

***Unofficial translation.***

**TEXT OF LAW No. 28, "STATUTE OF AUTONOMY OF THE REGIONS OF THE  
CARIBBEAN COAST OF NICARAGUA" WITH ITS INCORPORATED  
AMENDMENTS**

Law No. 28, Approved on July 29, 2016

Published in La Gaceta, Official Gazette, No. 155 of August 18, 2016

**THE PRESIDENT OF THE REPUBLIC OF NICARAGUA**

It lets the Nicaraguan people know that:

**THE NATIONAL ASSEMBLY  
FROM THE REPUBLIC OF NICARAGUA**

**Considering:**

**I**

That in Latin America and other regions of the world, indigenous populations and native peoples subjected to a process of impoverishment, segregation, marginalization, assimilation, oppression, exploitation and extermination demand a profound transformation of the political, economic and cultural order, in order to achieve cash of your demands and aspirations.

**II**

That the Nicaraguan Caribbean Region constitutes approximately 50% of the national territory and, with nearly three hundred thousand inhabitants, represents 9.5% of the national population, distributed in: one hundred and eighty-two thousand Spanish-speaking Mestizos; seventy-five thousand Misquitos with their own language; 26,000 English-speaking Creoles; nine thousand Sumos with their own language; one thousand seven hundred and fifty Garífunas, most of whom have lost their language, and eight hundred and fifty Ramas of which only thirty-five retain their language.

**III**

That the multi-ethnic identity of the Nicaraguan people is firmly inspired by the deeds of Indo-American heroes such as Diriangén, Cuauhtémoc, Caupolicán, and Túpac Amaru, who never gave up, and by the deeds of Augusto C. Sandino, who sowed

hope and determination to the indigenous people of the River. Coco with its agricultural and mining cooperatives and who proudly proclaimed to the world:

"I am Nicaraguan and I feel proud because in my veins circulates, more than everything, the Indian blood that by atavism contains the mystery of being patriot, loyal and sincere."

#### **IV**

That the revolutionary struggle of the Nicaraguan people to build a new, multiethnic, multicultural and multilingual nation, based on democracy, pluralism, anti-imperialism and the elimination of social exploitation and oppression in all its forms, demands the institutionalization of the process of autonomy of the Communities of the Caribbean Coast of Nicaragua as long as the political, economic, social and cultural rights of its inhabitants are recognized, guaranteeing equality in diversity; strengthens national unity and the territorial integrity of the nation; it deepens the democratic principles of the Revolution and upsets in its deepest aspects the very essence of the dependent and exploiting society that the past inherited from us.

#### **V**

That the autonomy process enriches the national culture, recognizes and strengthens the ethnic identity; respects the specificities of the cultures of the Communities of the Caribbean Coast; rescue their history; recognizes the right to property over communal lands, repudiates any type of discrimination; it recognizes religious freedom and, without deepening differences, it recognizes differentiated identities in order to build national unity from them.

#### **VI**

That the experience accumulated through the process of autonomy is shown that only to the extent that the struggle for the specific demands of the ethnic communities remains indissoluble with that of the workers and other exploited and oppressed sectors of the nations can it achieve a genuine solution.

#### **VII**

That autonomy makes possible the effective exercise of the right of the Communities of the Caribbean Coast to participate in the design of the modalities of use of the natural resources of the region and the way in which the benefits of the same will be reinvested in the Coast Caribbean and the nation, creating the material base that guarantees the survival and development of their cultural expressions.

#### **VIII**

That the new constitutional order of Nicaragua establishes that the Nicaraguan people are multi-ethnic in nature; recognizes the rights of the Communities of the Caribbean Coast to preserve their languages, religions, art and culture; to the enjoyment, use and enjoyment of the waters, forests and communal lands; to the

creation of special programs that contribute to their development and guarantee the right of these Communities to organize and live under the forms that correspond to their legitimate traditions (articles. 8, 11, 49, 89, 90, 91, 121, 180 and 181 Cn.).

**Therefore**

In use of its powers:

**Has dictated**

The next:

**STATUTE OF AUTONOMY OF THE REGIONS  
FROM THE CARIBBEAN COAST OF NICARAGUA**

**TITLE I  
FUNDAMENTAL PRINCIPLES**

**Chapter I**

**Of the autonomous regions**

**Article 1 Autonomy regime**

This Statute establishes the Regime of Autonomy of the Regions where the Communities of the Caribbean Coast of Nicaragua live and recognizes the rights and duties that correspond to its inhabitants, in accordance with the Political Constitution.

**Article 2 Membership and citizenship of the inhabitants of the Communities**

The Communities of the Caribbean Coast are an indissoluble part of the unitary and indivisible State of Nicaragua and its inhabitants enjoy all the Rights and Duties that correspond to them as Nicaraguans, in accordance with the Political Constitution.

**Article 3 Unity, fraternity and solidarity**

It is the principle of the Revolution and of Autonomy to promote and preserve unity, fraternity and solidarity among the inhabitants of the Communities of the Caribbean Coast and of the entire nation.

#### **Article 4 Exercise of your historical rights**

The Regions where the Communities of the Caribbean Coast live enjoy, within the unity of the Nicaraguan State, a Regime of Autonomy that guarantees them the effective exercise of their historical and other rights, consigned in the Political Constitution.

#### **Article 5 Languages of official use**

Spanish, the official language of the State, and the languages of the Communities of the Caribbean Coast will be of official use in the Autonomous Regions.

### **Chapter II**

#### **Administrative political regime of autonomous regions and internal territorial subdivision**

#### **Article 6 Autonomous Regions of the Caribbean Coast Venues and territory**

For the full exercise of the right of Autonomy of the Communities of the Caribbean Coast, two Autonomous Regions are established in what comprises the Caribbean Coast.

- 1) The Autonomous Region of the North Caribbean Coast: it has jurisdiction over the territory of the adjacent Islands and Keys. Its administrative headquarters is the city of Bilwi or Puerto Cabezas.
- 2) The Autonomous Region of the South Caribbean Coast: it has jurisdiction over the territory of the adjacent Islands and Keys. Its administrative headquarters is the city of Bluefields.

In extraordinary circumstances, regional administrations may function in other parts of their respective territories.

The territories of each Region are those established in the Official Publication of Municipal Directions, Annex I of Law No. 59, Law of Administrative Political Division.

#### **Article 7 Administrative division of the Autonomous Regions and municipalities**

The territory of each Autonomous Region will be divided for its administration into municipalities, which must be established, as far as possible, in accordance with their communal traditions and will be governed by the law of the matter. The

administrative subdivision of the municipalities will be established and organized by the corresponding Regional Councils, in accordance with their traditions.

### **Article 8 Powers of the Autonomous Regions**

The Autonomous Regions established by this Statute are Public Law Legal Entities that follow, as appropriate, national policies, plans and guidelines. They have the following general powers through their administrative bodies:

- 1) Participate effectively in the preparation and execution of national development plans and programs in their region, in order to harmonize them with the interests of the Communities of the Caribbean Coast.
- 2) Administer the health, education, culture, supply, transportation, community services and similar programs, in coordination with the corresponding State Ministries.
- 3) Promote own economic, social and cultural projects.
- 4) Promote the rational use, enjoyment and enjoyment of waters, forests, communal lands and the defense of their ecological system.
- 5) Promote the study, promotion, development, preservation and dissemination of the traditional cultures of the Communities of the Caribbean Coast, as well as their historical, artistic, linguistic and cultural heritage.
- 6) Promote national culture in the Communities of the Caribbean Coast.
- 7) Encourage traditional exchange with the nations and peoples of the Caribbean, in accordance with national laws and procedures that govern the matter.
- 8) Promote the articulation of the intraregional and interregional market, thus contributing to the consolidation of the national market.
- 9) Establish regional taxes in accordance with the laws that govern the matter.

### **Article 9 Recognition of rights for the rational exploitation of resources**

In the rational exploitation of the mining, forestry, fishing and other natural resources of the Autonomous Regions, the property rights over the communal lands will be recognized, and should benefit its inhabitants in fair proportion through agreements between the Regional Government and the Government Central.

## **Chapter III**

### **Of the rights, duties and guarantees of the inhabitants of the communities of the autonomous regions**

#### **Article 10 Rights, duties and guarantees of Nicaraguans in the Autonomous Regions**

All Nicaraguans enjoy in the territory of the Autonomous Regions the rights, duties and guarantees that correspond to them in accordance with the Political Constitution and this Statute.

#### **Article 11 Rights and duties of the inhabitants of the Communities**

The inhabitants of the Communities of the Caribbean Coast have the right to:

- 1) The absolute equality of rights and duties among themselves, regardless of their population number and level of development.
- 2) Preserve and develop their languages, religions and cultures.
- 3) Use, enjoy and enjoy the waters, forests and communal lands within the national development plans.
- 4) Freely develop their social and productive organizations according to their own values.
- 5) Education in their mother tongue and in Spanish, through programs that collect their historical heritage, their value system, traditions and characteristics of their environment, all in accordance with the national educational system.
- 6) Communal, collective or individual forms of property and its transmission.
- 7) Elect and be elected proper authorities of the Autonomous Regions.
- 8) Rescue in a scientific way and in coordination with the national health system, the knowledge of natural medicine accumulated throughout its history.

#### **Article 12 Ethnic identity**

The members of the Communities of the Caribbean Coast have the right to define and decide their own ethnic identity.

### **Article 13 Primary duty of the inhabitants of the Communities**

The defense of life, the homeland, justice and peace for the integral development of the Nation, is a primary duty of the inhabitants of the Communities of the Caribbean Coast.

### **Article 14 Defense of sovereignty**

In Nicaragua, the defense of the nation rests on the organized strength of all the people. In the Autonomous Regions, defense will be directed by the Nicaraguan Army and the security and internal order bodies of the State. The inhabitants of these towns and communities have priorities in the defense of sovereignty in these regions.

## **TITLE II OF THE REGIONAL ADMINISTRATION**

### **Chapter I**

#### **Of the regional administration bodies**

### **Article 15 Administrative bodies of the Autonomous Regions**

In each of the Autonomous Regions of the Caribbean Coast, the following administrative bodies will function, subject to the Political Constitution of Nicaragua and this Statute:

- 1) Regional Council.
- 2) Regional Coordination.
- 3) Municipal and communal authorities.
- 4) Others corresponding to the administrative subdivision of the municipalities.

### **Article 16 Higher authorities**

The Council and the Regional Coordinator will be, in their respective spheres, the higher authorities of the corresponding Autonomous Region.

### **Article 17 Municipal administration**

The municipal administration shall be governed by this Statute and the law on the matter. The other authorities shall be governed by the resolutions issued for this purpose by the corresponding Regional Council.

### **Article 18 Administration of Justice**

The Administration of Justice in the Autonomous Regions will be governed by special regulations that will reflect the cultural particularities of the Communities of the Caribbean Coast, in accordance with the Political Constitution of Nicaragua.

## **Chapter II**

### **Regional Council**

#### **Article 19 Integration and election of the Regional Councils**

Each Regional Council will be composed of forty-five Members elected by universal, equal, direct, free and secret vote, all ethnic communities of the respective Autonomous Region must be represented, in accordance with the system determined by Law No. 331, Electoral Law.

#### **Article 20 Integration of Deputies and Deputies in the Regional Councils**

Members of the Regional Council with voice and vote shall also be the Deputies of the National Assembly of their corresponding Autonomous Region.

#### **Article 21 Requirements of the members of the Regional Councils**

To be a Member of the Regional Council it is required: to have been born on the Caribbean Coast or to be the child of a father or mother born in the Region; Be at least twenty years old; be in full enjoyment of their civil and political rights and 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 Autonomous Region for at least five consecutive years immediately prior to the election.

## **Article 22 Right to vote**

All those citizens who, in addition to meeting the requirements of Law No. 331, Electoral Law, have three months of residing in the respective Region prior to the elections, when they are born in the same or to a father or mother in the Region; or have at least one year of residency in the respective Region immediately prior to the elections, when they are Nicaraguans from other regions of the country.

## **Article 23 Powers of the Regional Council**

The responsibilities of the Regional Council will be:

- 1) Regulate through resolutions and ordinances the regional matters that are its competence, in accordance with article 8 of this Statute.
- 2) Prepare the Tax Plan for the Region.
- 3) Participate in the preparation, planning, implementation and monitoring of economic, social and cultural policies and programs that affect or concern their Region.
- 4) Resolve the differences of limits within the different Communities of their respective region.
- 5) Prepare the preliminary draft of the Regional Budget.
- 6) Ensure the correct use of the special fund for development and social promotion of the Region, which will be established through internal and external resources and other extraordinary funds.
- 7) Prepare the preliminary draft of Municipal Demarcation and Organization for the corresponding region, taking into account its social, cultural and economic characteristics.
- 8) Choose the Regional Coordinator from among its Members and substitute him if necessary.
- 9) Determine through resolutions the administrative subdivision of the municipalities of its Region.
- 10) Prepare a draft law on the rational use and conservation of natural resources in the region.
- 11) Request reports or question, as appropriate, the Delegates of the ministries and state entities that operate in the region and the regional officials.
- 12) Elect its Board of Directors from among its Members.

- 13) Know and admit, where appropriate, the resignations submitted by its Members or those of the Board of Directors.
- 14) Promote the integration, development and participation of women in all aspects of political, social, cultural and economic life in the region.
- 15) Prepare and approve its own Internal Regulations.
- 16) The others granted by this Statute and other laws.

#### **Article 24 Regional regulations. Primacy of the Political Constitution and laws**

The resolutions and ordinances of the Regional Councils must be in harmony with the Political Constitution and the laws of the Republic of Nicaragua.

#### **Article 25 Period**

The members of the Autonomous Regional Councils will be elected by the people for a period of five years. The term of the Members of the Regional Council will be counted from the date of their installation, established in accordance with article 40 of this Statute.

#### **Article 26 Quorum**

The quorum for the meetings of the Regional Council will be formed with the presence of more than half of its Members and the resolutions must have the favorable vote of more than half of those present, except in special cases established by the Regulations.

### **Chapter III**

#### **Of the Board of Directors of the Regional Councils**

#### **Article 27 Integration**

The Board of Directors of each Regional Council will be made up of a president, two vice-presidents, two secretaries and two members, each of the ethnic communities of the respective Autonomous Region must be represented in it. The term of the first Board of Directors of each period is two years and seven months. The period of the second Board of Directors of each period will be two years and five months.

## **Article 28 Powers**

The powers of the Board of Directors of the Regional Council will be:

- 1) Coordinate their activities and those of the Council with the Regional Coordinator and, through him, with the other regional officials of the State Powers.
- 2) Summon the Regional Council through its President to ordinary or extraordinary meetings and prepare the agenda for them.
- 3) Appoint permanent and special commissions to analyze and rule on the affairs of the administration of the region.
- 4) Carry out all those steps necessary for the interest, well-being and development of the region.
- 5) The others that this Statute, other laws and regulations grant it.

## **Chapter IV**

### **From the Regional Coordinator**

## **Article 29 Regional Coordinator**

The executive functions of the region will fall on the Regional Coordinator.

## **Article 30 Functions**

The functions of the Regional Coordinator will be:

- 1) Represent your region.
- 2) Appoint the executive officers of the regional administration.
- 3) Organize and direct the executive activities of the region.
- 4) Manage matters within its competence before the national authorities.
- 5) Comply with and enforce the policies, guidelines and provisions of the Executive Power, in accordance with this Statute, laws and regulations.
- 6) Administer the special fund for social development and promotion, in accordance with the policy established by the Regional Council and render periodic reports on its management, through the Board of Directors.
- 7) Comply with and enforce the ordinances of the Regional Council.

8) The others that this Statute and the laws confer on it.

### **Article 31 Compatibility**

The position of Regional Coordinator is compatible with the position of representative of the Presidency of the Republic in the region.

## **TITLE III OF THE BUDGET OF THE AUTONOMOUS REGIONS**

### **Single Chapter**

### **Article 32 Preparation of the regional budget project**

The Regional Council will prepare in coordination with the Ministry of Finance and Public Credit, the budget project of its Autonomous Region for the financing of regional projects, which will be made up of:

Regional taxes in accordance with the Excise Plan that will include levies on the surpluses of companies operating in the region.

Funds from the General Budget of the Republic.

### **Article 33 Special Development Fund**

A special fund for social development and promotion is established, coming from internal and external resources and other non-budgeted extraordinary income, which will be used for social, productive and cultural investments of the Autonomous Regions.

## **TITLE IV THE HERITAGE OF THE AUTONOMOUS REGIONS AND COMMUNAL PROPERTY**

### **Single Chapter**

### **Article 34 Heritage**

The assets of the Autonomous Region constitute all the assets, rights and obligations that by any title it acquires as a Legal Person of Public Law.

### **Article 35 Acquisition, administration and disposal of assets**

The Autonomous Region has full capacity to acquire, manage and dispose of the assets that make up its patrimony, in accordance with this Statute and the laws.

### **Article 36 Communal property**

Communal property is made up of the lands, waters and forests that have traditionally belonged to the Communities of the Caribbean Coast, and are subject to the following provisions:

1. The communal lands are inalienable; they cannot be donated, sold, seized nor taxed, and they are imprescriptible.
- 2) The inhabitants of the Communities have the right to work plots in communal property and to the usufruct of the goods generated by the work carried out.

### **Article 37 Other forms of property**

The other forms of property in the region are those recognized by the Political Constitution of the Republic of Nicaragua and the laws.

## **TITLE V OF THE REFORM OF THE STATUTE**

### **Single Chapter**

### **Article 38 Reform of the Statute of Autonomy**

Two-thirds of both Regional Councils may jointly request the reform of this Statute in accordance with the mechanisms established by the Political Constitution of the Republic of Nicaragua, Law No. 606, Organic Law of the Legislative Power of the Republic of Nicaragua, published in La Gaceta, Official Gazette, No. 21 of February 2, 2015.

## **TITLE VI FINAL AND TRANSITIONAL PROVISIONS**

### **Single Chapter**

### **Article 39 Call for the first elections of Members of the Regional Councils**

The National Assembly, after the approval of this Statute, will call for elections of Members of the Regional Council, for each of the Autonomous Regions. The Supreme Electoral Council will proceed to organize, direct them and to proclaim and publish their results as well as to deliver the credentials to the elected.

### **Article 40 Installation of the first Regional Councils**

The National Assembly will set the date for the installation of each of the Regional Councils. The President of the Supreme Electoral Council will take the promise of law to the Members declared elected, will give them possession of their position and will preside over the election of their Board of Directors.

### **Article 41 Presence of the Powers of the State in the Initial Taking of Possession**

A special commission of each Regional Council will proceed to organize a solemn act of inauguration with the assistance of the President of the Republic or his Delegate, and of the Presidents of the National Assembly, the Supreme Court of Justice and the Supreme Electoral Council or their Delegates.

### **Article 42 Integration of areas under another jurisdiction.**

The areas that are currently under another jurisdiction will be incorporated into their respective Autonomous Region as circumstances permit and as these are defined and determined by the respective Autonomous Region in coordination with the Central Government.

### **Article 43 Permanence of the current authorities while those who will replace them do not take office**

The authorities that are exercising their functions in each of the Regions as of the effective date of this Statute will continue to do so as long as those who are to replace them in accordance with the new provisions do not take office.

### **Article 44 Regulations**

This Statute will be regulated and widely disseminated throughout the national territory, in Spanish and in the languages of the Communities of the Caribbean Coast.

## **Article 45 Validity**

This Statute will enter into force as of its publication in "La Gaceta", Official Gazette.

Given in the Hall of Sessions of the National Assembly on the second day of the month of September, nineteen hundred and eighty-seven. No one surrenders here!  
- Carlos Núñez Téllez, President of the National Assembly.- Rafael Solís Cerda, Secretary of the National Assembly.

Be it as Law of the Republic, Publish and Execute. Managua, September seven, nineteen hundred and eighty-seven. No one surrenders here! - Daniel Ortega Saavedra, President of the Republic.

Given in the city of Managua, in the Session Room of the National Assembly, on the seventh day of the month of September, nineteen hundred and eighty-seven in relation to the unmodified articles of Law No. 28, Statute of Autonomy of the Regions of the Atlantic Coast of Nicaragua, published in La Gaceta, Official Gazette No. 238 of October 30, 1987 and on the thirty-first day of March of the current year in the following: a) change of name of the members of the National Assembly, from Representatives to Deputies contained in Law No. 192, Law of Partial Reform to the Political Constitution of the Republic of Nicaragua, approved on February 1 of the year one thousand nine hundred and ninety-five, published in La Gaceta, Official Gazette No. 124 of the fourth of July of the same year; b) to the reform of the title of the Law and of articles 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 21, 27, 36 and 44, as well as the addition of epigraphs to the articles, approved by Law N. 926, Law reforming Law N. 28, Statute of Autonomy of the Regions of the Atlantic Coast of Nicaragua, of March 15, two thousand and sixteen, published in La Gaceta , Official Gazette No. 59, of March 31st of the year two thousand and sixteen, which ordered the publication of the full text of Law No. 28, Statute of Autonomy of the Regions of the Caribbean Coast of Nicaragua with its incorporated reforms.

Given in the city of Managua, Headquarters of the Legislative Power, on the twenty-ninth day of the month of July of the year two thousand and sixteen. Lic. Iris Montenegro Blandón, President by the Law of the National Assembly. Lic. Loria Raquel Dixon Brautigam, Acting Secretary of the National Assembly.