

MESOAMERICA

Volume 24, Number 9, September 2005



NICARAGUA

Institutional Crisis Worsens

President Enrique Bolaños called an extraordinary summit of Central American Presidents for 5 Sep as an international show of support as the inter-institutional crisis in Nicaragua was again elevated to precarious new levels during the last week of Aug.

With few domestic allies remaining, and confronting a growing threat of impeachment by the legislative National Assembly, Bolaños again was forced to turn to the international community—his last refuge—for help.

Despite allegations of campaign finance irregularities by Bolaños during the '01 campaign, the various Presidents of Central America and the US continue to support the Bolaños administration in its increasingly worrisome battle with the Daniel Ortega–Arnoldo Alemán power-sharing pact, which the president has accused of attempting to establish a new dictatorship in Nicaragua.

The pact, which is controlled to a great degree by Sandinista leader Ortega, wields great influence over Congress, the Comptroller General's Office, the Supreme Electoral Council and the Judicial System, including the Supreme Court (see feature story).

All these institutions are involved, in one way or another, in the systematic campaign against Bolaños: in Jan, Congress passed Constitutional reforms to strip the President of many of his faculties, and is now threatening to strip him of his immunity to face a judicial corruption probe; the Comptroller General's Office has provided the allegations of campaign-finance irregularities; and the Supreme Court on 1 Sep ruled to uphold the controversial reforms and loosened the jail terms of pact conspirer Alemán, allowing him free and unrestricted movement around Managua. The condition of partial liberty, known as "familiar coexistence," was granted to Alemán last month for health considerations, then immediately overruled by another court. The case was eventually appealed to the Supreme Court, which ruled to uphold the original sentence and relax the conditions of the former President's house arrest.

Bolaños, however, is determined like a cornered animal to fight the pact. The president blasted the Supreme Court as "corrupt," and refuses to acknowledge its verdicts regarding the constitutional reforms or Alemán's release.

Bolaños maintains that the constitutional reforms are illegal, citing a resolution earlier this year by the Central American Court of Justice that ruled the reforms were unconstitutional and inapplicable. The National Assembly and the Supreme Court, however, don't recognize the authority of the Central American court.

That situation of conflicting court rulings and warring branches of government has created a real internal crisis of governability that some fear could end in violence. The situation also puts the police and army in a very uncomfortable situation; state security forces are being ordered by all sides to "respect and uphold the Constitution." The only problem is that both the pact and the president now have two different versions of the Constitution: one that has been reformed, and one that does not recognize the reforms.

There is now an added sense of despair following the failure of Oliver Garza, the US' special diplomatic envoy to Nicaragua last month, who was unable to cajole Alemán's Liberal Constitutional Party (PLC) to leave the pact and reintegrate itself—without Alemán—as part of the so-called "democratic forces," which is a euphemism for "anti-Ortega forces."

Garza, the former Ambassador to Nicaragua who was credited (or blamed, depending on who you talk to) with playing a big role in Ortega's defeat in '01, on his last day in Nicaragua, 3 Sep, criticized the PLC as undemocratic and beyond redemption. Then he twitched his pencil-thin mustache, threw his hands up in the air, got on the plane and denied the steward's offer of headphones to watch the in-flight movie, an unconvincing and overdone "romantic comedy" with Ashton Kutcher.

The institutional crisis in Nicaragua promises to get worse before it gets better. The National Dialogue between the Executive Branch and pact died last April, and is showing no signs of being revived, despite the urging of the international community and Nicaragua's own military brass.

Ortega, who many blame for orchestrating the crisis from behind the scenes, has said repeatedly that the solution to the crisis will come with the next elections, which he hopes to win. But that is not until Oct '06, and many wonder if the crisis can continue to be escalated for another year without reaching a complete meltdown.

Ortega Married in Catholic Church

Former president and Sandinista leader Daniel Ortega on 27 Aug, married his partner of 27 years, eccentric poet and Sandinista Front color coordinator Rosario Murillo, in a Catholic ceremony celebrated by former archbishop of Managua, Cardinal Miguel Obando y Bravo.

The wedding was performed in a small chapel in Managua, according to Channel 23, the only media outlet present at the event. The couple has eight children together.

Former Banana Workers Could Land a Bunch of Money

A group of 150 sickly former banana plantation workers could be coming into a lot of money, if a US court in the coming months upholds a Nicaraguan verdict against Dole, Dow and Shell Chemical for producing and using a hazardous pesticide, known as Nemaqón, in the '70s and '80s.

In Aug a court in Chinandega, where the banana plantations operated in the past, ruled in favor of 150 Nicaraguan campesinos, ordering the transnationals to indemnify them to the tune of \$150 million, with individual settlements ranging from \$220,000 to \$1.4 million.

The farmers who allegedly worked with the chemical, which was banned by the US Environmental Protection Agency in '79, suffer from a variety of illnesses, ranging from sterility to cancer. Independent scientific medical evidence backing the claims is controversial and inconclusive, though.

Dole (formerly Standard Fruit Company) and the two chemical companies that produced Nemaqón deny that it is the source of the farmers' illness, and wash their hands of any wrongdoing.

The court case was the fifth verdict on behalf of the campesinos in past years under Nicaragua's controversial Law 364, which holds the transnational companies retroactively liable for damages incurred in the past. None of the prior rulings have been executed, despite attempts in courts in the US, Ecuador, Venezuela and Colombia, where the companies still have assets that can be embargoed for indemnification. The companies do not keep any assets in Nicaragua.

Lawyers for the ex-banana farmers, however, claim this case will be different, because it was the first in which the three accused companies presented legal defenses, and lost.

4 Die in Famine in RAAN

At least four children have already died in a famine caused by flooding and a rat infestation in 14 Miskito Indian villages in the North Atlantic Autonomous Region (RAAN).

The situation is expected to worsen unless food aid is not rushed to the zone.

Local Indian leaders, who claimed that food shortages had put more than 4,000 Indians living along the Coco River at risk, first sounded the alarm in the region in mid-Aug.

Nicaragua's health minister, Margarita Gurdian, put the number of affected villages at between seven and 14, but said she could not comment on fatalities because she has yet to receive a report from local medical authorities.

"They have lost all the food they had and now, if we don't attend to them quickly, death will continue claiming lives," she said. "It appears that nature has conspired against the Miskitos, but even more so the government and its institutions, which have systematically conspired to not provide the attention needed in that part of the country."

More than 90% of the Miskitos's crops were devoured by the fast-multiplying rats.

—Tim Rogers