

**Draft Law on Autonomy
Proposed by
The Government of Nicaragua**

*General Considerations and Historical
Antecedents*

1. In order to understand the situation of the indigenous peoples and communities of the Atlantic Coast of Nicaragua one has to work from the following assumptions:
 - a. The heritage of a national dependent state.
 - b. The existence of a historically oppressed indigenous peoples and communities.
 - c. A revolutionary project that recognizes the right of self-determination of the Nicaraguan people in the face of imperialism, and the establishment of relations of equity, fraternal collaboration, and real equality for the entire of the nation.
2. On the base of socio-economic regime of exploitation of all the workers, and colonial and neocolonial domination in association with the local dominant classes, a dependent Nicaraguan nation was set up that did not give equality of participation to the indigenous peoples and communities of the Atlantic Coast.
3. As the product of a historical development, the indigenous peoples and communities of the Atlantic Coast have specific characteristics of language, culture, forms of organization, and economic relations that differentiate them from the rest of the Nicaraguan people. The bourgeois government did not recognize any rights, nor give real participation to the indigenous peoples and communities of the Atlantic Coast in the socio-economic and political life of the country. The exploitation of natural and human resources was handed over to the rapacious trans-national corporations which deepened their isolation in respect to the rest of the nation.

4. The historic demands of the indigenous peoples and communities of the Atlantic Coast form part of the struggle of the popular Sandinista Revolution for the affirmation of its popular and anti-imperialist character, and the broadening of democratic liberties.
5. The Autonomy Commission knows well that the ethnic question is not susceptible to magic solutions. Only inside the bounds of the Popular Sandinista Revolution are the conditions for its solution being created.
6. In Latin America the ethnic question has been dealt with from different positions, the Autonomy commission considers the exercise of the rights of autonomy within a specified region, in the context of the nation, as the most suitable for our historical reality.

Historical Considerations

1. The contradictions of colonial and imperialist domination in the country, as well as the practice of anti-popular and oppressive governments, shaped a Nicaraguan nation based on the regional separation and the ethnic division between the Pacific and the Atlantic Coast, under a single system of exploitation of all the workers. This is the historical root of the ethnic problem that the Popular Sandinista Revolution inherited.
2. At the base of this regional separation one encounters the incapacity of the dominant classes to create a single national economy that encompasses the Atlantic Coast, defends national sovereignty in the face of colonial and imperial interests, and allows equal civic participation to the indigenous peoples and communities of the Atlantic Coast. From this foundation grew localist and ethnocentric expressions that, from the profound nature of the historical colonial process, explains the relations of lack of confidence and

- prejudice between the populations of the Atlantic and Pacific.
3. The particular history of each one of the indigenous peoples and communities of the Atlantic Coast, as well as their social relations, relations of production, power structure, language, religion and symbols, in the context of the colonial and anti-imperialist struggles, have shaped a group of indigenous people and communities with their own identities, and differences with the rest of the nation.
 4. Facing a historical process that shaped a national state organized in the Pacific region based on the Catholic Spanish speaking Mestizo population, the indigenous peoples and communities of the Atlantic Coast raised demands for their necessities, and demanded settlement of particular grievances.
 5. In this manner, the indigenous peoples and communities of the Atlantic Coast, along with the rest of the exploited and oppressed of the country, with the triumph of the revolution expressed demands to improve their condition of life, and moreover, demands related to the use and development of their languages, defense of their traditional forms of social organization, security in the possession of their land, and participation in the making of decision that affect them.
 6. The triumph of the revolution permitted the growth and reactivation of militant organizations of the indigenous peoples and communities of the Atlantic Coast that could count on the backing of the FSLN and the JGRN (Government of National Reconstruction). However, taking advantage of historical contradictions, as well as limitations and errors of the revolution, imperialism manipulated the ethnic questions against the revolution, diverting the legitimate demands of the indigenous peoples and communities of the Atlantic Coast toward destabilizing objectives. In this way, the ethnic question in Nicaragua acquired a military dimension that now makes the solution more complicated.
 7. The indigenous peoples and communities of the Atlantic Coast that presently inhabit the Atlantic Coast are

as follows: approximately 80,000 Miskitos (including those that are in Honduras); 30,000 Creoles; 8,000 Sumos; 1,500 Garifonas; and approximately 800 Ramas; 120,000 Mestizos who are the same as the majority community of the Pacific coast also live in the region.

Principles and Objectives of the Regional Autonomy

1. Nicaragua is a single and indivisible nation and the sovereignty of the revolutionary state extends to all of the national territory.
2. Nicaragua is a multi-ethnic country where every kind of discrimination, racism, separatism, ethnocentrism, localism and hegemonies should be fought against, with the end in mind of successfully advancing harmony, cooperation, and fraternity among the people. The indigenous peoples and communities of the Atlantic Coast are an indivisible part of the Nicaraguan people.
3. The Popular Sandinista Revolution, upon conquering national independence for all the Nicaraguan people, and liquidating the power of the sell-out bourgeoisies, has created, for the first time in history, the conditions to guarantee the participation of the indigenous people and communities of the Atlantic Coast in the construction of a new society, in full equality with the rest of the Nicaraguan people.
4. The unity of the Nicaraguan people around their revolutionary objectives with diversity of language, culture or religion, is an unrenouncable proposition of the revolution.
5. Defense of the sovereignty of the country and of the territorial integrity of the nation is the supreme duty of each and every Nicaraguan citizen. The exercising of the rights of autonomy will contribute to the strengthening of national unity, and will intensify the participation of the indigenous people and communities of the Atlantic Coast in the tasks of defending the sovereignty of the country.
6. The Popular Sandinista Revolution recognizes that the indigenous peoples

- and communities of the Atlantic Coast have every right to preserve and develop their own cultural practices; their historic and religious patrimony; the right of free use and development of their languages; the right to receive education in their mother tongue and in the Spanish language; the right to organize their social and productive activities according to their values and traditions. The cultural and historic traditions of the indigenous peoples and communities of the Atlantic Coast form part of the national culture and enrich it.
7. The rights of autonomy of the indigenous peoples and communities of the Atlantic Coast will be exercised in the geographic area that they have traditionally occupied. This right is recognized and guaranteed by the revolutionary government.
 8. The Popular Sandinista Revolution recognizes that the preservation of the ethnic identity of the indigenous peoples and communities of the Atlantic Coast requires its own material base. The indigenous peoples and communities of the Atlantic Coast have the right of collective or individual proprietorship over the lands they have traditionally occupied, at the same time the procedures of transmission and use of property established by their customs should be respected. These rights will be guaranteed effectively and legally by the corresponding authorities.
 9. The indigenous peoples and communities of the Atlantic Coast have the right to the use of the lands, forest, and waters-surface, subterranean, and coastal, in the area where they live.
 10. The strategy of taking advantage of the natural resources of the region ought to benefit the economic and social development of the people of the Atlantic Coast and benefit the equilibrium of the national economy. Exploitation of these resources will bring about reinvestment in the region. The nature of the reinvestment will be determined by the authorities of the indigenous peoples and communities of the Atlantic Coast. Planning and rational use will also be in their hands.
 11. All the indigenous peoples and communities of the Atlantic Coast will have equal rights independently of their numbers or level of development.
 12. The rights of autonomy of the indigenous peoples and communities of the Atlantic Coast do not lessen or diminish the rights and obligations they have as Nicaraguan citizens.
 13. Regional autonomy, national unity, and the revolution, support each other in an economic strategy in favor of popular interests, in an internal market that makes regional equality possible, as well as an external commerce compatible with national economic independence. Historical reality and the ethnic makeup of the Atlantic Coast demands the establishment of a regime of autonomy that exercises all these rights and administers all the affairs of local and regional interest, without prejudice against those rights which are the prerogative of the central government.

Organization and Function of the Regional Autonomous government, and the Government of Nicaragua

1. The autonomy law will be only for the indigenous people and communities of the Atlantic Coast, to be exercised in autonomous regions, which have demarcated boundaries. The autonomous region's representation to the central government will be through the regional autonomous government.
2. In each autonomous region a regional government will be established, composed of a regional assembly and a regional executive, charge with the duties of representing and guaranteeing the exercising of autonomy with the support of the central government.
3. The highest representative body will be the regional assembly democratically elected by its inhabitants. It will guarantee the representation of its indigenous people and communities. Those who are elected to the national assembly will be members of the regional assembly in their respective autonomy regions.
4. The regional government will be empowered to safeguard the rights of the indigenous peoples and communities of the Atlantic Coast, as

- well as how the rights are exercised, and arbitrations and obligations established by national law, among these, responsibility for administration of affairs of a national character in the autonomy region.
5. The autonomous region will be governed by three bodies: the regional assembly, the regional executive elected by the regional assembly, and the national government that will recognize the regional authorities, and will watch over the application of the law in all the national territory. The following are considered to be the powers of the regional assembly:
 1. To elect the chief executive of the autonomous government of the region from among its members.
 2. To ratify appointments to regional institutions, proposals by the regional executive, and proposals to the national executive, and those ministerial delegates whose functions relate to the rights of autonomy.
 3. Active participation in elaborating economic, social, and cultural policies.
 4. Safeguard and implement those national laws for whose execution they are responsible. Present draft laws to the national assembly for the adjustment of national laws to the characteristics of the region by means of its representatives in the national assembly.
 5. Elaborate the statute rules that will regulate the functions of the regional autonomous government.
 6. Safeguard public order in the autonomous region, in coordination with the national police, seeing to it that inhabitants of the autonomous region compose the top posts and ranks of the police force.
 7. To contribute to the implementation of resolutions concerning peace and defense in the face of aggression.
 8. To participate in the planning, elaboration, and implementation of economic strategy in all aspects concerning the autonomous regions of the Atlantic Coast area such as:
 - a) Property and land tenure
 - b) Economic programs.
 - c) Development programs.
 - d) Investment programs.
 - e) Organization and administration of enterprises.
 - f) To ratify the regional budget developed by the executive for its approval by the central government.
9. To apply and regulate the utilization policies for a special fund for development and social advancement of the autonomous regions of the Atlantic Coast that will be constituted by donations and other extraordinary funds collected for that purpose, assigned by the participating institutions in the framework of the national constitution.
- Powers of the Chief Executive of the Region*
1. To represent the autonomous region before the central government in all matters
 2. To supervise and coordinate the handling of all applications and petitions that are under the authority of the chief executive, in political, cultural, and economic fields.
 3. To collect the regional taxes that are established by law.
 4. To coordinate the activities of the local police and justice authorities.
 5. To develop the regional budget, presenting it to the regional assembly.
 6. To direct the special fund, in accordance with the policy established by the regional assembly.
 7. To request the convocation in special session of the regional assembly when circumstances merit it.
 8. To establish coordination with the Sandinista People's Army and the Minister of the Interior in order to support the defense effort and to be adequately informed about the military situation of the autonomous region.
- Powers of the Central Government*
- The central government defines the policies, lines of work, and obligatory norms, exercising the following powers:
1. Defense of sovereignty and of the territorial integrity of the Nicaraguan nation.
 2. Internal security of the state and regulation of the citizenry.

3. International relations and foreign policy.
4. Foreign trade and operation of customs, the national policy of foreign commerce, will establish the necessary mechanisms for the autonomous regions to be able to maintain traditional commercial interchange with the Caribbean area, in the accordance with the laws that govern the matter.
5. National economic strategy (planning and budgeting, fiscal-financing, stockpiling for internal commerce, transport and communications).
6. Norms of justice. Besides Spanish, trials will be in the language of the litigants.
7. To guarantee on the part of the autonomous regions the carrying out of national policy in accordance with the principles and rights of autonomy.

We are certain that the autonomy proposal responds to the necessities and demands of the indigenous peoples of the Atlantic Coast and contributes to deepening the democratic character of the revolution, to the reunification of the Nicaraguan family, as well as achieving peace and unity of the nation.

Managua, July 1985