

MCH 011-60-1-4 Presidents - Carlos Nuñez.

12 |

82 |

on

# CONSTITUTION

Managers.

pt of speaker

off-groups.

--- nearly

men.

nds. - ± 20-25%  
women.

Const-  
Nicaragua

'86

'87 +

Nominates

to

microphones for  
each.

President - confirmed  
by Assembly.

Some smoking.

Resignations of MP's -

Conservative - we are staying to fight -  
we will not resign. Mandate from voters.

Reply: "Not to encourage off. to leave - people  
have other functions - parties have  
'supplentes' - they take over."

Other reply: People can be persuaded or bought <sup>by Embassies</sup> to resign -

Assembly can accept or not.

Assessor jurídica -  
refers to  
technical question

but cannot dismiss an MP.  
- Mags. can be - President is  
informed - nominates successor.



MCH 91-60-1-4 Presidents - Carter News.

12/11/86. National Assembly, Manager.

82 Reps. present. FSLN - in bloc - <sup>on left of speaker</sup> opp. group.

on right. Dress: safari shirt.

Ages 30-50. Free voting.

Drinks, coffee, passed sand.

Opp. - nearly all men.  
Sands - ± 20-25% women.

Microphones for each.

Nomination of 5 be judges -

conservative - supports: President - confirmed by Assembly.

Some smoking.

Comm.: Be Assembly.

Not party political.

Resignations of MP's -

Conservative - we are staying to fight - we will not resign. Mandate from voters.

Reply: "Not to encourage opp. to leave - people have other functions - parties have 'supplentes' - they take over."

Other reply: People can be persuaded or bought <sup>by Embassies</sup> to resign -

Assembly can accept or not.

Assessor jurídica - <sup>regards to technical question</sup> "but cannot dismiss an MP. - Magg. can be - President is informed - nominates successor."



Semantic discussions - often with political  
meanings behind them.

4 or 5 amendments to each clause.

Frequently refer to 'tradition - Latin American

[Someone 'present' at debates: US Ambassador!]

Easy debate - speakers seated - some humor.

Occasional flashes of serious politics.

---

~~Tomorrow: 1 p.m. Ray Hooper.~~

~~3 p.m., Padre, 2 floor. Banco America.~~

---

~~Relat~~ Report of the President:

To <sup>be</sup> Noted or to Question?

Not Prime Ministerial - vote of  
confidence.

---

Can President legislate in between sessions  
of Natl. Assembly?



13/11/86.

Ass. National

Debate on Art. 143: Can President or V-Pres.  
be a Priest?

Can soldiers be President? If in  
active service? ?

To be in the Electoral Law

---

Overwhelmingly in favour of  
withdrawing ban on priests.  
Liberals wanted.  
(Classical anti-clericalism)

---

Art. 144: President for 6 years.  
Can he/she be re-elected?

[Referred to  
Electoral Law]



Atlantic Coast - Courtel - genl. princpls.  
of Pol, econ. cult etc - area where  
trad. lived.

Also - no discrimin. - guaranteeing equal etc -  
all areas of natl life.  
Not a Bantustan

+ additional etc,  
Educated - native language  
+ Spanish as a foreign  
language -

Misquit - English.

Educate - part of exercise of cultural etc,  
Had - had: learn to be proud of Indian  
black - proud of racial charact,  
- also proud to be Nicos.

Before: ashamed - to be Spanish-speaking  
white - was superior.

Now: Spanish is neither superior nor inferior:  
neither Misquite,

self-pride in being Nicos, goes with  
national pride. (Latter created  
conditions for former).



The cultures are strengthened - also natl. unity. Cult. diversity is encouraged, allowed to flourish - enrich natl. identity & culture.

Pol. rts: in addition to st. to elect & be elected to any office - within area: people elect an leader in honest, fair & free elections. (Not appointed by President - as in other regions). The only way to transform people - histo. oppressed for centuries - emphasis on participation - elect an leader - learn to be 1st class by being 1st class.

Econ. rts: Economic planning of region in coordination with autonomous govt.

Exercise of econ. rts. not sufficient - first approach - huge investments from centre but little local participation in planning.

Must be simultaneous: pol, econ. & cult. rts.  
- guarantees major change & ~~make the~~ transform Rev. from something external to something internal.

Region produces little - funds from Managua.



Mesquitos - 70,000

Spanish - 150-170,000

Sumos - 8-10,000

- recently arrived  
peasants -

Black - 40,000

displaced.

Romas - 800.

Not live in definite geographic area.  
Each group has equal sts.

Children: st. to educate in native language.

Must play together - same classes, separate -  
same together. Not because of race -  
but faith. Learning process a cult. identity

Have to participate in defence of region.

[Groups - in dialogue - with Govt. - in a  
process - took up arms against Govt. - in  
process of returning to exercise of full sts.]

Pledged to defend their community.]

Defence is a natl. concern: in principle of  
autonomy. People defend own territory better  
than strange territory.

A united Nica. did not exist before -  
the concept of a motherland takes time -  
begin with zone, region - nation.



People of Atlantic and Pacific did not understand each other - former colonies of Britain & Spain - 1894 - legally united, Atlantic - a colony of dominant classes in Pacific.

Main change since 1979 - instead of basic economic approach, to summit. cult. & polit. & econ. pts.

Constit. already - We approved article that Nicaragua is a multi-ethnic country (most Lat Amer. deny!).  
Rt to be educated & tried in own language.

Ownership of land.  
Cult. manifests.

87, 88, 89.

[Bandages are a problem we involve diff. communities in determining legal titles not sufficient.]

Natl. resources - to nation as a whole.

Will have repr. in Centre, Regl.  
1% less than rest of country - voting %  
Good particip. in meetings.



We tried to get as much info from other countries - not much - largely on our own.

Principle: Vic. is an indivisible nation.

The democratic nature of Vic. rev. demands the exercise of these pts. An intensifying of the democratic principles.

---

Meetings - clarified to persons from other regions the deep feelings of people of the region.

---

Pre. Foreign Affairs Commission of Natl. Assembly.

Having opposition parties active in legislature after an election has been useful. Election very fair - after rules agreed upon - scrupulously respected. Less susceptible to be lured away. (e.g. Reagan Admin. - v. active - induce them not to participate in elections, not in constitutional making process. But - ~~we have~~ have been. Some are quite pro-American. A few passively support intervention. Majority are anti-Sandinista.



The lawyer for Hasenpfer - in Conservative party -  
M.P. Some are close to US Embassy -  
& outside country - support positions close to  
USA.

Better have them within Party. than  
without.

---

Useful to have an opponent - forces you to  
think through positions. In Party debate  
- deeper understanding. In some cases helps  
to come up with solutions which are  
more consensual than simply a party line  
e.g. re the Constitution - represents consensus  
of majority of parties - without sacrificing  
fund. things - the gain of the Rev.

Works both ways - forces opponent  
to think as well.

---

3 principles: non-align, mixed lean. & pol. plur.  
- genuine principles of Rev. We are  
struggling to come up with our own  
model. We learn from others. Delegation  
went to various parts of the world - but



our reality is our reality. In coming up with  
model -

Principal characteristics: Struggle against  
US Imperial. - struggle for self-determin.  
since Sandino. We haven't asked for it -  
it has been imposed upon us.

The democratic principles - against dictatorship  
& exploitation of centuries - inculcated a deep  
yearning for participation, for democracy.

How can such a tiny and impoverished country  
keep up a struggle against US? Part is  
new self-pride which Nic people are  
acquiring day by day - (during Somoza dict -  
felt ashamed of natl. identity).

---

A delegation of Part - left parties -  
went to Lat. Am. West Europe, Soc.

Countries - Ambassadors - other countries.

Also USA & Canada. Interchange of  
constit. experiences - e.g. USA -  
Convention in New York.



Not merely to get Constitution - but  
Party - experience

Chose Latin American model with some  
diffs - mostly on soc. - econom. -  
was specific. Nicaraguan - deeper  
than in others - specifics of Revolution.  
In Principles - radical re defence of sovly  
a place.

Organic part - not so deft.

Div. of power, competence -

Latin American model.  
Interpreting the Continent - but  
also not 'Eastern'. Avoid criticism.

Right criticisms - totalitarianism  
Left - betraying Revolution

Flor de María Florbado - Direc 22370.  
22380.



## The Constitutional Rights of Communities Living on the Atlantic Coast in Nicaragua.

Nicaragua is divided into three main regions, the Pacific Coast area to the west, heavily populated and Spanish-speaking, a sparsely populated mountainous region in the centre, and the Atlantic Coast region to the east which is populated by a variety of communities speaking a number of different languages, including English. They include about 70,000 Miskito native Americans, 50,000 black English-~~speaking~~ speakers, and 800 Rama, of whom only 23 speak the ancient language of their group. Though each has centres of heavy population, all are to be found dispersed in the region; in addition, in recent years, largely as a result of the war, about 150,000 Spanish speaking peasants have moved into the area. Under the impact of the war imposed on Nicaragua by the contras, and in the context of a national debate on the country's first



post-Somoza constitution, special attention  
has been given to the constitutional rights  
of the Atlantic Coast communities.



On the Constitutional Rights of <sup>Communities</sup> ~~Ethnic~~  
~~Groups~~ in Nicaragua Living on the Atlantic  
Coast in Nicaragua.

The three governing principles are:

Indivisibility of the Nicaraguan nation;  
Equal rights and non-discrimination for  
all Nicaraguan citizens;

The simultaneous extension of political,  
economic and cultural rights to <sup>communities</sup> ~~ethnic~~  
~~groups~~ in the areas of their traditional  
settlement, in terms of the principle of  
autonomy.

In practice this means that

There is a single citizenship for all  
Nicaraguans, all participate in the  
national life and <sup>equally</sup> are responsible for the  
defence of the country;

Voting for the central Parliament and  
the President is on a national basis;

Natural resources belong to the nation as  
a whole, economic planning is done on a



national basis, but members of the <sup>communities</sup> ~~ethnic groups~~ are actively involved in the formulation and execution of plans ~~for~~ <sup>for, in respect of</sup> their areas;

The principal ~~defence~~ <sup>military</sup> task of ~~military~~ units ~~in the areas of~~ <sup>drawn from these</sup> ~~ethnic groups~~ is to defend their part of the national territory; <sup>pending the creation of elected local authorities,</sup> whereas in the rest of the country, regional and local administrators <sup>are</sup> appointed <sup>by</sup> from the central <sup>government,</sup> the communities <sup>already</sup> select their own administrations and establish their own systems of <sup>local self-rule;</sup> court cases and schooling is in the mother tongue, but <sup>all the</sup> children learn Spanish as a foreign language, ~~and~~ and play together in the same schools.

Traditional rights of ~~land~~ use of land, water and forest are respected by law;

The relevant constitutional texts are as follows:



## Peru. - Peasant Communities.

Include all traditional communities -

on the coast, Spanish-speaking, but mainly those in the interior,

[about 4 to 5,000 in the whole country, anything from 50 to 3,000 members].

The former tend to be modern coops - the latter, a means of survival.

The communities can be the size of a district - the lowest level of the administration.

In the rural areas of the hills and mountains, especially in the South, more than half the rural population (non-urban)

lives in these communities, Quechua-speaking. The origin of these communities

lies not as the indigenistas say - units of the Inca Empire - but a result of Spanish



colonisation, for purposes of control and tribute - based on forcibly bringing together smaller communities.

The law adds to normal civil rights special rights which belong to the community. The main questions are lands, identity and recognition of a community;

land and boundaries;

rules of the community.

Property in land can only be collective, though there is stratification, often according to altitude - valley land is easier to work and to sell produce, but subject to more pressures.

Other laws: Law on Indigenous Communities (early 1970's).

[Velasco regime].

Agrarian Reform

Educational Reform - teachers



and parents opposed this law - saw  
education as a means of climbing the  
ladder - opposed bilingualism.