

Managua, 1st January, 2019

**To the Ministers of Foreign Affairs of the
Governments of Latin America and the Caribbean**

Dear Brothers and Sisters;

Last December 28th, through a communication to the Vice Presidency of the Permanent Council of the OAS, Secretary General Luis Almagro requested an urgent meeting of the Permanent Council with the illegal and illegitimate purpose of promoting the application of article 20 of the Inter-American Democratic Charter against Nicaragua, on the grounds that there has been an alteration of the constitutional order.

The decision of the OAS Secretary General, Luis Almagro, to promote the application of the Inter-American Democratic Charter to Nicaragua, is unprecedented, illegal, without legal basis and contravenes the very same Inter-American

Democratic Charter and the Charter of the Organization of American States.

We must remember that the Democratic Charter was conceived as a means of restoring democratically elected governments and a mechanism against coup d'état and the deposition by force of democratically elected Presidents, Heads of State and Governments; practices that have caused harm to the peoples of Latin America and the Caribbean.

In its Preamble, the Democratic Charter takes up the Commitment to Democracy and the Renewal of the Inter-American System, in which **the Ministers of Foreign Affairs expressed their determination to adopt a set of effective, timely and expeditious procedures, to ensure the promotion and defense of representative democracy, within respect to the principle of non-intervention;** from which a mechanism of collective action is established in the event of an abrupt or irregular interruption of the democratic institutional political process or

the legitimate exercise of power by a democratically elected government in any of the Member States of the Organization.

In Nicaragua, the democratically elected legitimate government is the Government of Reconciliation and National Unity, led by the President of the Republic Comandante Daniel Ortega Saavedra until the year 2021, according to the Nicaraguan Political Constitution and Electoral Law.

The Inter-American Democratic Charter does not empower Secretary General Luis Almagro to support coup groups against the State and the legally constituted Government of Nicaragua, as Mr. Luis Almagro has done in violation of the Charter of the OAS and International Law, pretending to drag Member States into his irresponsible and illegal actions against Nicaragua, a Member State of this Organization.

The Democratic Charter is respectful of the principles of non-intervention, sovereignty,

self-determination and the prior consent of the affected government to activate the Democratic Charter. These requirements are being illegally, maliciously and perversely ignored by Secretary General Luis Almagro against the people of Nicaragua and their democratic, legal and legitimate government.

It is necessary to clarify that the exceptional circumstances considered in article 20, by which the Secretary General, or any other of the Member States, can only and exclusively be applied when the Government of the concerned Member State cannot request a convening of the Permanent Council because there has been "an alteration to its constitutional order that severely affects its democratic order" in other words when a consummated coup d'état has overthrown the democratic government, which has not occurred in Nicaragua and therefore Secretary General Almagro's request of an urgent meeting of the Permanent Council to apply article 20 of the Inter American

Democratic Charter against Nicaragua is illegal, null and inadmissible.

Article 20 of the Democratic Charter cannot be interpreted attributing a legal sense of displacement or of substitution of the sovereignty of the States, allowing the Secretary General to take decisions outside his purview, since they are sovereign competences and attributions of Governments. There has been no will on the part of the States to convert the Secretary General into a kind of guarantor or vigilante of democracy in the Inter-American System.

Considering the above, the Constitutional Government of the Republic of Nicaragua reaffirms that given the current circumstances of our country, the Secretary General lacks the authority and legal basis to convene an "immediate and urgent" meeting of the Permanent Council based on article 20 of the Inter-American Democratic Charter.

For the aforementioned reasons, the constitutional Government of the Republic of Nicaragua affirms that the Secretary General of the OAS is not authorized under the current circumstances of our country to request the immediate and urgent convening of the Permanent Council based on Article 20 of the Inter-American Democratic Charter.

We alert Member States and request not to allow or support these unfounded actions that affect peace, stability and friendly cooperation between our peoples and governments.

On the other hand, it is evident that the Inter-American Democratic Charter has as an essential objective the preservation of the democratic and constitutional order of Member States, which is to be preserved from any rupture or alteration that threatens or impedes the "legitimate exercise of power by a democratically elected government", and not a de facto government resulting from a coup d'état, as it was attempted in Nicaragua.

We must remember that the government of the Republic of Nicaragua was elected in 2016, for the period 2017-2021, with the favorable vote of 72.44% of Nicaraguan voters, through a process of free universal and internationally supervised suffrage, and enjoys the recognition of the international community.

As of April 2018, opposition sectors, sponsored and financed from abroad, launched a series of acts of terrorism through assassinations, kidnappings, torture, damage and burning of public and private property, obstruction and destruction of roads and highways, all with the purpose of destroying the constitutional order of the country, causing a rupture of the democratic order to force a de-facto change of government, constituting this an attempted coup d'état that affected peace, security and the stability of the Nicaraguan people, and which has been neutralized by the State and government of Nicaragua, that continues to function normally.

In the context of such events, the Government of Nicaragua, acting in good faith, convened a National Dialogue, having the Nicaraguan Conference of Bishops to act as mediator and witness. This dialogue became a media scenario that highlighted the main objective of the authors of the terrorist coup, who demanded the deposition of the President and Vice President of the Republic, who were democratically elected for the period 2017-2021.

The Organization of American States had the obligation, according to the Inter-American Democratic Charter, to support the constitutional and democratic order in Nicaragua against the violent acts that sought its destruction. Instead of assuming this responsibility, the OAS Secretary General, Luis Almagro, chose to support the terrorist forces, encouraging the rupture of the constitutional order of Nicaragua, in an open violation of the law and his obligations as Secretary General of the OAS.

The actions of the Secretary General of the OAS, Luis Almagro, are contrary to the spirit of the Inter-American Democratic Charter and are detrimental to the

purpose of said regional instrument, which is the preservation of Member States constitutional and democratic order, whose governments have been democratically elected, such as in Nicaragua.

The Secretary General Luis Almagro's pretension to activate the Inter-American Democratic Charter against the government of Nicaragua constitutes a flagrant and unacceptable violation of said Charter, as well as an inadmissible intervention in the internal affairs of Nicaragua, a conduct prohibited by the International Law, the Charter of the OAS and the Charter of the United Nations. The principle of non-intervention must be remembered as an essential pillar of the regional system, and an inevitable factor for guaranteeing peace, as well as the sovereignty and self-determination of States.

The argument of the Secretary General of the OAS in his invocation of the Inter-American Democratic Charter when asseverating that "an alteration of the constitutional order has occurred there, which seriously affects its democratic order" is baseless and is used to justify interference in the internal affairs of Nicaragua.

According to the Political Constitution of Nicaragua, independence, sovereignty and national self-determination are inalienable rights of the people and foundations of the Nicaraguan nation. Any foreign interference in the internal affairs of Nicaragua or any attempt to undermine those rights, threatens the life of the people and it is the duty of all Nicaraguans to preserve and defend these rights.

Likewise, our Political Constitution establishes that national sovereignty resides in the people and it is exercised through democratic instruments, deciding and participating freely in the construction and improvement of the economic, political, cultural and social system of the nation. The sovereign power is exercised by the people through their freely elected representatives through universal, equal, direct and secret suffrage, without any other person or group of persons being able to claim this representation.

Nicaragua is an independent, free, sovereign, unitary and indivisible State. It is a democratic Republic. Democracy is exercised directly, participatory, and representatively. The derivatives functions of the Sovereign Power are manifested through the Legislative, Executive, Judicial Power and Electoral Branch, who have specialized and separate functions,

cooperating harmoniously with each other for the implementation of their purposes.

According to our Political Constitution, the different Powers of the Nicaraguan State work in a harmonious and respectful way, within the scope of competences that the respective laws establish for each one. There is no conflict in Nicaragua between the Powers of the State, what exists are groups of terrorists who tried to snatch and obtain power through de facto and not through the mechanism of free and democratic elections established in our Political Constitution and in the Inter-American Democratic Charter.

The Nicaraguan government considers the initiative of Secretary General Almagro illegal, lacking legal grounds and in violation of the principles of the OAS Charter, the UN Charter and international law. If such manipulation of the Democratic Charter were admitted, it would be setting a negative precedent, since the OAS would become, once

again, a body that violated the world legal order, as it has in previous decades, in which it even served to legalize armed interventions in Latin America and the Caribbean countries. The OAS must not return to that past or it will be delegitimized as a regional organization subject to the provisions of the Charter of the United Nations and the OAS Charter.

Nicaragua is a peace loving people, respectful of international law and through its Government has accompanied efforts at the regional and global level for the preservation of international peace and security and friendly relations between peoples and governments. Nicaragua will continue to defend its sovereignty and the inalienable right to self-determination.

For all these reasons, the Government of National Reconciliation and Unity firmly believes that the OAS support for the preservation of democracy and constitutional order must first begin with the respect for the principle of non-intervention in accordance

with Article 1 of the OAS Charter and the Preamble to the Inter-American Democratic Charter. In this regard, pursuant to Article 4 of the Inter-American Democratic Charter, the Secretary General and the Permanent Council must cease all expression and action that encourage the terrorist groups that promoted the attempted coup, and demand from them respect to the Rule of Law and respect for the will of the electors who elected a government for the 2017-2021 period.

In my capacity as Minister of Foreign Affairs of the Government of the Republic of Nicaragua, I kindly request the support of your Governments by not approving in the Organization of American States, the requests of the Secretary General of the OAS, Luis Almagro, regarding the application of Article 20 of the Inter-American Democratic Charter, Expressing my esteem and consideration.

-Seal and Signature-

Denis Moncada Colindres
Minister of Foreign Affairs
Republic of Nicaragua

cc: Mr. Luis Almagro Lemes,
Secretary General
Organization of American States.