



AUTONOMY STATUTE FOR THE REGIONS OF THE ATLANTIC COAST OF NICARAGUA

LAW No. 28

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THE PRESIDENT OF THE REPUBLIC OF NICARAGUA

makes known to the people of Nicaragua that:

THE NATIONAL ASSEMBLY OF NICARAGUA IN CONSIDERATION OF THE FACT:

I

That in Latin America and other regions of the world, the Indian populations having been subjected to a process of impoverishment, segregation, marginality, assimilation, oppression, exploitation, and extermination are demanding a deep-going political, economic, and cultural transformation so that they can effectively achieve their demands and have their aspirations met.

II

That the Atlantic Region of Nicaragua makes up approximately 50% of the nation's territory and, with close to 300,000 inhabitants represents 9.5% of the total population. This number includes 182,000 Spanish-speaking mestizos, 75,000 Miskitos with their own language, 26,000 English-speaking Creoles, 9,000 Sumus with their own language, 1,750 Garifunas, most of whom have lost their language, and 850 Ramas, of whom only 35 have retained their language.

III

That the multi-ethnic identity of the Nicaraguan people is greatly inspired by the exploits of Indian-American heroes like Diriangen, Cuauhtemoc, Caupolican, and Tupac Amaru who never backed down, and by the deeds of Augusto C. Sandino who gave hope and determination to the Indians of the Rio Coco with their agricultural and mining cooperatives, and who proclaimed proudly to the world:
 "I am Nicaraguan and I am proud because, more than anything else, Indian blood courses through my veins which atavistically contains the mystery of being patriotic, loyal, and sincere."

IV

That the revolutionary struggle of the Nicaraguan people to build a new multi-ethnic, multi-cultural, and multi-lingual nation based on democracy, pluralism, anti-imperialism, and the elimination of all forms of social exploitation and oppression, requires the institutionalization of the Autonomy process of the Communities of the Atlantic Coast whereby the political, economic, social, and cultural rights of its' inhabitants are recognized, and

which ensures equality in diversity, strengthens national unity and the territorial integrity of the nation, enriching the democratic principles of the Revolution, and which thoroughly transforms the very essence of the dependent and exploitative society we inherited from the past.

V

That the Autonomy process enriches our national culture; recognizes and strengthens ethnic identity; respects the particular aspects of the cultures of the different Communities of the Atlantic Coast and preserves their history; recognizes the right to religious freedom; and, without deepening differences, recognizes the different identities which lay the basis for building national unity.

VI

That the experience gained with the Autonomy process is showing that only to the extent that the struggle for the specific demands of the ethnic communities remains linked to that of the workers and other exploited and oppressed sectors of the nation will a genuine solution be reached.

VII

That Autonomy makes possible the effective exercise of the right of the Communities of the Atlantic Coast to participate in working out how to make use of the region's natural resources and how to reinvest the benefits from these in the Atlantic Coast and the nation, thereby creating the material basis for the survival and development of the cultural expressions.

VIII

That the new constitutional order of Nicaragua establishes that the Nicaraguan people are by nature multi-ethnic; recognizes the rights of the Communities of the Atlantic Coast to preserve their languages, religions, art, and culture, to use and enjoy the communal waters, forests, and lands, to create programs which further their development and ensure the rights of these Communities to organize themselves and to live in the ways which correspond to their legitimate traditions (Art. 8, 11, 49, 89, 90, 91, 92, 121, 180, and 181 of the Constitution).

THEREFORE

In use of its powers

Has issued

The following:

AUTONOMY STATUTE FOR THE REGIONS OF THE ATLANTIC COAST OF NICARAGUA

Title I BASIC PRINCIPLES

Chapter I AUTONOMOUS REGIONS

Art. 1. This Statute establishes the Rule of Autonomy for the Regions inhabited by the communities of the Atlantic Coast of Nicaragua, and recognizes the rights and responsibilities which correspond to its inhabitants, in conformity with the Political Constitution.

Art. 2. The Communities of the Atlantic Coast are an indissoluble part of the indivisible State of Nicaragua, and their inhabitants enjoy all the Rights and Responsibilities which correspond to them as Nicaraguans, in accordance with the Political Constitution.

Art. 3. It is a principle of the Revolution and of Autonomy to promote and preserve unity, fraternity, and solidarity between the inhabitants of the communities of the Atlantic Coast of Nicaragua.

Art. 4. The Regions inhabited by the communities of the Atlantic Coast enjoy—within the unity of the Nicaraguan State—the Rule of Autonomy which ensures them the effective exercise of their historical and other rights, as stated in the Political Constitution.

Art. 5. Spanish, the official language of the State, and the languages of the Communities of the Atlantic Coast will have official status in the Autonomous Regions.

Chapter II

POLITICAL AND ADMINISTRATIVE REGIME FOR THE AUTONOMOUS REGIONS AND THEIR INTERNAL TERRITORIAL DIVISION

Art. 6. For the full exercise of the right to Autonomy of the Communities of the Atlantic Coast, two Autonomous Regions are established in the area making up the Department of Zelaya:

1. “The North Atlantic Autonomous Region” has jurisdiction over the territory of Special Zone I and the adjacent Islands and Keys. Its administrative seat is in the city of Puerto Cabezas.
2. “The South Atlantic Autonomous Region” has jurisdiction over the territory of Special Zone II and the adjacent Islands and Keys. Its administrative seat is in the city of Bluefields.

Under extraordinary circumstances, the regional administrations can function in other parts of their respective territories.

Art. 7. The territory of each Autonomous Region will be divided for administrative purposes into municipalities to the extent possible, in keeping with community traditions, and they shall be subject to the laws established for this purpose. The administrative sub-division of the municipalities shall be established and organized by the corresponding Regional Councils, in accordance with their traditions.

Art. 8. The Autonomous Regions established by this Statute will have legal personality in public Law, and are subject to the relevant aspects of their national policies, plan, and orientations. Through their administrative bodies they have the following general faculties:

1. To effectively participate in the preparation and implementation of plans and programs for national development with the region, in order to bring them into harmony with the interests of the Communities of the Atlantic Coast.
2. To administer programs for health, education, culture, supply and distribution, transport, community services, etc. in coordination with the corresponding State Ministries.
3. To promote their own economic, social, and cultural projects.
4. To promote the rational use and enjoyment of the communal waters, forests, and lands and the defense of their ecological system.
5. To promote the study, fostering, development, preservation, and dissemination of information about the traditional cultures of the Communities of the Atlantic Coast, as well as their historical, artistic, linguistic, and cultural heritage.
6. To promote national culture in the communities of the Atlantic Coast.
7. To foster the traditional trade with the nations and peoples of the Caribbean, in accordance with the national laws and procedures established for this purpose.
8. To promote connections with the intra- and inter-regional market, thereby contributing to the consolidation of the national market.
9. To establish regional taxes in accordance with the laws established for this purpose.

Art. 9. The right to own communal lands shall be recognized in the rational use of the mineral, forest, fishing, and other natural resources of the Autonomous Regions, and said use should benefit the inhabitants equitably, by means of the agreements between the Regional Government and the Central government.

Chapter III

ON THE RIGHTS, RESPONSIBILITIES, AND GUARANTEES OF THE INHABITANTS OF THE COMMUNITIES OF THE AUTONOMOUS REGIONS

Art. 10. In the territory of the Autonomous Regions, all Nicaraguans enjoy the rights, responsibilities, and guarantees which correspond to them, in accordance with the Political Constitution and this Statute.

Art. 11. The inhabitants of the Communities of the Atlantic Coast have the following rights:

1. Absolute equality of rights and responsibilities, regardless of the size of their population and level of development.
2. To preserve and develop their language, religions, and cultures.
3. To use, enjoy, and benefit from the communal waters, forests, and lands, within the plans for national development.
4. To freely develop their social and productive organizations, in accordance with their own values.
5. Education in their mother tongue and in Spanish, by means of programs which include their historical heritage, their value system, and the traditions and characteristics of their environment, all in accordance with the national education system.
6. Communal, collective, or individual forms of property, and the transfer of said property.
7. To elect their own authorities, or be elected as such in the Autonomous Regions.
8. To scientifically safeguard and preserve the knowledge of natural medicine accumulated throughout their history, in coordination with the national health system.

Art. 12. The members of the Communities of the Atlantic Coast have the right to define and decide upon their own ethnic identity.

Art. 13. The defense of the country, life, justice, and peace for the development of the nation is a fundamental responsibility of the inhabitants of the Communities of the Atlantic Coast.

Art. 14. In Nicaragua, the defense of the nation lies in the organized strength of all the people. In the Autonomous Regions, defense will be led by the Sandinista People's Army and the bodies in charge of the security and internal order of the State. The inhabitants of these communities have priority in the defense of sovereignty in these regions.

Title II

ON REGIONAL ADMINISTRATION

Chapter 1

ON THE INSTITUTIONS OF REGIONAL ADMINISTRATION

Art. 15. In each of the Autonomous Regions of the Atlantic Coast there shall be, subject to the Political Constitution of Nicaragua and this Statute, the following administrative institutions:

1. Regional Council.
2. Regional Coordinator.

3. Municipal and community authorities.
4. Other authorities corresponding to the administrative sub-division of the municipalities.

Art. 16. The Regional Council and Coordinator shall be the highest authorities in their respective Autonomous Region in their respective spheres of activity.

Art. 17. Municipal governments shall be subject to the provisions of this Statute and the relevant laws. The other authorities shall be subject to the resolutions issued by the corresponding Regional Council.

Art. 18. The Administration of Justice in the Autonomous Regions shall be subject to special regulations which reflect the particularities of the cultures of the Communities of the Atlantic Coast, in accordance with the Political Constitution of Nicaragua.

Chapter II

ON THE REGIONAL COUNCIL

Art. 19. Each Regional Council will be made up of 45 members elected by universal suffrage which will be direct, free, and secret. All the ethnic communities of the respective Autonomous Region must be represented, in accordance with the system worked out in the Electoral Law.

Art. 20. The Representatives to the National Assembly from each Autonomous Region shall also be voting members of their respective Regional Council.

Art. 21. To be a Member of the Regional Council, it is necessary: to have been born on the Atlantic Coast or be the child of a mother or father born in the Region; to be at least 21 years of age; to have full enjoyment of one's civil and political rights; and, to have resided in the respective region for at least one year immediately prior to the elections. Nicaraguans from other regions must have resided in the respective regions for at least five consecutive years immediately prior to the election.

Art. 22. The right to vote in the election for Members of the Regional Council shall be held by all citizens who- in addition to meeting the requirements stipulated in the Electoral Law- have resided in the respective Region during the three months prior to the elections and who were born there or have a mother or father from the Region, or when they are Nicaraguans from other regions of the country they have resided for at least one year in the respective Region immediately prior to the election.

Art. 23. The attributes of the Regional Council shall be:

1. To regulate those regional affairs assigned by means of resolutions and ordinances, in accordance with Article 8 of this Statute.
2. To prepare the Regional Tax Plan for the Region.
3. To participate in the formulation, planning, implementation, and supervision of the economic, social, and cultural policies and programs which affect or concern the Region.
4. To resolve boundary disputes between the different communities of the respective Region.
5. To draft the Regional Budget.
6. To ensure the correct use of the special fund for the development and social progress of the Region which shall be set up using domestic and foreign funding and other extraordinary funds.
7. To prepare the draft law for the Municipal Demarcation and organization of the respective Region, taking into account its social, cultural, and economic characteristics.
8. To elect the Regional Coordinator from among its members and to find a replacement if and when necessary.
9. To define by means of resolutions the administrative sub-divisions of the municipalities in its Region.
10. To prepare draft legislation concerning the rational use and conservation of the Region's natural resources.
11. To request reports from, or question the delegates from the State Ministries and agencies operating in the Region and from the regional officials.
12. To elect a Board of Directors from among its members.
13. To receive and accept, when necessary, all resignations tendered by its Members or those of the Board of

Directors.

14. To promote the integration, development, and participation of women in all aspects of the political, social, cultural, and economic life of the region.

15. To draft and pass its own internal regulations.

16. All other faculties assigned by this Statute and other laws.

Art. 24. The resolutions and ordinances enacted by the Regional Councils should be in accordance with the Political Constitution and the Laws of the Republic of Nicaragua.

Art. 25. The term of office for the Regional Council members shall be four years, beginning from the date of their investiture, to be determined in accordance with Article 40 of this Statute.

Art. 26. Quorum for the Regional Council meetings shall be met with the presence of more than half of its Members, and the resolutions should have more than half the votes of those present, except in the special cases established by the Regulations.

Chapter III

ON THE BOARD OF DIRECTORS OF THE REGIONAL COUNCILS

Art. 27. The Board of Directors of each Regional Council shall be composed of one president, two vice-presidents, two secretaries, and two regular members. Each of the ethnic groups of the respective region shall be represented on the Board. Its term of office shall be two years, and it will have the functions stipulated in this Statute and the respective Regulations.

Art. 28. The attributes of the Board of Directors of the Regional Council shall be:

1. To coordinate its activities and those of the Council with the Regional Coordinator and, through the Coordinator, with the other regional officials of the different branches of the government.
2. Through its President, to call the Regional Council to ordinary and extraordinary sessions, and to prepare the agenda for said sessions.
3. To appoint standing and special committees to analyze and decide upon matters concerning the administration of the region.
4. To carry out the tasks necessary for the interest, well-being, and development of the Region.
5. All other attributes conferred by this Statute and other laws regulations.

Chapter IV

ON THE REGIONAL COORDINATOR

Art. 29. The executive functions of the Region shall be the responsibility of the Regional Coordinator.

Art. 30. The functions of the Regional Coordinator will be:

1. To represent the respective Region.
2. To appoint the executive officials for regional administration.
3. To organize and direct the executive activities of the Region.
4. To conduct all affairs within his area of responsibility before the national authorities.
5. To comply with, and have others comply with the policies, directives, and dispositions of the Executive Branch, in accordance with this Statute, laws, and regulations.
6. To administer the special fund for development and social progress, in accordance with the policy set by the Regional Council, and to make periodic reports through the Board of Directors about the activities carried out.
7. To comply with, and have others comply with the ordinances of the Regional Council.
8. All other attributes conferred by this Statute and the law.

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

Title III

ON THE BUDGET OF THE AUTONOMOUS REGIONS

Chapter I

Art. 32. The Regional Council shall prepare, in coordination with the Ministry of Finance, the draft budget for its Autonomous Region in order to finance the regional projects. Said budget shall consist of:

1. The regional taxes, in accordance with the Regional Tax Plan, which shall include taxes on the profits of the companies operating in the Region.
2. Funds derived from the General Budget of the Republic.

Art. 33. A Special Fund for Development and Social Promotion will be established, derived from internal and external resources and other extraordinary income not contemplated in the budget, which will be destined to social, productive and proper cultural investments of the Autonomous Region.

Title IV

ON THE PATRIMONY OF THE REGIONS AND THE COMMUNAL PROPERTY

Chapter I

Art. 34. Considered as Patrimony of the Autonomous Region are all property, rights and duties acquired through any title as legal personality in Public Law.

Art. 35. The Autonomous Region possesses total capacity to acquire, administer and dispose properties integrated as its Patrimony, according to this Statute and the laws.

Art. 36. The communal property is constituted by the land, waters and forests which traditionally has belonged to the communities of the Atlantic Coast, and which are subject to the following dispositions:

1. The communal lands are indissoluble; they cannot be donated, sold, leased nor taxed, and they are eternal.
2. The inhabitants of the communities possess the right to work parcels of the communal property and the right to the benefits of the results of the work they realize.

Art. 37. The other forms of property in the Region are those recognized by the Political Constitution of Nicaragua and the laws.

Title V

ON REFORMING THE STATUTE

Chapter I

Art. 38. Two thirds of both Regional Councils may together solicit reforms of the present Statute, according to mechanisms established by the Political Constitution of Nicaragua, the General Statutes of the National Assembly and its Internal Regulations.

Title VI

FINAL AND TRANSITORY DISPOSITIONS

Chapter I

Art. 39. The National Assembly, after having approved the present Statute, calls for election of members of the Regional Council in each of the Autonomous Regions. The Supreme Electoral Council proceeds to organize, direct and to proclaim and publish the results and hand over the credentials to the elected.

Art. 40. The National Assembly establishes the date of installation of each Regional Council. The President of the Supreme Electoral Council takes the oath of the law of the members declared elected, gives the possession of their function and presides the election of the Board.

Art. 41. A special commission of each Regional Council proceeds to organize the ceremony of induction with the presence of the President of the Republic or his delegate, and of the Presidents of the National Assembly, of the Supreme Court of Justice and of the Supreme Electoral Council or their delegates.

Art. 42. The zones presently under other jurisdiction will be incorporated in their respective Autonomous Region under the possible circumstances and these will be defined and determined by the respective Autonomous Region in coordination with the Central Government.

Art. 43. The authorities exercising functions in each Region at the date of implementation of this statute, continues to do so while those that will substitute them according to the new dispositions do not take position.

Art. 44. The present Statute shall be regulated and amply publicized in the entire National Territory, in Spanish, and the languages of the Communities of the Atlantic Coast

Art. 45. The present Statute comes into effect the date it is published in La Gaceta, Official Publication. Given at the Session Room of the National Assembly the second of the month of September of the year of one thousand nine hundred and eighty seven. Here, nobody surrenders!- Carlos Nuñez Tállez, President of the National Assembly- Rafael Solís Cerda, Secretary of the National Assembly.

Accepted as Law of the Republic- Published and Executed- Managua, seventh of September of one thousand nine hundred and eighty seven- "Here, nobody surrenders." Daniel Ortega Saavedra, President of the Republic.

