



# BRIEFS



MAY 1984

## News from the Seattle Guild Chapter

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### GUILD DEBATES RESOLUTION RE MISKITOS

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The Guild's Committee on Native American Struggles is sponsoring a resolution concerning the rights of indigenous people in Nicaragua, to be introduced at the June National Executive Board meeting in Portland. Because the resolution is controversial Briefs has asked for articles from the opposing sides. Opposing articles will also appear in the next issue of Guild Notes. In the interest of space, only a summary of the resolution is set forth below. It is anticipated that additional discussion will occur at the Seattle chapter meeting which takes place to prepare for the NEB.

#### RESOLUTION SUMMARY

The resolution addresses the rights of indigenous people in Nicaragua. It reaffirms the Guild's support for the Sandinista revolution. It supports the right of self-determination for all indigenous people, including in Nicaragua, including the right

"a. To determine the degree of political autonomy they will have and the nature of their political relationships with other governments;

b. To have whatever degree of ownership and control of their lands they desire, and to be assured that no government, other than one they freely choose, will attempt to grant or withhold title to those lands without their consent;

c. To have whatever degree of ownership and control of natural resources on and under their lands that they desire, including the right to determine whether their resources will be developed and if so in what manner and to be assured that no government, other than one they freely choose, will attempt to exploit those resources without their consent."

The resolution reviews the Guild's work with native people, reaffirms its support for the Sandinista revolution, and condemns U.S. opposition. It urges the Sandinista government to revise its 1981 Declaration of Principles to "reflect recognition of and respect for" the rights described above.

CONAS and the Central America Task Force (CATF) would "monitor this situation and engage in constructive dialogue with the Nicaraguan government and leaders of indigenous communities and indigenous peoples' organizations."

Finally, the Guild would send "a delegation of independent human rights observers" to indigenous communities on Nicaragua's Atlantic Coast, selected by CONAS and the CATF and to report back to the National Executive Committee.

JUN 08 1984

By John Caughlan

The principles which are stated in the first part of the proposed "Resolution on the Rights of Indigenous Peoples" have guided the National Lawyers Guild since its inception. In its earliest days the Guild was in the forefront of the struggle against fascist genocide and racist oppression, internationally and at home. The Guild's participation as an official consultant organization at the founding of the United Nations in San Francisco had an impact on the UN Charter, which recognizes the special rights of peoples inhabiting non self-governing territories. Guild lawyers have expounded and defended these principles at Wounded Knee and in the State of Washington. Our task forces have focused on violations of human rights of indigenous people in the refugee camps of Palestine and of Guatemala and Mexico.

However, the context in which this resolution comes before the Guild is a war against all of the people of Nicaragua -- a war waged by the United States acting through CIA personnel and CIA-directed ex-Somocista Guardia and counter-revolutionaries striking from Honduras and Costa Rica. The claim of Nicaraguan violation of human rights comes from sworn enemies of the Sandinistas who seek to destroy the revolution. By clear implication the proposed resolution accuses the Sandinista government of human rights violations in no way distinguishable from the outrages practiced in Guatemala or against the Palestinians. The text equates the "Declaration of Principles" of Nicaragua, which recognizes and encourages the ethnic identity and cultural traditions of its indigenous peoples, with a violation of human rights! It is on these premises that the Guild is asked to condemn Nicaragua's treatment of its indigenous peoples.

It is true that the resolution begins with phrases affirming "support for the ... Nicaraguan revolution" and condemning "the attempts by the United States to create or encourage opposition to the Sandinista government." (This is a pretty mild description of the killing and destruction of the war the United States is waging against Nicaragua. If the same proportion of American civilians and soldiers were being killed in a war along the Canadian border the loss would be about 800 a week!) The true purpose of the resolution emerges in the paragraphs which follow. The Guild needs to send "a delegation of independent human rights observers" to the indigenous peoples of the Atlantic seaboard. The Guild should "monitor this situation and engage in constructive dialogue with the Nicaraguan Government and leaders of the indigenous

swade the Nicaraguan government to "revise the Declaration of Principles in Relation to the Indigenous Communities ..." because, as seen by the authors of the resolution, these principles, as stated are themselves a violation of human rights!

The implication of all of this is that relations between the Sandinistas and the indigenous peoples of Nicaragua have completely broken down and outside intervention is required to stop human rights violations by the Sandinistas. This is far from the truth.

As stated by Myrna Cunningham, herself a Miskito and a doctor living on the Atlantic Coast:

U.S. propaganda about the Miskitos just shows them as being oppressed by the Sandinistas. But the problem in Nicaragua is not Miskito against Sandinista; it's revolutionary versus counter-revolutionary. You have Miskitos with the revolution and Miskitos against it. Counter-revolutionary Miskitos are just like the Guardia.

It has always been one of the objectives of the CIA to establish a "contra" base within Nicaragua which would be permanent and stable enough to justify the United States in recognizing it as the "legitimate democratic government" so that military support could be given directly to it. The Reagan Administration boasted that this objective would be accomplished by the end of 1983. It was the Atlantic coast region where the Miskitos, Sumos and Ramas live which was targeted for this project. Due to the heroic resistance of the Sandinistas, including the indigenous, this project had to be shelved.

The history of the relations of the Sandinistas and the indigenous peoples of Nicaragua precedes the triumph of July, 1979. The indigenous of the Pacific slope were integral to the revolution from the beginning, as were some on the Atlantic seaboard. While space does not permit even a brief sketch of the complex history of the indigenous people of the Atlantic slope, a few key points should be mentioned:

The area of the Atlantic seaboard is roughly one third of Nicaragua, but less than ten percent of the population live there, about 250,000. Of these, about 75,000 are the indigenous, mostly Miskitos but also some 5,000 Sumos, Ramas and others. There are about 25,000 English-speaking Creoles (Black and mixed) and the rest, about 150,000, Spanish speaking Mestizos (mixed, Black, white and Indian). The area has been historically isolated from western Nicaragua. There was no year-round

RESOLUTION: ANTI (CONT'D)

overland route between Pacific and Atlantic seaboards until several years after the Sandinista triumph. The peoples of the Atlantic region had been mercilessly exploited for centuries: first by the Spanish, then by the English who imported the Blacks as slaves, next under British and U.S. imperialist interests and finally under Somoza. Many were virtually enslaved to strip the region of its natural timber and mineral resources. The region's isolation and its ethnic and language differences were used by all of these exploiters to weaken resistance by pitting English- against Spanish-speaking, indigenous against mestizo, east against west. The CIA currently seeks to continue this policy.

The Sandinistas did make some early mistakes in their relations with the Atlantic coast indigenous people. These have been fully acknowledged and corrected. Partly these resulted from failure to appreciate the depth of the problems resulting from this isolation and the ethnic and cultural antagonisms which had been so carefully fostered by the exploiters. They were also complicated by the acceptance of Steadman Fagoth as the leader chosen by Misurata to represent all of the indigenous peoples on the Council of State. Fagoth was eventually exposed as a Somoza informer responsible for the deaths of many revolutionaries prior to the triumph. His CIA connections were revealed when he fled the country and joined the 15th of September Legion, an intelligence organization in Honduras, and began recruiting Miskitos to serve with the contras.

While Fagoth was still a member of the Council of State he caused "anonymous" charges of tortures and mass killings of Miskitos by the Sandinistas to "surface" before international human rights agencies. These were immediately seized by the Reagan Administration as prime propaganda tools. He and other enemies of the Sandinistas such as Armstrong Wiggins and Brooklyn Rivera operate from Honduras, Costa Rica and Washington, D.C., in objective cooperation with contra organizations, seeking overthrow of the Nicaraguan government.

The charges made by Fagoth, Rivera, Wiggins and other expatriots claiming to be leaders of Nicaragua's indigenous peoples, have been investigated by the American Indian Movement (AIM) and by the International Indian Treaty Council (IITC) and exposed as fabrications. Both the OAS and UN human rights commissions have given the Sandinistas a good report on their respect for human rights.

The basic false premise upon which the proposed resolution rests is that the Sandinistas have failed to respect the autonomy or the right of self-deter-

mination of the indigenous peoples of the Atlantic seaboard. This denial of self-determination is established, the proponents of the resolution urge, by the "Declaration of Principles" announced by the Nicaraguan government in 1981. None of the leaders of the indigenous peoples within Nicaragua urge this position. Interestingly, the language of the "Declaration" was originally prepared by the same now ex-patriot "indigenous leaders" who today condemn and repudiate it, and was adopted word for word by the Nicaraguan government from their text.

Far from trampling on the rights of the indigenous peoples, the Sandinistas have shown great sensitivity toward these rights and have demonstrated an exemplary willingness to accept and implement constructive criticism. For example, AIM's 1982 delegation to Nicaragua's Atlantic coast criticized the very existence of Nicaraguan Ministry for the Atlantic Coast (INNICA) as paternalistic (reminiscent of the BIA in the U.S.), although the delegation had no criticism of the practices of the ministry. Following the criticism INNICA was abolished and replaced by a system of regional autonomy. This structure applies the principles which proponents of the proposed resolution urge.

Similarly, responding to criticism that armed resistance to the government is a political offense, on December 1, 1983 the government granted full amnesty to all who had taken up arms against the revolution. Many hundreds of Miskitos returned to Nicaragua from Honduras. All of the indigenous peoples who had been legally convicted of armed rebellion against the government were pardoned, released and returned to their homes.

These actions by the Sandinistas have in no way abated the campaign of the self-proclaimed leaders of the indigenous who speak from Honduras, Costa Rica and Washington in the service of those who would destroy the revolution. Brooklyn Rivera was quoted in the Seattle Times on April 10, 1984, boasting from Costa Rica that ARDE forces would be in Managua before the 1984 elections. A statement the following day from a "Miskito spokesman" in Honduras asserted that the "Sandinistas are slaughtering and torturing thousands of Miskitos." Are the spokesmen for the contras the "freely chosen leaders of indigenous peoples" with whom the Guild and the Nicaraguan government are to "engage in constructive dialogue"?

While Nicaragua and its indigenous peoples fight for their right to exist and while the CIA seeks to set up a base on the Atlantic seaboard, the resolution calls for the Guild to go on record in favor of the right of secession by the indigenous peoples of this area. How else can the following language be construed?

The Guild supports the indigenous people's right to determine ... the nature of their political relationships with other governments. [emphasis added]

The conduct of foreign relations is an attribute of sovereignty. Such demands might be appropriate when made by freely chosen representatives elected in a period when peace and domestic tranquility make freedom of choice possible. They are highly inappropriate when Nicaragua and all of its peoples -- Mestizos, Creoles, Miskitos, Sumos, Ramas and others -- fight daily for their right to exist and to be able to have a choice free from the dictates of U.S. imperialism, the arbiter of all choices for the last century.

It is my view that the proponents of the resolution have unconsciously accepted the CIA disinformation campaign which has already been thoroughly exposed, but which is projected again and again in the belief that repetition will make it more believable. Attacks on the Sandinista revolution by the Reagan Administration are scarcely news. An attack by the National Lawyers Guild on Nicaragua's treatment of its indigenous people would be news -- and welcome news -- to the CIA. Let's not create that news. The proposed resolution should be defeated and we should reaffirm our unqualified support for the Sandinista revolution.

-- John Cauglan is a Guild chapter member who went to Nicaragua on a 1983 joint delegation of the NLG and Lawyers Committee Against U.S. Intervention.

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## MEMBERS SHOULD BACK MISKITOS RESOLUTION

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By John Bell  
Joe Ryan

The March/April issue of Guild Notes contains two introductory articles which debate the rights of indigenous people in Nicaragua. The purpose of this article is to clarify that debate and expand on what we feel should and can be areas of agreement.

We agree wholeheartedly with the need to support the Nicaraguan revolution and to expose and oppose efforts by the United States to undermine it. That very important work cannot, however, be at the expense of our support for the legitimate aspirations of indigenous people. A way must be found to respect the rights of native people at the same time that we support the Sandinista government.

Much as we wish it were otherwise, there is a serious breakdown in relations between the Sandinista government and Miskito Indians in Nicaragua. The problem has two components: violations of the Indians' individual human rights, and denial of their right of self-determination. Although the CIA is hard at work fabricating misinformation, there unfortunately is also far too much reliable evidence that serious human rights violations have taken place.

A variety of human rights, Indian organizations and observers have reached that conclusion, and although its findings are still secret, the only official international body to consider the subject apparently agrees. The Nicaraguan government has not been exonerated by the list of organizations cited in the CATF's Guild Notes article and/or Mr. Caughlan's accompanying article. Quite to the contrary, in fact, America's Watch, cited by the CATF, published a report in January, 1984 condemning the Reagan Administration's policy, describ-

ing it as an ill-disguised attempt to overthrow the Nicaraguan government (p. 47). The report also pointed out, however, that although there are even greater abuses in neighboring countries,

Significant abuses of human rights have taken place in Nicaragua.... The Miskitos and other Nicaraguan Indians have been forcibly relocated and there have been a number of disappearances and killings. The Miskitos have been particularly victimized by every kind of abuse.

(p. 46) The same organization's October, 1983, report on Human Rights in Central America observed that although there had been a drastic reduction in the violence and improvement over the Somoza regime, violations of human rights do continue and "the most serious abuses involve Miskito Indians." (p. 39) See also "Human Rights in Nicaragua," November 1982 update, Americas Watch (p. 30 & 33).

Neither the OAS Inter-American Commission on Human Rights nor the U.N. Commission on Human Rights has "given the Sandinistas a good report on their respect for human rights" (Caughlan) much less "refuted" the reports of violations (CATF). Indeed, the Inter-American Commission last year drafted and was preparing to release a report concerning the situation of the Miskitos. If it had given the Sandinista government a clean bill of health, we could have expected them to applaud its release. (As the subject of the investigation, the government is the only party to see the report prior to its release.) Instead, the government vociferously objected to publication of the report because the Commission had not exhausted efforts to reach a "friendly settlement" of the problem. The Commission agreed to withhold the report pending those efforts. Thus, the matter is still under consideration and will come before the Commission again in

May, 1984. In short, the Commission has not reported favorably on Sandinista actions and all indications are that it verified the existence of human rights violations.

How can it seriously be denied that there is a civil war going on when somewhere between a quarter and one-half of the indigenous population of eastern Nicaragua is either in internment camps in Nicaragua or in refugee camps in neighboring countries? See also, Akwe-sasne Notes, for the past 2 1/2 years, in particular, "Miskito-Sandinista War: Time for Reconciliation?" (Winter, 1983, issue.)

The Sandinista government's 1981 Declaration of Principles denies the indigenous people basic group rights which are part of or emanate from the right of self-determination: the right to choose their government and political

alliances and the right to control their land and resources. Contrary to Mr. Caughlan's assertion, the document was not approved by Indian communities or by MISURASATA leaders (the organization which indigenous people chose, with the government's blessing, to represent them). Indian leaders opposed the 1981 Declaration, and when it became clear that the government would adopt it anyway, many of them left the country. Vernon Bellecourt, American Indian Movement member who has traveled in Nicaragua and who vigorously supports the Sandinista government for most of the same reasons offered by Mr. Caughlan, left no uncertainty during a presentation to a June 22, 1983 Seattle Guild meeting. When pressed, he stated that "we don't support the 1981 Declaration." Although there are apparently some Miskitos who have joined CIA-supported border raids on Nicaragua (which we will discuss in a moment), there is a separate internal battle going on between the Miskitos and the government in which the Miskitos are resisting violations of their rights.

Despite this dismal picture, neither CONAS nor the Miskitos are advocating "secession" (the more accurate term is "independence") from Nicaragua. To begin with, self-determination does not necessarily mean "secession." Self-determination is a procedural term which refers to the way a choice is made: i.e., by a people themselves rather than from the outside. Independence is a substantive standard, one of many possible options from which a people can choose when exercising the right of self-determination. But there is a host of other options such as alliance, confederation, or even assimilation with or within another state or states, options which most indigenous people realize are more realistic for their small populations and land bases. MISURASATA, along with the Southern Indigenous Creole Community, in fact, recently made a public proposal for dialogue with the government to resolve their differences. Although we don't pretend to speak for the Miskitos, we feel confident that if the government would modify the 1981 Declaration and terminate human rights violations, the Miskitos would overwhelmingly choose to side with the revolution. What we are urging is that the Guild is well-positioned and should take an active role in the discussion of how that kind of reconciliation can take place.

There is a second related reason why neither the Guild nor the Sandinista government should feel threatened by the right of self-determination. Indigenous people know better than anyone that the United States does not have their interests at heart. Miskitos who take aid from the CIA do so, we feel confident, not because of any philosophical agreement but out of desperation, as the only perceived means of resisting the Sandin-

ista policies outlined above. We have no doubt that the CIA is exploiting some Miskitos in an attempt to dismember Nicaragua. The solution to that problem, however, is not to deny the Miskitos their right of self-determination; the answer is to take away the incentive to turn to the CIA.

If the Sandinista government would correct its Indian policies, it would quickly eliminate whatever ill-founded community of interest exists between the CIA and the Miskitos, and would facilitate a working relationship between the Miskitos and the Sandinista government. Imposing Sandinista rule against the Miskitos' wishes, by contrast, is futile and foolish. As native people do everywhere, they will continue to resist, exacerbating the already tragic civil war. It is also unconscionable, from both a moral and legal standpoint. People do not lose fundamental rights simply because they make disagreeable political choices. The Guild and the Sandinista government should feel free to convince them that cooperation with the CIA is suicidal. They are not free, however, to violate the Indians' individual human rights or deny the rights of Indian communities.

Notwithstanding the importance of cooperation between Sandinistas and natives, the Guild must face the reality that self-determination means what it says -- free choice -- and that that is what native people the world over want and have a right to. They have gradually and laboriously laid the groundwork for recognition of that right by international organizations, but the struggle continues. The Working Group on Indigenous Populations established by the U.N. Commission on Human Rights is a very hopeful step. But the Guild cannot abandon its support for the struggle simply because the Sandinista government is having trouble harmonizing its policies with the Indians' legitimate rights and needs. In fact, if a socialist

system is to be the improvement over capitalism that we are all counting on, it is even more important than elsewhere that a revolutionary government respect the rights of indigenous people.

If Guild members are concerned that the resolution will be misinterpreted as abandonment of the Sandinista government, we can certainly elaborate and clarify to eliminate that danger. We cannot, however, remain silent. We can and must support both the Sandinista revolution and the rights of indigenous people.

-- John Bell is tribal attorney for the Puyallup Indian Tribe. Joe Ryan works for AFSC concerning Native American issues. Both are long-time members of the Guild