

109TH CONGRESS
2^D SESSION

H. CON. RES. 252

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2005

Received

JANUARY 27, 2006

Referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress that the Government of the United States should support democracy, the rule of law, and human rights in the Republic of Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish the requisite conditions for free, fair, transparent, and inclusive presidential and legislative elections in 2006.

Whereas the United States is strongly committed to promoting democracy and the rule of law through the democratically elected government and the civil society of Nicaragua;

Whereas the Democratic Charter of the Organization of American States, of which the United States and Nicaragua are signatories, stipulates that “[t]he peoples of

the Americas have a right to democracy and their governments have an obligation to promote and defend it”;

Whereas after experiencing a revolution, loss of personal liberties, destruction of property, and economic instability a quarter century ago, the people of Nicaragua are committed to maintaining a democratic form of government that functions democratically and whose branches of government respect the rule of law and human rights;

Whereas in November 2001, during the last national election, approximately 90 percent of voters in Nicaragua turned out to vote, indicating a strong commitment to a free electoral process and self determination;

Whereas international observers, including representatives from the National Democratic Institute, the International Republican Institute, the Carter Center, and the Organization of American States, monitored the Nicaraguan elections of November 2001 and determined that the elections met minimum international standards and that the outcome reflected the will of the Nicaraguan people;

Whereas ex-President Arnaldo Aleman and Sandinista Liberation Front (FSLN) leader Daniel Ortega entered into an agreement, which is widely known throughout Nicaragua as “the Pact,” to exploit the legislative powers of the National Assembly to undermine the Nicaraguan Constitution, the Presidency of Enrique Bolaños Geyer, and key institutions of representative democratic governance;

Whereas polls indicate that an overwhelming percentage of Nicaraguans oppose the Aleman-Ortega Pact, and tens of thousands of Nicaraguans have taken to the streets in the past year to call for an end to the Pact;

Whereas in September 2005, the Secretary General of the Organization of American States warned that the attempt by the Nicaraguan national legislature to strip President Enrique Bolaños Geyer's ministers and other senior government officials of their official immunity had created circumstances that would have made the country ungovernable and generated endless conflict;

Whereas with regard to the attempt by the National Assembly through the operation of the Aleman-Ortega Pact to undermine the privileges of the Nicaraguan executive branch, the Organization of American States urged, in the strongest possible terms, that "the parties concerned enter into a broad and constructive dialogue, free of pressures and threats" and that the parties "respect the mandate freely conferred upon President Enrique Bolaños Geyer and the other elected officials by the Nicaraguan people";

Whereas the National Assembly, in reaction to pressure from the international community, in October 2005, voted unanimously to delay until after the term of President Enrique Bolaños Geyer expires in January 2007, the enactment of these constitutional amendments by approving the Framework Law for the Stability and Governability of the Country (Framework Law);

Whereas, although the enactment and implementation of the Framework Law has reduced the political tensions in Nicaragua, the practical effect of the Pact remains largely intact as Arnoldo Aleman and Daniel Ortega continue to wield near total control over the National Assembly, the Supreme Court, the Electoral Council, and the Comptroller's Office, and the Human Rights ombudsman's office;

Whereas free, fair, transparent, and inclusive electoral processes, in conjunction with strong adherence to the constitution and democratic institutions, are the bulwark against anti-democratic forces;

Whereas presidential and legislative elections in Nicaragua are scheduled to be held in October 2006; and

Whereas the prerequisites for free, fair, transparent, and inclusive elections have not yet been met, including securing a sufficient number of credible national and international observers, completing the distribution of voter identification cards, and ensuring that all qualified and willing candidates are permitted to contest the elections: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That—*

3 (1) Congress—

4 (A) condemns the continued operation of
5 the Aleman-Ortega Pact as detrimental to de-
6 mocracy in the Republic of Nicaragua, the fu-
7 ture of democracy in Nicaragua, and the sta-
8 bility of the entire region;

9 (B) denounces the previous attempts by
10 the National Assembly to encroach unconsti-
11 tutionally upon the powers of the executive
12 branch, undermine the governability of the
13 country, and advance the personal ambitions of
14 some of its current and former members;

1 (C) applauds the diplomatic efforts of the
2 Organization of American States (OAS) and
3 the Secretary-General of the OAS for dem-
4 onstrating the viability of the Inter-American
5 Charter as an increasingly effective instrument
6 in the Western Hemisphere for overcoming ob-
7 stacles that impede institutions, whether such
8 institutions are executive, legislative, or judicial
9 in nature, from governing democratically;

10 (D) concurs with the convening of a broad
11 National Dialogue to address the challenges
12 that confront the Nicaraguan people as they at-
13 tempt to build a more effective democracy; and

14 (E) supports the efforts of the Government
15 of Nicaragua and civil society to create the nec-
16 essary conditions for free, fair, transparent, and
17 inclusive elections in 2006, including by having
18 effective and robust monitoring missions by the
19 Organization of American States and other
20 international observers, supporting the training
21 of domestic election observers, assisting in the
22 auditing of voter rolls to ensure accuracy, pro-
23 moting the complete distribution without dis-
24 crimination of proper voter identification docu-
25 ments, and encouraging the lawful inclusion of

1 all qualified candidates in the electoral contests;
2 and

3 (2) it is the sense of Congress that—

4 (A) it should be the policy of the United
5 States to support democracy, the rule of law,
6 and human rights in Nicaragua and work coop-
7 eratively with regional and international organi-
8 zations to bolster Nicaraguan efforts to estab-
9 lish the requisite conditions for free, fair, trans-
10 parent, and inclusive presidential and legislative
11 elections in 2006;

12 (B) it should be the policy of the United
13 States to work through the Organization of
14 American States and other regional and inter-
15 national organizations to encourage political ele-
16 ments within Nicaragua to preserve, protect,
17 and defend the letter and spirit of that coun-
18 try's constitution; and

19 (C) to the extent that electoral or democ-
20 racy and governance assistance is provided, the
21 President of the United States should ensure
22 that such assistance is provided only for the
23 purposes of training election observers and en-
24 suring the integrity of the electoral process as
25 requested by the President of Nicaragua, that

1 such assistance be provided through nongovern-
2 mental organizations on a non-partisan basis in
3 the United States and Nicaragua, and that the
4 details of such assistance be made public on a
5 timely basis to promote transparency and ac-
6 countability in both countries.

Passed the House of Representatives December 14,
2005.

Attest:

KAREN L. HAAS,

Clerk.