

Basic Preliminary Accords between the Government of Nicaragua and the Organization YATAMA

The Government of the Republic of Nicaragua and the organization YATAMA (YAPTI TASBA MASRAKA NANI ASLATAKANKA), engaged in a genuine process of reconciliation and search for a solution of peace with justice to the current conflict of historic roots in the Atlantic Coast of the country, and with the intention of moving toward the decisive step of this reconciliation effort and establishing the true basis of a revolutionary solution, have established certain basic Accords. These Accords are within the constitutional order of Nicaragua, and both parties agree to engage in political and legal initiatives that may be necessary to implement future Accords related to the historical demands of the Peoples of the Atlantic Coast. The Accords are the following:

I. Political Aspects

1.1 The Government of Nicaragua reaffirms its recognition of the right of the Peoples of the Atlantic Coast to exercise autonomy which consists of the right to determine, within their traditional territory, their own political, economic, social, cultural, educational, religious and legal development without external interference according to their historical and ethnic values and traditions, within the framework of the Nicaraguan state.

1.2 Pursuant to the spirit of the Esquipulas Accords, the Government of Nicaragua and YATAMA commit themselves to advancing along the road toward peace for a solution to the conflict in the Atlantic Coast. To that end, once a definitive cease fire is agreed upon the Government of Nicaragua shall guarantee the establishment of YATAMA and its current leadership within the political and civic life of the country. The government furthermore agrees to fully respect and recognize the communities' own organizational forms in the development of Autonomy.

1.3 The YATAMA organization agrees to hold a General Congress 90 days from the signing of a formal cease fire accord in order to consolidate the unity of its organization and the peace process.

II. Economic Aspect

2.1 The Government of Nicaragua recognizes the right of the Peoples of the Atlantic Coast to the lands and waters they traditionally have occupied and worked, lands and waters which form an inalienable territory and serve as an essential element for their survival and development.

2.2 The Government of Nicaragua reaffirms its recognition of the communal property rights of the Peoples of the Atlantic Coast over the lands, forests and waters within their traditional territory and agrees to entering into accords with the Autonomous Government of the region for the rational exploitation and use of the subsoil and sea resources which should benefit in just distribution the development of the Atlantic coast and the country.

2.3 The YATAMA organization agrees to promote, in coordination with the government and in conformity with national legislation, the securing of foreign resources and international technical cooperation for the immediate needs and economic development of the region. The government agrees to support and facilitate this effort.

III. Social Aspect

3.1 The Government of Nicaragua declares the Atlantic Coast region of emergency and reconstruction. Upon the initiative of YATAMA, a Committee of Emergency and Reconstruction shall be created. It is agreed that YATAMA shall participate in an effective way in this Committee.

3.2 The Government of Nicaragua reaffirms its responsibility to provide, according to its means, financial resources and materials necessary for reconstruction and thus shall continue providing such resources and materials and shall engage in greater efforts for reconstruction and the replenishment of the goods and communal properties affected by the war.

3.3 The Government shall continue to organize and promote along with other institutions immediate humanitarian assistance (food, medicine, housing, tools, etc.) and foreign financial resources for these needs and the reconstruction of the communities.

3.4 The Government of Nicaragua shall continue working with the International Red Cross, the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in order to facilitate resettlement and assistance for the displaced and refugees, who shall return directly to their communities of origin when such is possible. YATAMA also shall support the efforts of these organizations.

In accordance with YATAMA the creation of a Commission of Support for Refugees and Displaced Persons, made up of the Government, YATAMA, the Moravian Church, CEPAD, the Catholic Church, SUKAWALA and other national and regional organizations, is suggested.

IV. Cease Fire Aspect

4.1 The Government of Nicaragua and YATAMA agree to avoid offensive military actions within this period of negotiations, and no later than beginning on March 1 (1988) shall discuss a formal cease fire accord in the Atlantic Coast between the armed forces of the Government and the YATAMA troops. The cease fire accord shall be for an extendible period of 45 days.

4.2 Both parties agree that their respective forces shall avoid all military confrontation and provocation during this period.

V. Conciliation Commission and Witness Countries

The Conciliation Commission comprised of the Moravian Church and CEPAD shall be witness to the compliance of the accords and shall invite the friendly countries of Canada, Costa Rica, Cuba, Denmark, Finland, Holland, Norway and Sweden also to be witness and to support this process materially and morally.

VI. Pending Matters

The basic points on which there has been no agreement, including aspects relating to Autonomy and the delimitation of traditional lands, shall be discussed in the next round of dialogue.

For the Government of Nicaragua

Tomas Borge

For YATAMA

Brooklyn Rivera

Given in the City of Managua on the 2nd day of February of 1988.

Protocol I: Agreement on the Functions of the Conciliation Commission between the Government of Nicaragua and YATAMA

In the light of the fact that, in their search for reconciliation, a lasting peace, and the development of the Atlantic Coast, the Government of Nicaragua and the YATAMA organization have asked the Moravian Church and CEPAD to form a Commission to conciliate between the two parties, they have agreed:

1. That it be comprised of Rev. Andy Shogreen, Superintendent, on the part of the Moravian Church, supported by Rev. Milton Hemlock, Rev. Ofeciano Julius, Pastor Jorge Fredrick, Lic. Faran Domertz, Rev. Norman Bent, and Dr. Owyn Hodgson as legal advisor;
2. That on the part of CEPAD, Dr. Gustavo A Parajon D., its president, sit on the Commission; and
3. That Protestant Minister John Paul Lederech act as technical assistant to this Commission.
4. The functions of the Commission shall be to:
 - 4.1. Facilitate communication between the two parties.
 - 4.2. Formally chair meetings and serve as moderator in the talks. To this effect, normal rules of parliamentary procedure shall be applied. In order to speed up the discussion, the commission shall try to clarify issues that may lend themselves to misunderstandings, and shall make lists of points of mutual interest to be discussed in due time.

- 4.3. Oversee the favorable progress of the talks.
- 4.4. Oversee and bear witness to compliance with the agreements.
- 4.5. Make recommendations.
- 4.6. Arrange the time and place for meetings.

Managua, Nicaragua, 26 January 1988.