

One of the most important ~~principles~~ standards to be developed by this working group involves functional definitions of autonomy and self-determination.

This presentation is designed to illustrate ~~def~~ two definitions of autonomy - one developed by a ~~government~~ ^{Government} and one developed by indigenous peoples themselves. This presentation should be instructive as to definitions and standards for autonomy which are, by contrast, acceptable and unacceptable to indigenous peoples.

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Revised Statement of
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One of the most important current debates about indigenous self-determination concerns the autonomy demands of the Miskito, Sumo and Rama Indians of the Atlantic Coast region of Nicaragua. The debate has been intensified and clouded by an armed conflict involving an Indian armed resistance. Unfortunately, this conflict is mistakenly viewed as part of East-West politics.

After initially rejecting self-rule for the Indians, and pursuing an assimilationist policy with many oppressive measures, Nicaragua's Sandinista government altered its course in the face of widespread dissent from among the INDIANS and international criticism, to include at least nominal autonomy for the historically and predominantly Indian occupied region.

In late April of this year, the Sandinistas unveiled their preliminary draft of a statute that embodies the autonomy the central government is willing to allow the Atlantic Coast population. Around the same time, the indigenous resistance

organization MISURASATA² released its alternative proposal in the form of a draft treaty. Both documents have been submitted to the Working Group and should be critically examined for each one's potential for enforcing the principle of self-determination for the Atlantic coast indigenous peoples.

A fundamental difference between the MISURASATA proposal and the Sandinista document is that the former is a draft treaty, that is, a proposed agreement between the indigenous peoples of the Atlantic Coast region and the Nicaraguan government, as opposed to a unilaterally decreed statute that can be altered at will by the central government. Because the MISURASATA proposal is based on the consent of the Atlantic Coast indigenous peoples, its enactment would be the most fundamental manifestation of indigenous self-determination.

The draft treaty is premised on the explicit recognition of the right of self-determination of the Miskito, Sumo and Rama, while stating that the right "shall be exercised within the

framework of the Nicaraguan State." The treaty would confirm the territorial land and usufructuary rights of the Miskito, Sumo, and Rama to their ancestral lands, while allowing all current inhabitants of the region full use and enjoyment of the lands, waters and resources in accordance with local custom.

At the core of the MISURASATA draft treaty is a delineation of a self-governing territory corresponding to the traditional lands of the Miskito, Sumo and Rama. There would be a division of governmental powers over the region between its inhabitants and the central government.

The central government's jurisdiction over the region would be limited to specific spheres of governmental power that are important to the national interests, such as national defense, foreign relations, customs and international borders.

All other governing powers would be reserved to the people of the self-governing territory.

Unlike the Sandinista proposal, the MISURASATA draft treaty does not specify the regional governmental institutions. Rather, it leaves their creation and development to the internal democratic processes of the Atlantic Coast inhabitants. The indigenous signers of the treaty would be committed to hold a constitutional assembly of all the Atlantic coast communities, in order to establish the governing structures of the region.

The Sandinista document is entirely different. The Sandinista draft statute on autonomy emphasizes "integration" into the dominant "revolutionary" system and allows practically no true self-government. The draft divides the Atlantic Coast into two "Autonomous Regions," and defines the administrative institutions of each. The regional administrative structures, however, have only powers of participation and consultation within the central governmental superstructure.

Unlike the Misurasata draft treaty, the Sandinista document gives the regional bodies no jurisdiction which is independent of the central government. The regional bodies have no general


legislative or judicial powers. They would operate as local consultative and administrative arms of the central government.

The functions of the regional bodies would be to coordinate with the central government in the local administration of the national programs, such as health services, education, and development. They would also provide "preliminary" input into certain central governmental decisions concerning the administrative regions, such as decisions regarding natural resource use and the budget.

The Sandinista draft appears to allow the regional bodies to have independent powers only as to minor administrative matters and matters of internal process, such as adoption of internal regulations and bylaws and the settling of boundary disputes between communities.

Rights to the use of the waters, forests and communal lands" are recognized, but this recognition is undermined by making them subject to "national development plans."

It is important to note that it falls short of providing for the degree of self-rule afforded indigenous peoples in other states. A model much more far reaching than the Sandinista's, for example, is that of Greenland, which

 allows the Home Rule government full jurisdiction, ~~independent from the parent Danish government,~~ over a broad range of matters, including hunting and fishing, labor affairs, trade, internal transportation and social welfare.

After comparing the MISURASATA and Sandinista proposals it is clear that the Nicaraguan government is not prepared to allow the indigenous populations of the Atlantic Coast meaningful self-rule. The level of self-rule contemplated by the MISURASATA document, which secures genuine autonomy within the framework of the Nicaraguan state, may come about only by a radical shift of thinking by the Sandinista government.