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June 6th, 1984

Norton Tooby
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Dear Norton:

Your letter of June 1, 1984 reached me today and I have a few comments and questions.

(1) You state that the Guild Notes article written by Marti Roberge, John Bell and me was being put forth as "the CONAS position." Nowhere in the article, however, is it stated that everything in the article is "the CONAS position" as you put it. We do state in the article several points that are the position of CONAS, namely, "that it is just as important to support the rights of indigenous peoples in Nicaragua as it is in other places," (second paragraph) and that CONAS decided after "extended and careful review" to "reaffirm its support for indigenous rights in Nicaragua," (third paragraph) and "CONAS recognizes that the United States is in a concerted effort, both overt and covert, to topple the Sandinista government." (seventh paragraph)

We did not sign the article as CONAS, but as individuals, and I believe that we accurately reported the position of CONAS arrived at after discussions at national meetings in Detroit (1981), Santa Fe (1982), New York (1982) and Chicago (1983). The CONAS position developed at the Chicago national convention on August 19th, 1983 states, among things, that: ". . . CONAS is deeply concerned about the violation of the human rights and fundamental freedoms of the indigenous peoples in Nicaragua, Guatemala, El Salvador and Honduras, particularly the right to self-determination," and that . . . "CONAS reaffirms its support for: (1) the right of self-determination of the indigenous peoples of Central America and throughout the Americas, and (2) the right of indigenous peoples to have whatever degree of political autonomy they determine to be appropriate, and (3) the right of indigenous peoples to have whatever degree of ownership and control of their lands and natural resources that they determine to be appropriate, . . . "

I would be grateful if you would let me know how the three statements in our Guild Notes article which report CONAS

positions differ from the above position. Do you disagree with any part of the above three statements in the Guild Notes article or with the August 19 position developed by CONAS in Chicago? If so, please let me know. A full copy of the CONAS position is enclosed.

(2) You state that there is an "important" factual dispute about the drafting of the 1981 Sandista Declaration on Indian policy, with the CATF contending that it "was drawn up by Miskito, Sumo, Rama and Creole people and adopted word for word by the Nicaraguan government," and Marti, John and me contending otherwise. You state that such a factual dispute should be resolved within CONAS.

Would you please send to me any documentation that you may have seen which would help to resolve what you view as a factual dispute. I have been writing letter after letter to the CATF since last April to get them to provide documentation for that assertion. They have provided absolutely none. Roxanne Dunbar Ortiz suggested that the basis for the statement was within certain documents she had deposited with the Data Center in Oakland. The Data Center did send me some early MISURASATA documents, which support the understanding which I have had all along, which is that MISURASATA resisted the 1981 Declaration, and was demanding more land, natural resource control and autonomy rights. There is no question in my mind that the 1981 Declaration was not one that was generated by native leaders in Nicaragua. If you have any basis for believing otherwise, please let me know before the NEB. In that way, perhaps we could resolve some of your concerns at the NEB.

You might be interested in knowing that the Centro de Investigaciones y Documentación de la Costa Atlántico (CIDCA), which is a research center recently assigned to the Nicaraguan National Council on Higher Education, in March, 1984 released a fairly detailed analysis of the Indian rights situation in Nicaragua, entitled "Trabil Nani," which is Miskito for "many troubles." At page 21, the report says that in the spring and early summer of 1981, MISURASATA leadership (other than Steadman Fagoth, who had left the country by then) attempted to maintain dialogue with the Government of National Reconstruction (GRN). "Trabil Nani" goes on to point out, however, that when Brooklyn Rivera, the General Coordinator of MISURASATA, "presented the same territorial claim that same month (July), relations, already extremely tense and suspicious, broke down entirely." The CIDCA report goes on to describe how the 1981 Declaration of Principles, in particular the points on the land and territorial issues, were viewed by MISURASATA leadership as a defeat of their demands on land rights. CIDCA further states that after MISURASATA objected to the 1981 Indian policy, the GRN withdrew its recognition of MISURASATA.

(3) You state that we accuse ". . . the FSLN of violating the rights of self-determination by failing to permit a national minority to secede and redraw its own national boundaries" You also characterize our position as "abstract."

However, that is a misstatement of our position. Nowhere do we say that any indigenous group in Nicaragua is asking for secession, nor do we advocate secession. Actually, it is your objection to our support for Native self-determination rights which is abstract, in that it sets up a fictional "straw person," (secession) which nobody in MISURASATA's leadership is demanding and which neither I nor Marti nor John have advocated.

What we do say is that the principle of native self-determination allows for the option of complete independence. Do you disagree with that?

My understanding is that MISURASATA has never demanded secession, and has never asserted a demand for complete independence. In June of 1981, MISURASATA leaders tried to convince the GRN that Indian demands for autonomy and self-determination did not mean separatism or complete independence. In December of 1983, MISURASATA's demand was for ". . . a dialogue with authentic indigenous leaders with regard to territory and autonomy."

Marti, John and I have not advocated Miskito secession, nor have Indian people in Nicaragua. What we are advocating is the Indian peoples' right to choose their own relationship with the nation-state of Nicaragua. Do you oppose that right?

We also agree with the MISURASATA leadership that dialogue around the question of autonomy would help resolve the tensions in the region.

(4) You state that Nicaragua's "achievements in public health and housing, vaccination programs, literacy campaigns in native tongues, and so forth, are exemplary." As Marti and I told you when we talked briefly in your office in February of this year, most of Nicaragua's greatest achievements have occurred on the Pacific side of the country. Many people were encouraged when MISURASATA's demand was accepted that literacy campaigns in some Indian communities be conducted in Indian languages. Most of this work occurred in 1980.

However, since the Sandinistas arrested the entire directorate of MISURASATA in February of 1981, relations between the native people and the Nicaraguan government have broken down. It is not "amicable" as you describe it. Even Americas Watch, cited by the NLG Central America Task Force in their Guild Notes article as having "investigated and refuted" the charges against Nicaragua of individual human rights violations, stated

in its November 1982 update on Nicaragua that "The most unfortunate decline in human rights in Nicaragua, and that which may prove the most enduring concerns relations between the Government and the Miskito Indians. Unless altered immediately, present Government policies toward the Miskito community will not only perpetuate existing abuses but also, we suspect, engender permanent resistance to the Government." (at page 30, see also page 33, and October 1983, January 1984 and April 1984 reports of Americas Watch.) Again, the Central America Task Force has refused to answer numerous letters questioning their distortion of the findings of Americas Watch.

I find it especially offensive that you describe the GRN's achievements in housing as exemplary in this context. To me, burning Indian villages and putting people in internment camps is hardly an exemplary housing policy. I feel confident that on the Pacific side, Nicaragua does have a good policy on housing. Not so on the Atlantic side.

You state that things are worse in Guatemala and elsewhere. With regard to Guatemala, of course I agree. With regard to "most governments" as you put it, I am not so sure. Is this a matter of faith with you, or do you have some comparative studies?

Whether or not the GRN has been generous, effective and culturally sensitive in its health care, housing and education programs, who says that "under these circumstances, immediate self-determination is of lower priority than in other nations where outright genocide is the practice?" And whether or not it is a low priority, self-determination is an inalienable right of the Miskito, Sumo and Rama people. I have seen no evidence that the native people of Nicaragua place a lower priority on self-determination than other native people. On the contrary, the fact that Spain had little or no success in colonizing the Miskitos suggests to me that many Miskito people have, and will continue, to expend a great deal of energy in their struggle for self-determination.

(5) You state that a critical statement by CONAS or the NLG might be used by the CIA, and that therefore there is a practical reason not to make an issue of native self-determination in Nicaragua at this time. What this sounds like is that raising legitimate aspirations of native peoples in Nicaragua is somehow feeding into the CIA's plans, and that therefore we should at most work behind the scenes. Unfortunately, in years of behind the scenes work, matters have gotten worse. Some of the people with whom some members of CONAS are now working have been making these same demands since 1977, well before the triumph of the insurrection. Are we to abandon our friends, just because the CIA is trying to recruit some Miskitos? I think not. To do so would be to let the CIA determine whether we support our friends. It

appears that your line of reasoning would allow some degree of CIA manipulation of CONAS, because you seem to be suggesting that we have to move away from a group when the CIA moves toward them.

Do you support the Miskitos right to self-determination, but believe that the conditions are not now ripe for exercise of this right, or do you think that the benefits of the revolution are so great for so many that this right should always have a low priority?

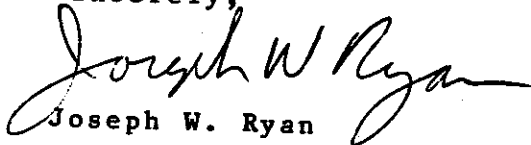
(6) By far your most obnoxious comment is toward the end of your June 1 letter, where you state that if Miskitos were to achieve "independence" (which, as I have stated, is not there goal,) then ". . . is there any question that the U.S. -- given what it has done in Honduras with its millions of people -- would soon corrupt the new nation, turn it into a U.S. military base, and force it into a war against Nicaragua?"

What makes you think that the Miskito, Sumo and Rama people are more susceptible to manipulation by the United States than other native groups? Are you suggesting, as Nicaraguan officials have on occasion, that the Miskitos are "backward?" It is difficult for me to read your statement and not conclude that somehow you believe that the Miskito, Sumo and Rama people, because they are Indians, are inferior.

Norton, your approach to these matters has been a disappointment. Please reconsider. Our support for the Sandinista Revolution will be stronger if we are honest about its present shortcomings, and work to support humanitarian goals within Nicaragua. We can support both native self-determination rights and the revolution.

I have enclosed a copy of articles printed in the Seattle NLG newsletter, written in support of, and against, the proposed resolution on native rights in Central America.

Sincerely,


Joseph W. Ryan

POSITION STATEMENT
NATIONAL LAWYERS GUILD
COMMITTEE ON NATIVE AMERICAN STRUGGLES

INDIGENOUS PEOPLES' RIGHTS
in NICARAGUA, GUATEMALA, HONDURAS, EL SALVADOR
and throughout CENTRAL, SOUTH AND NORTH AMERICA

WHEREAS the National Lawyers Guild Committee on Native American Struggles (CONAS) has been involved in support of and solidarity with indigenous peoples since 1975, and

WHEREAS the National Executive Board of the National Lawyers Guild, in a Joint Resolution submitted by the International Committee and CONAS, at the November 1980 NEB in Los Angeles, expressly recognized that "the overriding concern of Native Americans is protection of their national rights, their right to determine their own forms of government and political relationships with other nation states," and

WHEREAS that 1980 resolution further recognized "the struggles of Native peoples as national liberation struggles by Native people exercising their national rights," and

WHEREAS the 1980 resolution recognized that Native nations today continue to have the desire, the capability, and, under international law, the right to determine their own forms of government and political relationships with other nation states," and

WHEREAS CONAS is deeply concerned about the violation of human rights and fundamental freedoms of the indigenous peoples in Nicaragua, Guatemala, El Salvador and Honduras, particularly the right to self-determination,

NOW THEREFORE BE IT RESOLVED THAT CONAS REAFFIRMS ITS SUPPORT FOR:

- (1) the right of self-determination of the indigenous peoples of Central America and throughout the Americas, and
- (2) the right of indigenous peoples to have whatever degree of political autonomy they determine to be appropriate, and
- (3) the right of indigenous peoples to have whatever degree of ownership and control of their lands and natural resources that they determine to be appropriate, and
- (4) the principle that no government, other than one chosen by indigenous people themselves, has any right to grant or withhold title to the lands or natural resources of indigenous peoples.

Dated August 19, 1983