

YALE-UN ORAL HISTORY

Mariano Fiallos
James Sutterlin, Interviewer
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Managua, Nicaragua

James Sutterlin: This is a Yale project recording of an interview with Mariano Fiallos, former President of the Supreme Electoral Council of Nicaragua, in Managua on July 29, 1997. The interviewer is Sutterlin.

In beginning to discuss developments in Nicaragua, I would just mention that in my understanding the United Nations had pretty broad functions here at the time of the elections and the transition. The first was the verification of elections, the preparation for free elections. Second, was the verification of compliance with Esquipulas II. Then, the third was assistance in the demobilization, the disarmament, the repatriation and the reintegration of the Nicaraguan resistance into Nicaraguan society. So, I would propose that our discussion be focused on those three areas. I would begin, because I know of your Presidency on the Supreme Electoral Council, by asking some questions and for your comments on the matters relating to the elections in which there was a transition of government.

The first question I have really is what was the relationship between the election council and ONUVEN, the United Nations organization?

Mariano Fiallos: Yes, there was a relationship, but it started in March 1989. Actually, the Electoral Council had been in action since '84 and we had some connections, not with ONUVEN but with PENUTA and other people in order to get an

electoral organization set up in Nicaragua for the 1984 elections. They were also observed, but not by the United Nations, just by countries belonging to the United Nations and private organizations. When the United Nations arrived, one of the problems that we had, as an electoral organization, was that the elections had been advanced from November to February, as a result of the accords in Costa del Sol, after Esquipulas.

So that at that time, we were involved in the elaboration of a new electoral law to make this law accord with the accords of Esquipulas. The first task of the United Nations related to electoral matters was to watch the National Assembly and to examine the new electoral law that was being enacted. They stayed here from March until May, a mission that was smaller or greater depending on the stage of the electoral process. They came here and the head of the mission was Iqbal Riza from Pakistan and the second in command was Horatio Boneo from Argentina and then came other . . .

JS: Let me just interrupt there for a moment. Elliot Richardson was the Secretary-General's Special Representative. Did you have contact with him?

MF: Yes. Very much, but he came later. He came later and just a few times. Iqbal Riza and Boneo headed the working team here. Then the President of the United States apparently wanted to have someone in whom he had confidence. Apparently, the United Nations was glad to do it and appointed Elliot Richardson. The government here was not very glad about it – the Minister of Foreign Affairs – at this turn of affairs. But I had some contacts with people who knew Mr. Richardson and I had the history and I was very satisfied that he was selected as the head of the mission, as the Personal Representative of

the Secretary-General. When he came we had several meetings up to the day of the elections and afterwards. He was, I think, very helpful in convincing the political parties and the government that the electoral organization was doing well, in the sense that it was preparing to do a good election and we had the expertise and also the will, the political will to do it.

We developed a very good relationship. I visited him later in Washington, DC at his office; he invited me. One of the big differences between elections here and – you mentioned Cambodia – also, you did not, but I will mention Namibia. In those cases, it was the United Nations that organized the elections. In the case of Nicaragua, it was the Electoral Council of Nicaragua, which organized the elections and the United Nations – what they did was a matter of verification, investigation and also they were very good at giving some advice, which I usually took as a President and transmitted it to the other members of the Electoral Council. There was a big difference that is important between Cambodia and Namibia and other places and Nicaragua at that time. Besides, there were here very, very, many other observers who were not the United Nations. There was the organization of American States, President Carter's organization; but the two more important ones in the sense that they did go to the whole country were the United Nations and the Organization of American States. They collaborated with us in the sense that they gave technical advice on how to organize the elections and also they did a good job, from my point of view, of helping to convince the political parties, including the government political parties, that the Council was capable and willing to do a good job.

Of course, they had been examining the 1984 election which had some problems but which were not problems of technical organization as to having the voters come to the

voting booths and vote. There were problems of the climate surrounding the election. But I think that the Council, at that time, did a very good job, technically speaking. Now, it was recognized by observers in '84. So, '84 is important because it was the antecedent that permitted Nicaragua to have an electoral organization capable of fulfilling the expectations of Esquipulas, the Central American Presidents, the OAS, the United Nations, etc. This is very important, from my point, because they did have little trouble, the verification team, have little trouble, having to do as they did in other countries, much more than they did here. Because it was organized.

I know that because later I went to Haiti, to Angola and to Mozambique with the United Nations – Mozambique and other places and I saw what the situation there was and saw the difference between the organization there and the work of the United Nations there and the work of the local authorities. Even in Mozambique the United Nations convinced the President, Joaquim Chissano the parties that a mixed national Mozambique and United Nations tribunal should be set up as a last resource and I was a member of that tribunal.

You were asking what the relationship was – it was very good with the UN team.

JS: And ONUVEN was helpful to you?

MF: Very helpful in two aspects: technical and political, which I have mentioned.

JS: You might be interested – this is not part of the interview – but, you mentioned Namibia and actually, when the elections were being prepared here, the Secretary of

State, Jim Baker, wrote to Secretary-General Pérez de Cuéllar expressing some dissatisfaction with the way things were going here and said he wished that the Secretary-General would arrange to have the elections in Nicaragua the way they were in Namibia. The Secretary-General wrote back, with exactly your answer, and said, “The situation is totally different.” Namibia is a new country whereas Nicaragua was a sovereign state.

MF: We have been doing elections since 1810. Not very good elections, perhaps, but we had a lot of experience on what to do and what not to do. So, we had 180 years in doing elections. Not universal suffrage, because in 1810 nobody did elections with universal suffrage. But in 1810 we did elections as they were done in other parts under the Spanish crown in the period of the Napoleonic invasion.

JS: Tell me, the UN organized a quick count of the elections which, at least, from the UN point of view, was seen as quite important because that information was available very early and permitted some direct contact with President Ortega, at that time. Did you find that this was important and did you have access to this same information?

MF: Oh, yes certainly. I already knew that they were doing that because I was working with Horatio Boneo. You know that quick count, to be effective, had to be based on the sample – the sample has to be representative. The information from the units of the sample had to be authentic. All of those characteristics of the good count were put there by the United Nations. I gave on that subject all the information that was needed without making it public, to the United Nations mission here so that they could have the sample.

Then we reached an agreement that a copy of the “deed” of the Junta containing the opening, closing, counting and classifying of the votes, called the *acta*, the *escrutinio* in Spanish, I don’t know how to call that in English.

JS: It’s scrutiny or record.

MF: Was to be given to all of the UN observers. It was, in fact, given to them, and they used very quick means of communication. They had several jeeps for vehicles. They had decent, very good means of communication with radio. At 9:38, I was given the results that were between half a percent of the final actual results. It was a very good – and it was the only one. The OAS did some similar work but they were very behind. They did not have the information. Later on they used actually the resources of the UN. I had the results in my office – not in my office, in the headquarters of the elections in the Managua Convention Center and they were ready at 9:36 or 9:38. Horatio Boneo gave me that and then he said that we should sign. He was so sure that they were going to be exactly the results, and they were. I informed both the government party and the opposition parties.

JS: You did, as soon as you had that information. I believe that Elliot Richardson and Baena Soares both went to see the President, is that your information on that night?

MF: Yes. He had that report and I also informed Antonio Lacayos and Alfeo Cessa – they were the representatives at that time – and other representatives of the political

parties. But then the important ones, at that point, were the ones who were nearer 40 or so percent. That was, anyhow, a very tense evening. We had an accord with the political parties. When I say we, I mean the Electoral Council, not to release any information before midnight or before it reached at least 15 per cent of the total number of polling places or polling stations. I think you call them, in the United States, polling stations.

JS: Either one. Polling places.

MF: Polling places, polling stations. Anyhow, there was a lot of pressure to release the information direct from the juntas before – but I did not. This agreement had to be fulfilled, in my opinion. It had been signed by both Antonio Lacayo and Alfeo Cessa and by somebody else, I don't remember just now. It was also undersigned or witnessed by Elliot Richardson and Iqbal Riza way before the election. The idea was to avoid having the release of the information affect the outcome – not necessarily on the voting but on the performance of the counters, the ones who were going to transmit – we must remember that the transmission was also made by us.

JS: It was made by you.

MF: The quick transmission of results was organized by us with people from the government communications office. But the responsibility was ours. So, it was very important that all the information was transmitted, most of the information, at least even if it was not yet processed. So, it caused a moment of – a few hours of high tension.

Personally, I still think it was necessary to do that – otherwise, there could have been problems. Not with the government or the political or the *Frente* people – more the people who were there. Also, the people from UNO, if they had this information, too they would tend to be in a festive mood. Of course I was looking at the results and saw actually it was UNO that was winning. Anyhow, when we did the agreement, it was not known, so it was for both possibilities. I think that it was a very good decision to keep that agreement. Besides, I am a lawyer and have been formed on the idea of *pacta sunt servanda*.

JS: Let me ask you, perhaps, a delicate question. Do you think that the presence of the United Nations and of the OAS was helpful in assuring that the results of the election would be respected by the government?

MF: Yes, I think so. Because, I think that the government, in this case, the Frente was totally convinced that it was going to win. Even though some people from the party, and some people outside of the party had been warning, including me (I belong to the party) that the victory was not so sure as they were thinking; but they continued to be [certain] – that would be a very dangerous moment because it was really, I think – I mean I know it was – a surprise. They did not know how to act; they were not psychologically or politically prepared for losing. I think that the intervention, at that moment, and the presence of the United Nations, the presence and conversations with Elliot Richardson, and the OAS and Carter were important. They were coming and going from my center of operations.

JS: They were speaking with Mrs. Chamorro, I think, that night.

MF: Oh, yes. Because, on the other hand, although the conviction was not so strong on the part of the people of the ONU, they were not ready for winning. The Frente was not ready for losing. ONU was not ready for winning. Both of them came as a surprise – more of a surprise to the Frente because they were so sure. They did not listen to anything that would be against that belief.

JS: After the elections were over, both President Ortega and President-elect Chamorro requested the United Nations to let ONUVEN stay for a while to assist in the transition. Was that important, from your point of view? Do you think that there was something helpful that UNAVEM could do at that point?

MF: In that respect, I would have to express a caveat, in the sense that I was in the middle of the part we have been talking about. I was part of it, an actor – with other people, of course, the other members of the Council, and so forth. In that second part of this – once the electoral results were recognized and we began the process of very fine solving of the disputes about the votes, – the other part, I was excluded from the process of changing from the Ortega administration to the Chamorro administration – not because I didn't want to live with that. I didn't have either the time or my position did not ask for that. That period was very difficult for us because we had to verify each junta, electoral votes, and we have four thousand and then all of the material – electoral material –

brought to the regional centers (there were nine) and also to keep custody of them and finally announce the provisional results – announce the results of a provisional character and then after reviewing any complaints, disputes or appeals from the parties – give the final results. That was something in which we didn't have any interference from any party. I can speak as a citizen, I think that it was good.

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MF: The people in Nicaragua thought that once the election was won we should erase the Ortega government and its actions or resolutions or what ever. Of course, that was not only a political mistake but, in my point of view, it was impossible to accomplish, at that moment. Many people thought that the accords that were reached, some of them public, some of them secret were a treason to UNO that had supported Mrs. Chamorro. I think that it helped to keep the country going. Now, I should add that the same point of view is being held toward the present government in the sense that Aleman has not done all he should to erase all Sandinista influence and all Chamorista influence from the government and to take back everything to the position before '79.

JS: Let me ask a question in this connection. I was just in El Salvador last weekend and spoke with former President Cristiani on this subject and he said that in El Salvador he thought the electoral process was now in good shape with the help of the United

Nations, but that the final test had not been made. That is, the transfer of power and the president and he didn't know yet whether El Salvador could do that. My question to you, is: Now that you have had quite a number of years and you have had a further election. Do you feel that on the basis of the experience that you have in the past that orderly transfer of power is now possible and likely here in Nicaragua and for the future?

MF: Here, I think, that I would have to separate what is the electoral process from what the acceptance of that process is and the implementation of the results is.

JS: That's the distinction that Cristiani was making.

MF: You may have an excellent electoral organization or a good one or even a visionary good one and the results would not be accepted. That's the defect of the electoral organization; it means it has not been able to convince the people and the parties that there is peace. That happened in Angola. The election was not so bad; there were some mistakes made by the observers of the United Nations at the moment of the declarations of the final results. But the problem was that they were not accepted and they are still fighting. The last news I listened to or read was that Zvimbi was again worried about the problem that he would face with the fall of Zaire's government. Because he controls, he was being helped by the former president and he controlled the northern diamond producing area.

So you have an example that in El Salvador, I would have to say that the electoral organization of El Salvador is good, but it's not excellent in the sense that it has political

representation all around and in the case of Nicaragua, the 1996 election deteriorated. It is for me – I should not be perhaps saying that in the sense that I am out of it and some people could feel that it would be just putting down what I am not doing. But, the problem is that the National Assembly in the end of 1995 did a lot of changes in the electoral [system] that motivated my resignation. So, I am not saying this today – I said that publicly in January 1996 and tried to make – to have the electoral – the National Assembly revise the changes that they were doing just less than a year before the election. Usually, there is a rule that you don't change the rules of an election. So, those changes could not be implemented until the law was duly enacted or promulgated. After the Council, itself, had been able to change – because, that law, among other things, forced the Electoral Council to change all its personnel in the department, some 58 new officers. That could not be done right away, as it was, it had to be done in April. You had new personnel in the key positions around the country, six months before the elections. So that's the reason why I resigned in January. So I am not saying this after the fact – I said the same before.

I think that the administration of the present Electoral Council did very well considering the circumstances. It was forced to change its personnel, it was forced to appoint people from lists presented by the political parties, et cetera. At present, there is one factor. The credibility of the electoral process has been diminished. I think the blame resides in the politicians in general and the National Assembly in particular. Not the executive. Doña Violeta was not involved in that – the government. On the contrary, they were helping or trying to help in that vision of the electoral law. Second, the problem is that President Ortega was totally convinced of his winning. He wasn't ready

to transfer power. But he did. There was a tremendous world awareness of that problem and he readily, after he talked to me about that, accepted his defeat at 6:00 in the morning. By then, the Council had the results, at 6:00 in the morning. He called me and Antonio Lacayo called and told me that those results were liable to change and I said we had 88 percent of the votes and it was impossible that they were changed – the result of the election. Not totally impossible, I corrected myself, I remember that very well. But the probability would tend to be zero. I am a lawyer and I studied statistics. That was in 1990. Now, in 1996, the results were very late in coming, very late, very, very, late. That was the problem. There was no re-election involved; that is in favor of acceptance. But the government wasn't committed. Had the second party been with Antonio Lacayo perhaps a situation similar to 1990 would have produced – I am totally sure that Doña Violeta would have never gone against the results. Or Antonio Lacayo. I am totally sure; this is a personal belief. But now, in the future, you have lack of confidence by the people in the politicians. Not total lack – but the confidence level, let's say, has gone down. I tried to speak – to correct myself – when I find myself speaking as a politician but it is down. We have to wait what happened with these dialogues, et cetera, to be able to make a forecast.

JS: That leads me to my next question, which is, again, to you as a very wise observer. One of the purposes . . .

MF: Let's make it just "observer".

JS: In any event, one of the purposes of the UN, of course, was in fact, to strengthen the institutions of democracy; to encourage the reintegration of the resistance through retraining of the police and obviously through assistance in the elections. In other countries, El Salvador and South Africa, for example, they have had truth commissions in which the United Nations has participated. You had something like that here but it was not – and the United Nations, I think, did not participate in it.

MF: Not really a commission, just a verification or – but it didn't work. I don't mean that it didn't work – it was not willing to work. I mean it was not meant to work.

JS: Then, my question really is – is this an essential part of the democratization process? In other words, the absence of the Truth Commission here, has this hindered the reintegration of Nicaraguan society? Would it have been better to have had a truth commission in which everybody admitted their guilt in order to avoid some of the divisions that, as you say, still exist?

MF: I don't think so. Because in El Salvador the Truth Commission functioned very much. But I am totally in agreement with President Cristiani in the sense that the real issue is still to be – the real test is still to come. I don't think that in El Salvador which is the one that I know – that the Truth Commission did – I think that truth commission are very well for a specific thing, but not for a country.

JS: You indicate that Nicaragua specifically – where there do remain quite a few – well distinctions even and hostility between different groups in the country, that this would not have helped.

MF: Well, perhaps. It is very difficult to give a no or a yes. Perhaps. But I don't think very much. I think that what we are witnessing, now, in Nicaragua, is a very difficult situation in which you have to take into account first the economic problem, the unemployment among other things. Then you have to take into account that the former government was very successful in some of the things that they did like stabilizing the currency; but in applying the conditions of the financial world institutions it did not create the conditions for production to progress. It's not been going. I think that, without that, the situation will aggravate.

The second is that the former government was headed by Doña Violeta who is a person that has personal style and the style was tending to eliminate friction as much as possible. She did that not only with the Frente; she did that with the Contras and she did that with Aleman. That has radically changed so we have now – we don't have the promising future as to of economics and we don't have a president of the government who is trying to oil the machinery. Make it just move. Of course, you realize that in that case – I am very personal.

JS: Yes. I know. That is what I asked for. I want to ask your personal view on another question. You mentioned the economy. There have been various UN organizations involved in providing financial or economic assistance including the

financial institution. Have you noticed, in observing here, conflict between the programs of the various UN assistance organizations or have you had the impression that they have worked fairly well together?

MF: No, I haven't noticed. I haven't noticed, but I haven't looked

JS: Because in some places that the World Bank and the IMF have insisted on conditionality, you mentioned that. The UNDP has had a more humane approach. It did cause trouble in El Salvador but I didn't know whether you had noticed trouble here in Nicaragua.

MF: No, not that I have noticed. You see what happened, from my point of view, is that the governments beginning in 1988 with the Frente government have been in such need for foreign assistance that they have been pushed or forced to do many things that were against their own thinking. In 1988, there was a currency exchange; something that was called *compactación*, I think, to reduce the size of the government. It was not successful; that was in February 1988. It was practically the beginning of the electoral process and you know that electoral campaigns tend to raise good intentions. It did not work – Doña Violeta complied – but it caused a lot of problems and at present it is causing a lot of problems. But then the question is it absolutely necessary to put into action those changes that caused so many human problems – family problems in the country, the society. Are they absolutely necessary to produce more which is the basic

problem? I don't know. I would not apply them in such a way but I don't think it can be answered scientifically. It would have to be a political decision, an emotional decision.

JS: Another general question which is a political question. That is the success with which in Nicaragua the resistance has been reintegrated into society. The UN had a special responsibility to do that in terms of CIAV which was mainly OAS inside Nicaragua but also ONUCA had some responsibilities there. Was this successful, do you think? Were these programs helpful in the reintegration?

MF: Yes, I think so. Because, otherwise they have been reintegrated – the groups that are still using arms are more the responsibility of the Nicaraguan society and government in the sense that they have not dealt with them. I wouldn't have the recipe to do it, but you can see that government still has not dealt with that. In this case I mean the two governments both Doña Violeta's and, so far, Aleman. And also the Assembly I mean because it is the seat of power.

JS: A question that I had, in this connection, also, relates to the OAS and the UN. Did you detect personally, or did you sense, any difference in the impartiality of the two organizations?

MF: They were first – I would have to say, to some extent, not cooperating.

JS: They didn't get along?

MF: It happened. The OAS, in 1990, was for me, from my point of view, was the same organization as the United Nations organization. Then, after 1990, the OAS has been more inclined towards the positions of the conservatives – very conservative. I don't know if that answers your question. It has not been impartial in these elections – it was not. They were giving declarations that were very improper.

JS: They were? In this most recent election?

MF: In the 1996 process. It was one added problem for the electoral organization.

JS: For that one, the United Nations was not present.

MF: No, wasn't present. In 1990 they did not do that but in 1996 the OAS did. The head of the mission here was Mr. Santamaria. I personally think he was a very bad choice from the OAS. Because he was first a member – a national from one of the countries from the region that had been involved in El Salvador against the Frente. Second, he was a member of the party, ARENA. That was a part of this problem. So I think that they should have chosen somebody from elsewhere. Secondly, he gave many interviews to the press in which he went beyond what his task was and obviously he was trying to discredit the liberal parties. Now, whether that was – I should correct myself, in the sense that it was not he, it was a commission – whatever personal ideas he had, I do not know but the electoral process was being discredited until October the 20th by the liberal politicians and

also the OAS did some damage to that. After October 20 it was the Frente that began to discredit the electoral process. Again, I have to say that I did say that publicly on November 6, because I considered that the Frente was not acting correctly.

JS: I would judge from what you are saying that, in your view, it would have been useful to have the United Nations here.

MF: Certainly. But they did not – the government did not want it. It was something that I realized in October of last year because they did not want to ask the United Nations. I think that was a policy not of the United Nations but of the US government that the United Nations was considered to be outside of the province.

JS: Just to clarify. I don't think the US had anything to do with it. In back of this there is a larger question that I would like to ask. Pérez de Cuéllar was very reluctant, actually, to agree to the first request for assistance because of his training as a lawyer and his respect for the position in the charter on not interfering in domestic affairs. Actually, he eventually came to the view that the elections in Nicaragua had an importance in terms of the peace process so that they were of international security importance and, therefore, it was justified to come in and help prepare the elections – monitor the elections, and so forth – without bothering about interference in the sovereignty of Nicaragua. Did you have the impression, at the time, that there was a problem of interference in sovereignty by the outside elections monitoring by the United Nations?

MF: Oh, yes. Depends on how you define sovereignty. You see sovereignty is a very difficult subject to define. Now, Nicaragua is a country, at that time in 1990, it was in a very difficult situation – it was an explosive situation. How sovereign can you be and how sovereign can we be now?

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JS: We had discussed the partiality or non-impartiality of the OAS. Did you have any problems with any of the UN personnel that were here in the course of the elections?

MF: No. Neither with the OAS. They behaved. Of course there are many people who think that Iqbal Riza was pro-Sandinista. If you interview some radical right leaders and ask that question you will get that answer, unless they don't want to. Nicaraguan politicians sometimes are very careful.

JS: The last question I would ask is: What do you think is the lasting impact of the United Nations' participation in the electoral process and also the transition process?

MF: I have to answer that question, because you got me in a very pessimistic moment.

JS: Just look at Cambodia. Not that I would compare . . .

MF: No, no. I was going to mention that but – this is a situation in which a lot of money was spent, action was taken, the elections were held. Just now it looks like we are going back to the ‘80s. Yes, I have been reading about Cambodia. But in Nicaragua, the problems – at present I am pessimistic, so don’t take my point of view about this issue. Take it with a grain of salt.

JS: Because again, I asked this because it is more or less a philosophical question but it is part of the present philosophy of the United Nations and also a good many academicians at Yale. That is that democratization is important in terms of the human rights of the people. But it is also important in terms of the prospects for peace. Because countries that are democratic, at least in recent history do not fight against each other and they are less likely to have internal struggle if there is, in fact, that degree of democratization. Even ethnic conflicts seem to be less likely in fully democratic countries. Really, my question is: To what extent do you think that the United Nations’ can and should participate more directly in developments in a country such as Nicaragua in order to continue to assist in the process of democratization?

MF: That’s an issue question. My answer is yes. Because although it is very difficult to substantiate empirically a betterment of conditions, I think that Nicaragua as a country – going back to the idea of sovereignty – which can not get away without some kind of organizational country intervening in some degree. I personally prefer the United Nations. My answer would be yes. Now, the idea for me would be that the people here

are suffering with problems that need help – from my point of view, the World Bank and the Monetary Fund have very non-humane points of view and try to apply recipes – or appear to do so with less humane things in mind. That is my point of view.

JS: Very good. Thank you very, very much.