Nicaragua

European Parliament resolution of 26 November 2009 on Nicaragua

The European Parliament,

– having regard to its previous resolutions on Nicaragua, in particular that of 18 December 2008 on the attacks on human rights defenders, civil liberties and democracy in Nicaragua¹,

– having regard to the Political Dialogue and Cooperation Agreement of 15 December 2003 between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, and to the Framework Cooperation Agreement between the European Economic Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama²,

– having regard to the European Union Guidelines on Human Rights Defenders, June 2004

– having regard to the reports of the EU expert team on the Nicaraguan municipal elections of 9 November 2008,

– having regard to the statements of Commissioner Ferrero-Waldner on the events in Nicaragua following the municipal elections of 9 November 2008,

– having regard to the negotiations under way on the signing of an Association Agreement between the European Union and the countries of Central America,

– having regard to Rule 122(5) of its Rules of Procedure,

A. whereas the Inter American Press Association (IAPA) has expressed concern at a series of actions and statements by the Nicaraguan Government that are stifling freedom of the press in that country,

B. whereas under Article 147 of the Nicaraguan Constitution, which was introduced in 1995, it is not possible to run for two consecutive presidential mandates and whereas President Ortega is attempting illegally to circumvent that provision in order to be able to run for a second mandate in the 2011 elections,

C. whereas only the legislature may pronounce on constitutional reform, and whereas the party in government, the Sandinista National Liberation Front (FSLN) does not have the necessary two-thirds majority,

D. whereas on 19 October 2009 the Nicaraguan Supreme Court of Justice met during the night, in the absence of three of the six member judges, who were not invited and who were replaced by three pro-government judges, and unanimously declared Article 147 of the Constitution unenforceable,

E. whereas all the opposition political parties represented in the National Assembly, as well as many civil society associations, lawyers and non-governmental organisations (NGOs), have rejected that judicial declaration as unlawful and have agreed to work together to safeguard democracy and the rule of law in Nicaragua,

F. whereas the judicial declaration was immediately welcomed by the member countries of the Bolivarian Alliance for the Peoples of Our America (ALBA),

G. whereas, during a visit to Nicaragua, a delegation from the group Liberal International was threatened and insulted, and its president, Johannes Cornelis van Baalen MEP, was even threatened with expulsion from Nicaragua and declared persona non grata by the Sandinista authorities,

H. whereas there has been a regression of democracy in Nicaragua since the alleged fraud in the municipal elections in 2008, the attacks and acts of harassment which have been directed towards human rights organisations and their members, as well as journalists and media representatives, by individuals, political forces and bodies linked to the State authorities,

I. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must be an integral part of the EU's external policies,

J. whereas the European Union and its partners, when concluding third-country agreements which include a human rights clause, are assuming responsibility for ensuring compliance with international human rights standards, and whereas such clauses are necessarily reciprocal,

K. whereas the European Union should exercise greater control over the use of funds given to Nicaragua for development projects in order to ensure that none of the money falls into Sandinista hands,

L. whereas the United Nations, the European Union, the United States of America and several Nicaraguan NGOs have expressed concern over the lack of transparency of recent elections,

1. Deplores the numerous attacks and acts of harassment to which human rights organisations and their members and independent journalists have been subjected by individuals, political forces and bodies linked to the State;

2. Condemns amendments to the Constitution which infringe the Nicaraguan constitutional order, in particular the legally questionable tactics used by the Nicaraguan Government involving pro-government judges in the Supreme Court of Justice;

3. Calls on President Ortega to respect the Nicaraguan Constitution, which prohibits Presidents from serving for two successive terms in office, and points out that only the legislature may pronounce on constitutional reform and that there are no circumstances under which the courts may do so;

4. Considers that President Ortega's attitude reflects his scant understanding of and respect for democracy, the rule of law and the exercise of basic fundamental rights, such as freedom of expression and political association;
5. Supports all those in Nicaragua who are against the violation of the constitutional order perpetrated by the Government authorities, and calls for that order to be re-established without delay and for the judicial declaration of 19 October 2009 to be annulled;

6. Condemns and deplores the threats, insults and intimidation to which the Liberal International delegation, headed by Johannes Cornelis van Baalen MEP, was subjected, and expresses its solidarity with the members of that delegation;

7. Deplores the conduct of the municipal elections of 9 November 2008, with manoeuvring on the part of the Nicaraguan Government to disqualify opposition political parties, numerous polling irregularities, allegations of electoral fraud and a refusal to accredit independent election observers, whether foreign or local; calls on the Commission to send an EU election observation mission to monitor the forthcoming presidential elections;

8. Deplores the fact that the Organisation of American States, which is normally so diligent in dealing with other problematic issues, did not see fit to comment on such a clear violation of the constitutional order of one of its member countries;

9. Points out that, during the negotiations on the Association Agreement between the European Union and the countries of Central America, Nicaragua must be reminded of the need to respect the principles of the rule of law, democracy and human rights, as upheld and promoted by the European Union;

10. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of the Organisation of American States, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, the Government and Parliament of the Republic of Nicaragua and the Supreme Court of Justice of Nicaragua.