between President Arnoldo Alemán, a Liberal, and the Sandinista leader Daniel Ortega. The pact brought constitutional amendments that heightened presidential powers, while making the chief executive less accountable. It also converted such normally nonpartisan state institutions as courts and electoral commissions into partisan instruments, and it generally made the lot of parties outside the duopoly more difficult. Despite this power-sharing arrangement, however, the FSLN continued relentlessly to oppose the Liberal administration, and elections at all levels were straight fights between the two parties that dominated the political scene. How this regime worked and, rather more important, what caused it to stop working are considered here in some detail.

The next and now most recent step away from political democracy is the subject of Chapter 7, "Dominant Power and Personalistic Rule, 2011–Present." Like its two immediate predecessors, this regime came into being thanks to the efforts of the government of the day. In this case, it was the administration of Daniel Ortega, whose election in 2006 ended sixteen years in opposition for him and his party. During his first term back, Ortega set in place the framework for a new model of government. Some elements of the pacted system remained, notably the partisan control over courts, the electoral authority, and other usually independent institutions. However, the return of violence as a political instrument, strong indications of electoral fraud, and the vesting of ever more power in the president and his family all pointed to the formation of a new regime. The arrival of this new system was confirmed with the 2011 elections, which saw the collapse of the

Alemán Liberals and the consequent emergence of the FSLN as a hegemonic force.

In Chapter 8, "Putting Nicaragua in Perspective," I compare Nicaragua with three other countries where political transitions have led to, through, and from democracy: Hungary, Russia, and Venezuela. In each of these three cases, as in Nicaragua, determined individuals showed themselves capable of concentrating power in their own hands, halting movement toward democracy, and redirecting the course of political change toward either a semidemocratic hybrid regime or an unmistakably authoritarian one. I also address the question of how to classify the political regime found in Nicaragua.

Although it is unfortunate that Nicaragua is one of several countries that have moved away from a promising democratic political system toward a less open and accountable regime, examining how this has come about and why the shift has been successful affords valuable insights. One is that formal governmental institutions are not always able to channel the behavior of political actors in desired directions. That is because at least some of those actors will work very diligently to avoid the constraints the institutions were designed to impose and will have the resources to secure their objectives. Further, it suggests that the odds favor the actors who are dissatisfied with democracy where democratic institutions have shallow roots and clash with the received orthodoxy of how state power is to be gained and retained. Most troubling of all, even democratic systems that have worked efficiently and provided reasonably good government are not immune to failure.

Notes

1. Eric Mintz, David Close, and Osvaldo Croci, *Politics, Power, and the Common Good: An Introduction to Political Science*, 4th ed. (Toronto: Pearson Canada, 2014), p. 450.

2. Thomas Carothers, "End of the Transition Paradigm," *Journal of Democracy* 13, no. 1 (January 2002): 5–21.

3. The following are useful introductions to the politics of personal rule: Michela Wrong, *In the Footsteps of Mr. Kurtz: Living on the Brink of Disaster in the Congo* (London: Fourth Estate, 2000); Natasha Ezrow and Erica Frantz, *Dictators and Dictatorships: Understanding Authoritarian Regimes and Their Leaders* (New York: Continuum International Publishing Group, 2011); Erica Frantz and Natasha Ezrow, *The Politics of Dictatorship: Institutions and Outcomes in Authoritarian Regimes* (Boulder, CO: Lynne Rienner Publishers, 2011).