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One of the most important current debates about indigenous self-determination concerns the autonomy demands of the Miskito, Sumo and Rama Indians of the Atlantic Coast region of Nicaragua. The debate has been intensified and clouded by an armed conflict involving an Indian armed resistance. Unfortunately, this conflict is mistakenly viewed as part of East-West politics.

After initially rejecting self-rule for the Indians, and pursuing an assimilationist policy with many oppressive measures, Nicaragua's Sandinista government altered its course in the face of widespread dissent from among the Atlantic Coast indigenous population and international criticism, to include at least nominal autonomy for the historically and predominantly Indian occupied region.

In late April of this year, the Sandinistas unveiled their preliminary draft of a statute that embodies the autonomy the central government is willing to allow the Atlantic Coast population. Around the same time, the indigenous resistance

organization MISURASATA¹ released its alternative proposal in the form of a draft treaty. Both documents have been submitted to the Working Group and should be critically examined for each one's potential for enforcing the principle of self-determination for the Atlantic coast indigenous peoples.

A fundamental difference between the MISURASATA proposal and the Sandinista document is that the former is a draft treaty, that is, a proposed agreement between the indigenous peoples of the Atlantic Coast region and the Nicaraguan government, as opposed to a unilaterally decreed statute that can be altered at will by the central government. Because the MISURASATA proposal is based on the consent of the Atlantic Coast indigenous peoples, its enactment would be the most fundamental manifestation of indigenous self-determination.

The draft treaty is premised on the explicit recognition of the right of self-determination of the Miskito, Sumo and Rama, while stating that the right "shall be exercised within the

¹The MISURASATA organization last June helped create and became part of a new unified Atlantic Coast resistance organization called YATAMA. The new organization was the result of an assembly of over 1400 representatives from fifteen Indian communities inside Nicaragua and from the refugee settlements in Honduras to where Atlantic coast natives, primarily Miskitos, fled beginning in late 1981.. The assembly ratified the draft treaty and decided to continue an armed resistance, although the assembly declined, at least for the time being, to formally align itself with the dominant contra organization now called the Nicaraguan Resistance.

framework of the Nicaraguan State." The treaty would confirm the territorial land and usufructuary rights of the Miskito, Sumo, and Rama to their ancestral lands, while allowing all current inhabitants of the region full use and enjoyment of the lands, waters and resources in accordance with local custom.

At the core of the MISURASATA draft treaty is a delineation of a self-governing territory corresponding to the traditional lands of the Miskito, Sumo and Rama. There would be a division of governmental powers over the region between its inhabitants and the central government.

The central government's jurisdiction over the region would be limited to specific spheres of governmental power that are important to the national interests, such as national defense, foreign relations, customs and international borders, Nicaraguan citizenship and immigration, and currency and the postal system.

All other governing powers would be reserved to the people of the self-governing territory, including powers over land tenure, natural resources, agriculture, fishing and hunting, the environment, education, civil and criminal offenses, judicial courts, housing, taxation, security, religious institutions, political parties, labor unions and labor relations, commerce and economic development, social services, cultural affairs, the press and other news media, communications, airports and

transportation, inheritance, "and all other matters to the extent they are not expressly delegated" to the central government.

Unlike the Sandinista proposal, the MISURASATA draft treaty does not specify the regional governmental institutions. Rather, it leaves their creation and development to the internal democratic processes of the Atlantic Coast inhabitants. The indigenous signers of the treaty would be committed to hold a constitutional assembly of all the Atlantic coast communities, in order to establish the governing structures of the region. The regional constitution would then be subject to ratification by a popular referendum of all the adults born in the region.

The Sandinista document is entirely different. The Sandinista draft statute on autonomy emphasizes "integration" into the dominant "revolutionary" system and allows practically no true self-government. The draft divides the Atlantic Coast into two "Autonomous Regions," and defines the administrative institutions of each. The regional administrative structures, however, have only powers of participation and consultation within the central governmental superstructure.

Unlike the Misurasata draft treaty, the Sandinista document gives the regional bodies no jurisdiction which is independent of the central government. The regional bodies have no general

legislative or judicial powers. They would operate as local consultative and administrative arms of the central government.

The functions of the regional bodies would be to coordinate with the central government in the local administration of the national programs, such as health services, education, and development. They would also provide "preliminary" input into certain central governmental decisions concerning the administrative regions, such as decisions regarding natural resource use and the budget. The most meaningful regional functions are the promotion of traditional trade with the Caribbean countries and the setting of regional taxes, but these functions are to be carried out "in accordance with the established [national] laws."

The Sandinista draft appears to allow the regional bodies to have independent powers only as to minor administrative matters and matters of internal process, such as adoption of internal regulations and bylaws and the settling of boundary disputes between communities.

Rights to the use of the waters, forests and communal lands" are recognized, but this recognition is undermined by making them subject to "national development plans."

In light of the attention given the Sandinista draft statute

on autonomy in some circles, it is important to note that it falls short of providing for the degree of self-rule afforded indigenous peoples in other states. A model much more far reaching than the Sandinista's, for example, is that of Greenland, which is over eighty-five percent Inuit. The Greenland Home Rule statute, although not entirely protective of indigenous self-determination, allows the Home Rule government jurisdiction, independent from the parent Danish government, over a broad range of matters, including hunting and fishing, labor affairs, trade, internal transportation and social welfare.

After comparing the MISRASATA and Sandinista proposals it is clear that the Nicaraguan government is not prepared to allow the indigenous populations of the Atlantic Coast meaningful self-rule. The level of self-rule contemplated by the MISURASATA document, which secures genuine autonomy within the framework of the Nicaraguan state, may come about only by a radical shift of thinking by the Sandinista government.

MISURASATA PROPOSAL

TREATY OF PEACE

Between The
Republic Of Nicaragua And The Indian Nations Of Yapti Tasba

The undersigned representatives of the Government of the Republic of Nicaragua and of the Miskito, Sumo and Rama Nations and Peoples of the Atlantic Coast Indian territory known as Yapti Tasba, the autonomous territory, hereby declare an immediate ceasefire and commit their full powers, resources and energies to the restoration of peace and to the establishment of good relations between all Nicaraguan people pursuant to the terms of this solemn and historic Treaty.

Article I

A. The Miskito, Sumo and Rama are Indian Nations and Peoples with the inherent right to determine freely their political status and to pursue freely their economic, social and cultural development. Their right to self-determination shall be exercised within the framework of the Nicaraguan State.

B. The Creole and Carib (Garifuno) are ethnic communities who live in harmony with the Indian Peoples in the autonomous territory of Yapti Tasba. They and the Ladinos, part of the Nicaraguan national community, have the right to maintain and develop their own cultures and traditions and to be protected against all forms of discrimination.

C. The Miskito, Sumo and Rama Nations and Peoples have the inalienable right to the land, subsoil, rivers, lagoons, cays, islands, adjacent seas and seabed, fish, wildlife and all natural resources within their traditional territory of Yapti Tasba. The use, possession, benefit and control of these lands, waters and resources shall be governed by the autonomous governing authorities of Yapti Tasba.

D. The Creole, Carib (Garifuno) and Ladino who are lawfully residing within the autonomous territory shall have the right to the use and benefit of lands, waters and resources according to the traditional laws and customs of the people of Yapti Tasba. The individual and communal proprietary rights of all residents and communities of Yapti Tasba, including members of all ethnic groups, shall be respected and protected.

E. The signatories of this Treaty solemnly affirm that it is in the interests of national unity and harmony among all Nicaraguans to guarantee the right of self-determination of Indian Nations and Peoples and the rights of ethnic minorities so that all of the people of Yapti Tasba may freely promote their distinct ways of life and freely develop their lands and resources in a manner consistent with their own laws and customs, within the framework of national unity.

Article II

A. The autonomous territory of Yapti Tasba is hereby established within the Republic of Nicaragua.

B. Yapti Tasba encompasses the traditional territories of the Miskito, Sumo and Rama Nations within the present Nicaraguan State, including the areas within these territories which are now populated by Creole, Carib (Garifuno) and Ladino communities. The boundaries of Yapti Tasba are the following: Beginning at the mouth of the Wangki (Coco River) at the Caribbean it runs up river to the west, following the present border with Honduras, until reaching the community of Yakalpahni in northern Jinotega Province. Continuing from that point south and east in a line towards a hill known as Saslaya located near Siuna. From that point continuing southeast and including the area which is part of the community of Tumarin of Awaltara (Rio Grande) of Matagalpa. Continuing in the same direction to the area of Punta Gorda in the south of Bluefields and including the lands of the Rama. Continuing in an easterly direction to the Caribbean, the boundary line runs along the Caribbean Coast to the mouth of the Wangki. Yapti Tasba encompasses all of the lands and waters within these boundaries and the adjacent cays, islands, seas and seabed to which Nicaragua has rights under international law.

C. A joint commission shall be established to survey and recommend the precise official boundaries of Yapti Tasba. The survey report and recommendations shall be consistent with the above described general boundaries and shall be submitted to the Government of Nicaragua and the governing authorities of Yapti Tasba for their consideration and approval. When agreement on precise boundaries is reached, those agreed-upon boundaries shall be recognized as the official boundaries of Yapti Tasba, and an official map shall be printed and distributed to the public.

Article III

A. Yapti Tasba is hereby recognized as a self-governing autonomous territory of the Republic of Nicaragua. Its governing authorities shall be democratically established by the people of Yapti Tasba.

B. The undersigned representatives of the Miskito, Sumo and Rama Nations shall promptly hold an assembly in Yapti Tasba for the purpose of drafting a constitution for the government of the autonomous territory. Democratically selected representatives of all communities of Yapti Tasba shall be invited to participate in that assembly. The assembly shall be conducted according to democratic Indian principles and shall establish an autonomous government whose authorities and institutions shall adhere to the terms of this Treaty.

C. The constitution of Yapti Tasba approved by the assembly shall be submitted to the people of the autonomous territory for

their approval through a popular referendum of all the adults born in Yapti Tasba. The Government of Nicaragua shall recognize the constitution of Yapti Tasba and shall promulgate laws to ensure that the constitution is obeyed by the Government and by all Nicaraguans who are not residents of Yapti Tasba.

Article IV

A. The powers of the Government of Nicaragua over the peoples, land, waters and resources of Yapti Tasba shall be strictly limited to those powers that are expressly agreed upon in this Treaty or that may be delegated to the Government in subsequent agreements between the Government and the governing authorities of Yapti Tasba. All other governmental powers are reserved and held by the people of Yapti Tasba, to be exercised through their autonomous governing authorities according to the constitution and laws of Yapti Tasba.

B. The governing authorities of Yapti Tasba shall have all governmental powers and authority over land tenure, natural resources, agriculture, fishing and hunting, the environment, education, civil and criminal offenses, judicial courts, housing, taxation, security, religious institutions, political parties, labor unions and labor relations, commerce and economic development, social services, cultural affairs, the press and other news media, communications, airports and transportation, inheritance, and all other matters to the extent they are not expressly delegated.

Article V

A. The use, occupation, development and ownership of the land, subsoil, rivers, lagoons, cays, islands, adjacent seas, seabed, fish wildlife, and all natural resources of Yapti Tasba shall be governed by the autonomous governing authorities of Yapti Tasba. Individual and communal property rights recognized under the traditional laws and customs of the people of Yapti Tasba shall be respected and protected by the autonomous governing authorities.

B. The Government of Nicaragua shall make no claim to any proprietary right to the land, subsoil, rivers, lagoons, cays, islands, adjacent seas, seabed, fish, wildlife and natural resources of Yapti Tasba, and it shall, through the laws of Nicaragua, prevent its citizens and institutions from making or enforcing any such claim. It shall be unlawful for any person who is a non-resident of Yapti Tasba and for any institution or organization acting without express prior approval of the autonomous governing authorities, to make any claim or to authorize or accept the transfer of any right to the lands, waters or resources of Yapti Tasba, and any such unlawful transfer shall be void under the law.

C. Proprietary rights to lands, waters or resources of the autonomous territory may be transferred either to lawful residents of Yapti Tasba or to institutions authorized by the autonomous governing authorities to receive such transfers.

D. The autonomous governing authorities may acquire proprietary rights only for public purposes, and fair compensation shall always be provided.

Article VI

A. The Government of Nicaragua shall have powers and responsibilities over the military defense of Yapti Tasba against external military aggression, provided:

1. The armed forces of the Republic of Nicaragua which operate in the autonomous territory shall be under a military command established by agreement of the Government of Nicaragua and the autonomous governing authorities of Yapti Tasba. The appointment of military and security officials and the military command structure for all Nicaraguan armed forces operating in the autonomous territory shall be pursuant to this Treaty.

2. The Government of Nicaragua shall immediately remove all of its armed forces from the communities of Yapti Tasba and shall concentrate them in bases near Bilwi (Puerto Cabezas), Bluefields, and Rosita and in no more than five military posts on the international border of Yapti Tasba. The location of all these bases shall be approved by the autonomous governing authorities. No other military or security installation shall be established or maintained within the autonomous territory without the express consent of the autonomous governing authorities.

3. All members of the armed forces of the Republic of Nicaragua operating in the autonomous territory shall be residents of Yapti Tasba, with the exception of those appointments for which the autonomous governing authorities agree that there are no qualified resident candidates available.

4. There shall be no conscription of residents of Yapti Tasba into the armed forces of the Republic of Nicaragua without the express consent of the autonomous governing authorities.

5. The governing authorities of Yapti Tasba shall have the authority to maintain autonomous police and security forces, for the self-defense of the communities, enforcement of the law, and the maintenance of order. These autonomous forces shall coordinate with the armed forces of the Republic of Nicaragua for the defense of Yapti Tasba and of the country if necessary.

B. The Government of Nicaragua shall have powers and responsibilities to control foreign relations, provided: The governing authorities of Yapti Tasba shall have competence to enter into international agreements concerning political, economic, cultural, social, humanitarian and human rights matters. The autonomous governing authorities shall consult with the Government of Nicaragua about all such matters.

C. The Government of Nicaragua shall have powers and responsibilities to control customs and international borders, provided:

1. The right of residents of Yapti Tasba to travel freely across the Wangki (Coco River) border to carry out traditional activities and to maintain family ties shall be guaranteed and protected.

2. Control over fishing and turtling in the adjacent seas of Yapti Tasba shall be under the jurisdiction of the autonomous governing authorities.

3. All officials appointed by the Government of Nicaragua to work on customs and border matters in Yapti Tasba shall be appointed exclusively from lists of qualified resident candidates prepared by the governing authorities of Yapti Tasba, with the exception of those appointments for which the autonomous governing authorities agree that there are no qualified resident candidates available.

D. The Government of Nicaragua shall have powers and responsibilities to control Nicaraguan citizenship and immigration, provided:

1. The Miskito, Sumo and Rama peoples shall each have exclusive authority to control and regulate membership in their respective nations.

2. Residency within the territory of Yapti Tasba shall be under the exclusive jurisdiction of the autonomous governing authorities.

3. Control and regulation of voting rolls, elections and referendums within Yapti Tasba shall be under the exclusive jurisdiction of the autonomous governing authorities.

E. The Government of Nicaragua shall have powers and responsibilities to control currency and the postal system, provided: All governmental officials appointed by the Government of Nicaragua to work on currency and postal matters in Yapti Tasba shall be appointed from lists of qualified resident candidates prepared by the governing authorities of Yapti Tasba, with the exception of those appointments for which the autonomous

governing authorities agree that there are no qualified resident candidates available.

F. The Nicaraguan national courts shall have jurisdiction over civil and criminal cases concerning the exercise of delegated national powers within Yapti Tasba, provided:

1. Authority to adjudicate all other civil and criminal cases and disputes shall be held by the Councils and Assemblies of Elders, Courts of Yapti Tasba, or such other judicial authorities that the constitution and laws of the autonomous territory may establish.
2. The court trials of all civil and criminal cases concerning the violation of Nicaraguan national laws shall be held in national courts established in the autonomous territory.
3. All judicial officials and court personnel appointed by the Government of Nicaragua to work in the autonomous territory shall be appointed from lists of qualified resident candidates prepared by the governing authorities of Yapti Tasba, with the exception of those appointments for which the autonomous governing authorities agree that there are no qualified resident candidates available.

Article VII.

Any dispute which may arise over the division of powers between the Government of Nicaragua and the governing authorities of Yapti Tasba shall be resolved by a special joint commission comprised of the following members:

1. Two judges appointed by the chief judge of the Supreme Court of Nicaragua.
2. Two judges appointed by the chief judicial authority of Yapti Tasba.
3. Two persons appointed by the President of Nicaragua.
4. Two persons appointed by the Wihta Tara, the chief executive of Yapti Tasba.
5. Two respected lawyers or jurists from the international community outside Nicaragua.

Upon ratification of this Treaty, the President of Nicaragua and the Wihta Tara of Yapti Tasba shall immediately prepare a list of qualified, impartial lawyers or jurists who might be called upon to participate in the special joint commission should a dispute about division of powers arise. Invitations to

serve on the commission shall be made by agreement of the President and the Wihta Tara.

Article VIII

The native languages of the Miskito, Sumo, Rama, Carib (Garifuno) and Creole shall be recognized as official languages for the conduct of all governmental affairs in Yapti Tasba.

Article IX

A. The Government of Nicaragua makes a solemn commitment to dedicate necessary economic and logistical resources for the reconstruction of the autonomous territory and for the repatriation and resettlement of all the people of Yapti Tasba who have been displaced. The Government of Nicaragua shall support efforts by the autonomous governing authorities to secure international economic assistance for these humanitarian activities and for the economic development of Yapti Tasba.

B. The Government of Nicaragua shall guarantee economic and logistical resources which are necessary to establish and maintain the autonomous governing authorities and institutions of Yapti Tasba. The autonomous governing authorities shall make good faith efforts to seek international economic assistance and to achieve economic self-sufficiency.

C. As soon as Yapti Tasba becomes economically self-sufficient, the autonomous governing authorities and the Government of Nicaragua shall negotiate a new agreement to provide compensation to the Government of Nicaragua for national governmental services provided thereafter under Article VI.

Article X

A. A Joint Peace Commission shall immediately be established to encourage and facilitate the cessation of all armed conflict in Yapti Tasba. The Commission shall have seven members: two appointed by the Government of Nicaragua, two appointed by the provisional governing authorities of Yapti Tasba, and two selected from the international Indian community by agreement of the President of Nicaragua and the head of the Provisional Government of Yapti Tasba. The President of the Commission, the seventh member, shall be the unanimous choice of the six appointed members.

B. The Commission shall monitor and investigate all reports of armed hostilities which may be in violation of this Treaty, shall consult regularly with the governing authorities of Nicaragua and Yapti Tasba, and shall try to arbitrate and resolve any disputes which are found to contribute to breaches of the peace. The Commission shall cease to function only by agreement

of the Government of Nicaragua and the autonomous governing authorities.

Article XI

A. The representatives of Nicaraguan Indian organizations who are signatories to this treaty shall constitute the Provisional Government of Yapti Tasba. They shall immediately establish interim governmental institutions, name the Wihta Tara (chief executive) and other officers, organize and call for a assembly for the purpose of drafting a constitution for the autonomous government, and take all steps necessary to enforce and implement this Treaty.

B. The Provisional Government of Yapti Tasba shall establish the Interim Military and Security Command, which shall organize provisional security and police forces for the autonomous territory under the command of the Provisional Government. The Interim Military and Security Command shall be provided free and complete access to all military bases and security facilities in the autonomous territory and shall begin regular meetings with senior Nicaraguan military and security officials responsible for the Atlantic Coast region.

C. The Provisional Government of Yapti Tasba shall establish the Interim Commission on Human Rights, which shall investigate allegations of human rights abuses in the autonomous territory and report its findings to the Provisional Government and the public.

D. The Provisional Government of Yapti Tasba shall establish the Interim Judicial Commission, which shall ensure that the rule of law is upheld and that due process is provided to all who may be accused of crimes or other wrongdoing during the interim period before the establishment of constitutional governing authorities.

E. The Provisional Government of Yapti Tasba shall appoint members of its Military and Security Command, Judicial Commission, Human Rights Commission, and administrative staff who shall be guaranteed free and complete access to all prisons and all detention facilities throughout Nicaragua for the purpose of reviewing the legal status and conditions of confinement of all prisoners and detainees who are residents of Yapti Tasba.

Article XII

This Treaty is part of the supreme law of the Republic of Nicaragua. It shall be enforceable in all Nicaraguan courts of competent jurisdiction. The autonomous governing authorities shall have juridical personality to bring disputes in the Nicaraguan national courts, but they may not be sued in those courts without their express consent. The constitution and laws

SANDINISTA DRAFT STATUTE

ON

ALANTIC COAST AUTONOMY

WHEREAS

Imperialism, the oligarchy and the Somoza dictatorship brought about a divided nation whose people were strangers among themselves and mutually mistrusted one another; while the ruling class kept for itself the right to the enjoyment, use and benefit of the resources of both the Atlantic and Pacific coasts of Nicaragua.

WHEREAS

Only through the war of liberation and the victory of the Sandinista Popular Revolution has Nicaragua been able to identify the laws of its history, to develop an awareness of its identity and to recognize that it is a multi-ethnic and multi-cultural nation.

WHEREAS

As a consequence of its interpretation of Nicaraguan history and the recognition of a resulting social dichotomy, as well as its awareness of political, economic, and cultural injustice, the Sandinista Popular Revolution has always set the unification of the nation as one of its main goals.

WHEREAS

The Communities of the Atlantic Coast have demanded autonomy as a historical right, in order to achieve genuine national integration based on their cultural characteristics and the use of their natural resources, for their own benefit and that of the nation.

WHEREAS

Our Political Constitution holds that Nicaragua is a multi-ethnic nation (Art. 8) and recognizes the right of the Atlantic Coast Communities to preserve their cultural identity, their languages, art and culture, as well as the right to use and enjoy the waters, forests and communal lands for their own benefit. It also recognizes their rights to the creation of special programs designed to contribute to their development (Art. 89 and 90), while respecting their right to live and organize themselves according to their legitimate cultural and historical traditions (Art. 180).

The government of Nicaragua proclaims the following law concerning the Autonomous Regions of the Atlantic Coast

Title I

Fundamental Principles

CHAPTER I

About the Autonomous Regions

- Art. 1. This law establishes an autonomous regime for the Regions where the Communities of the Atlantic Coast live, in accordance with the Constitution of the Republic (Art. 89, 90, 180 and 181) and establishes specific rights and duties for their inhabitants.

- Art. 2. Nicaragua is a Unitarian State, of which the Communities of the Atlantic Coast are an integral part, being entitled and subject to all the rights and duties of Nicaraguans.
- Art. 3. The Communities of the Atlantic Coast have a common history, and it is a principle of Autonomy to promote unity, fraternity and solidarity among their inhabitants.
- Art. 4. The regions where the Communities of the Atlantic Coast live will benefit from a regime of Autonomy which, within the framework of national unity and faithful to the principles, policies, and judicial system established in the Constitution of the Republic, will guarantee its inhabitants the real use of their legitimate historical rights.
- Art. 5. In order to ensure full use of the autonomy rights of the Atlantic Coast Communities, two Autonomous Regions will be established in what is currently known as the Department of Zelaya.
1. Autonomous Region “ ” will exercise jurisdiction over the territory of Special Zone I and the adjacent islands.
 2. Autonomous Region “ ” will exercise jurisdiction over the territory of Special Zone II and the adjacent islands.
 3. Other zones that have traditionally been considered part of the Atlantic Coast, while remaining at this time under the jurisdiction of other authorities, will be incorporated into their respective

benefit and enjoyment of their peoples, and the overall preservation of the ecological system.

4. To promote national culture, as well as the study, preservation, promotion, development, and dissemination of the different cultures and traditions of the Atlantic Coast's Communities, including their historical, artistic, linguistic, and cultural heritage.
5. To promote the traditional exchange with the Caribbean countries in accordance with the national laws and established procedures related to this matter.
6. To establish regional taxes in accordance with the established laws related to this matter.

Art. 9. The rational exploitation of the mining, forestry, and fishing resources as well as other natural resources in the Autonomous Regions of the Atlantic Coast, must benefit its inhabitants in just proportions, in accordance with agreement between the Regional Government and the Central Government.

CHAPTER TWO

About the internal territorial division of the Autonomous Regions

Arto. 10. For administrative purposes, the territory of the Autonomous Regions will be divided into municipalities. These municipalities will be ruled according to established laws concerning this matter. Such administrative subdivisions will be organized and established by the

corresponding Regional Councils, in accordance with the traditions of each Autonomous Region.

CHAPTER THREE

About the rights and duties of the inhabitants of the Communities in the Autonomous Regions

- Art. 11. Within the territory of the Autonomous Region, all Nicaraguan citizens will benefit from the rights and guarantees granted by the Constitution and those stated in the present law.
- Art. 12. The inhabitants of the Atlantic Coast Communities are entitled by law:
1. To full equality of rights.
 2. To promote and develop their languages, religions and cultures.
 3. To use and benefit from their waters, forests, and communal lands, in accordance with national development plans.
 4. To organize their social and productive activities according to their own values.
 5. To be educated in their own languages, through programs that take into account their historical heritage, their traditions and the characteristics of their environment, all within the framework of the national education system.
 6. To their own forms of communal, collective, or individual ownership and transfer of land.
- Art. 13. The members of the Atlantic Coast

Communities have the right to define and to determine their own ethnic identity.

Art. 14. The defense of life, homeland, justice, and peace for the integral development of the nation is an essential duty of the inhabitants of the Communities of the Autonomous Regions.

Art. 15. In Nicaragua, the defense of the Nation is based on the organized power of the people. In the Autonomous Regions, the Atlantic Coast Communities will hold the main responsibility for the defense of the Nation within the framework of the Sandinista Popular Army, the Security Forces, and the Ministry of the Interior.

Title II

About regional administration

CHAPTER I

About the different regional administrative bodies

Art. 16. In each one of the Autonomous Regions of the Atlantic Coast, subject to the Political Constitution of the Republic and to this law, the following regional authorities will function:

1. A Regional Council.
2. A Regional Coordinator.
3. Municipal authorities.
4. Other authorities pertaining to the administrative subdivision of the municipalities.

- Art. 17. The Council and the Regional Coordinator in their respective areas of work, will be the highest authorities within their corresponding Region.
- Art. 18. The municipal administration will govern according to the law related to this matter. The remaining authorities will govern according to the resolutions enacted by the corresponding Regional Council.

CHAPTER II
About the Regional Council

- Art. 19. Each Regional Council will be composed of a minimum of 30 representatives and a maximum of 50, elected by universal franchise: direct, free, and secret elections in constituencies determined by the Supreme Electoral Council according to the laws of the Republic. All the ethnic Communities of the Region must be represented.
- Art. 20. The representatives of the Autonomous Regions in the National Assembly will also be full members of the Regional Council.
- Art. 21. A representative to the Regional Council must be:
1. A Nicaraguan citizen, 21 years of age or older, who has lived in the country for at least one year prior to the elections.
 2. In full possession of civil and political rights.
 3. Someone born on the Atlantic Coast, the son or daughter of a father or mother

born in the Region, or someone who has lived there for at least five years.

Art. 22. The right to vote for electing members of the Regional Council will be given to those persons who having fulfilled the requirements of the electoral law, classify under one of the following requisites:

1. To reside in the Region three months prior to the elections, when the voter is a native of the Region or the son or a daughter of a father or mother born in the region.
2. To reside for a minimum of one year in the Region prior to elections.

Art. 23. The Regional Council will have the following functions:

1. To regulate regional matters pertaining to its domain through resolutions and bylaws pertaining to its domain, according to Art. 7 of the present law.
2. To formulate the plan for tax collection in the Region.
3. To participate in the formulation, planning and implementation of social, economic and cultural programs and policies affecting or pertaining to the Region.
4. To resolve boundary disputes between the different Communities.
5. To prepare the preliminary draft of the regional budget.
6. To ensure that the Region's Development and Social Promotion Fund, established

by national and foreign donations, is correctly used.

7. To work out a preliminary draft for the division and organization of municipalities in the Region, taking into account their social, economic, and cultural characteristics.
8. To elect a Regional Coordinator from the Council's members and to replace him/her when necessary.
9. To establish the administrative subdivision of the municipalities in the Region by mean of resolutions.
10. To draw up a preliminary draft of a law pertaining to the rational use and conservation of the Region's natural resources.
11. To request reports from the representatives of the ministries and state institutions working in the Region, as well as regional officials, and to summon such officials to appear before it, when necessary.
12. To elect its Board of Directors.
13. To accept or reject resignations submitted to it by any of its members or members of the Board of Directors.
14. To formulate and approve its internal regulations.
15. To promote the integration, development and participation of women in all aspects of political, social, cultural, and economic life of the Region.
16. To deal with other functions conferred to it by the present law.

- Art. 24. The resolutions and bylaws of the Regional Councils must be in accordance with the laws of the Republic.
- Art. 25. The term of office for the members of each Regional Council will be for four years, starting from the date of their investiture.
- Art. 26. Quorum for sessions of the Regional Council is half the number of its members plus one, and resolutions must be approved by more than fifty percent of the members present. Exceptions to this rule may be established by the internal regulations of the Council.

CHAPTER III

About the Council's Board of Directors

- Art. 27. Each Council's Board of Directors will be formed by a President, two Vice-Presidents, two Secretaries, and two Alternates, ensuring that each of the ethnic Communities of the respective Autonomous Regions is represented; Their term of office will be for two years, and their functions will be determined by the present law and by the internal regulations of the respective Council.
- Art. 28. The functions of the Board of Directors of the Regional Council are as follows:
1. To coordinate its activities and those of the Council with those of the Regional Coordinator and, through him/her, with other officials of the Executive Branch.
 2. To convene ordinary and extraordinary

- meetings of the Regional Council, and to prepare the agenda.
3. To appoint permanent and special commissions to analyze and decide upon matters related to the administration of the Region.
 4. To do everything necessary to safeguard the interests, welfare and development of the region.
 5. To perform any other function conferred by the present law or by the internal regulations of the Council.

CHAPTER IV
About the Regional Coordinator

- Art. 29. The executive functions of the region will be the responsibility of the Regional Coordinator.
- Art. 30. The functions of the Regional Coordinator are as follows:
1. To represent the Region.
 2. To appoint executive officials to the regional administration.
 3. To organize and direct the executive activities of the Region.
 4. To discuss matters pertaining to his/her office with the national authorities.
 5. To comply with, and oversee the fulfillment of the policies, guidelines and decrees of the national Executive Branch, in accordance with the law.
 6. To administer the Special Development and Social Promotion Fund according to

the policies established by the Regional Council.

7. To perform any other function conferred by the present law or by the internal regulations of the Council.

Art. 31. The office of Regional Coordinator is compatible with that of representative for the Presidency in the Region.

Title III

Consolidated Chapter

About the budget of the Autonomous Regions

Art. 32. In conjunction with the Ministry of Finance the Regional Council will prepare a draft for the administration of regional programs for the Autonomous Regions, which will be comprised of:

1. Regional taxes in accordance with the regional tax collection plan, which must include taxes levied on profits of enterprises operating in the region.
2. An earmarked fund from the general budget of the Republic.

Art. 33. A Special Development Fund will be established and will be composed of national and foreign donations, as well as other extraordinary monies not included in the regular budget. This Fund will be earmarked for productive, social, and cultural investments in the Region and will be administered by the Regional Councils in accordance with the law.

Title IV
Consolidated Chapter
About the patrimony of the Autonomous Regions
and communal property

- Art. 34. The patrimony of the Autonomous Regions will be constituted by its possessions, rights and obligations acquired through any legal means as a public legal entity.
- Art. 35. The Autonomous Regions have the full and legal capacity to obtain, administer, and own the possessions comprising their patrimony, in accordance with the law.
- Art. 36. Communal property is constituted by the communal lands, waters and forests that have traditionally belonged to the Communities.
- Communal property is subject to the following provisions:
1. Communal lands cannot be sold, seized, or taxed; their communal status cannot expire.
 2. The inhabitants of the Communities will have the right to work on communal plots of land and are entitled to the benefits generated therefrom.
- Art. 37. The remaining form of property in the region are those recognized by the Constitution and the laws of the Republic.

Title V
Consolidated Chapter
About Law Reform

- Art. 38. Two thirds or more members of both Regional Council may request that the National Assembly reform the present law through the established constitutional channels.

Title VI
Consolidated Chapter
Final and tentative provisions

- Art. 39. Once the present law has been passed, the National Assembly will call for the elections of the Regional Council in each Autonomous Region. The Supreme Electoral Council will then proceed to organize and direct the elections, to announce and publicize their results, and to give credentials to the elected Regional representatives.
- Art. 40. The National Assembly will set the date of investiture for each Regional Council. The President of the Supreme Electoral Council will take the oath of office and invest the regional representatives. He will also preside over the meeting where the President of the Council and the Board of Directors are elected.
- Art. 41. An especially appointed commission of each Regional Council will organize a solemn inaugural ceremony in the presence of the President of the Republic, or his

representatives from the National Assembly and the Supreme Court of Justice.

- Art. 42. The present law will be widely publicized throughout Nicaragua, both in Spanish and in the languages spoken in Nicaragua's Atlantic Coast Communities.
- Art. 43. Those officials who are engaged in their duties at the time this law comes into force will continue in their positions until the newly elected authorities take office, in accordance with the new provisions.
- Art. 44. The present law will take effect, from the date of its publication in the official newspaper, "La Gaceta."