

U.S. POLICY TOWARD CENTRAL AMERICA

[987]

[Dept of State]

- o U.S. policy recognizes that Sandinista rule in its present form constitutes a long-term threat to Central America's stability and, hence, to United States security as well.
- o U.S. policy in Central America promotes democracy, economic development, and national security, and a negotiated solution to political tensions in the region.
- o Specific U.S. objectives flow from this premise and include:
 - Ending Sandinista support for guerrilla groups in the region;
 - Cutting Nicaragua's military ties to the Soviet Bloc;
 - Restoring a military balance in the region through a reduction of Sandinista military force to traditional Central American levels;
 - Fulfillment of the Sandinista promises of political pluralism and respect for human rights.
- o U.S. policy is implemented through a two-track approach: a policy of pressure, including military pressure from the Nicaraguan Resistance, to force the Sandinistas to change their positions and active diplomacy.
- o Our diplomatic goals coincide with those of Central American leaders who recognize that a future of peace and development for the region depends upon a pluralistic and democratic Nicaragua.
- o U.S. policy addresses the root causes of conflict:
 - Economic inequalities: Three-fourths of U.S. assistance is economic aid. We press for social and economic reform (including agrarian reform), increased education, and equitable development. In 1987, an additional \$300 million was approved to fully fund the recommendations of the National Bipartisan Commission on Central America for addressing the underlying social and economic causes of conflict in the region.
 - Closed political systems: With U.S. support, El Salvador, Guatemala, and Honduras have joined Costa Rica as democracies. In contrast, the Sandinistas continue to consolidate a Marxist-Leninist dictatorship.

- Subversion: Guerrilla forces aided by Nicaragua and Cuba are attempting to destroy the democratic progress of El Salvador and replace it with a Marxist-Leninist state.
- o U.S. military aid is focused on professionalizing the Central American armed forces, respect for civilian rule, and the importance of human rights.
- o U.S. security is challenged by the presence of a Soviet surrogate in Central America. The Sandinista military build-up is far in excess of any rational definition of national security needs.
- o The security of the fledgling Central American democracies is threatened by the Sandinistas' attempts to export their revolution. Since early 1980, the Sandinistas have been training and arming Salvadoran guerrillas. Because of this, first the Carter Administration and then the Reagan Administration suspended aid to Nicaragua.
- o The U.S. supports the Nicaraguan Resistance.
 - The Nicaraguan Resistance (NR) represents Nicaraguans of all political viewpoints and from all walks of life. Its members seek not a return to the ways of the dictator Somoza, but fulfillment of the dreams which led Nicaragua to unite to remove him from power. The diversity of opinion reflected in the membership of the Resistance Directorate reflects its democratic and pluralistic nature.
 - The Resistance soldiers are a peasant army. They are overwhelmingly rural and young. Many are in their teens. They are fighting for freedom and against communism and past tyrannies.
 - The NR is committed to a democratic Nicaragua, respect for human rights, and equitable system of justice, civilian (not party) control of the military, economic freedom, and respect for indigenous cultures.
- o The Nicaraguan Human Rights Association monitors violations by both sides in the conflict and provides human rights instruction to resistance combatants.
- o The U.S. supports diplomatic efforts to achieve a peaceful solution.
 - The U.S. tried to build a cooperative relationship, giving the Sandinistas substantial economic aid for a year and a half. The Sandinistas spurned these efforts, instead favoring continued support for the Salvadoran guerrillas and aid from the Cubans and Soviets.

- The U.S. attempted to negotiate in August 1981 and 1982, but the Sandinistas refused to end their intervention in El Salvador. After the Salvadoran elections, the Sandinistas actually increased their aid to the Salvadoran guerrillas.
- Offers to negotiate continued in 1983, and in 1984; nine rounds of bilateral talks were held, but the Sandinistas did not negotiate seriously.
- A durable settlement in Central America must be equitable, simultaneous, and verifiable in its provisions. It must address both the political causes of the current instability as well as the symptomatic military imbalances which follow.
- o Peace in Central America without a pluralistic, democratic Nicaragua is impossible. Sadly, the current Sandinista regime refuses to take even the first step in this direction, that of negotiating with representatives of the Resistance.

IS CONTAINMENT VIABLE?

It is often argued that the United States has two choices in its policy toward Nicaragua: attempt to contain the Sandinista regime or support those Nicaraguans (armed and unarmed) who struggle to establish democracy in Nicaragua.

- o A policy of "containment" would require, in effect, the creation of a cordon sanitaire around Nicaragua. The tactics employed, however, would present several major disadvantages over current policy.
 - The program would have to be open-ended. At a minimum, we would have to plan in terms of decades, rather than years.
 - The program would be expensive. Sustaining the development of democracies in Central America is neither easy nor cheap under normal circumstances. But in the face of a Marxist, expansionist Nicaragua, dramatically greater funds would be required for both economic and military support in the neighboring countries of El Salvador, Guatemala, Honduras and Costa Rica.
 - This need for staggering new funds would come at exactly the same time that the Congress would have to deal with domestic demands for fiscal restraint, budgetary cutbacks and re-allocation of limited resources to domestic programs.
- o The retreat of the United States from its current posture would have immediate and wide-ranging psychological implications for revolutionary movements in the region.
 - A sudden shift in policy would destroy the faith of the Central American people in the U.S. ability to sustain any policy for a reasonable period of time.
 - The U.S. would have retreated from even the Contadora objectives, which call for settlements reached through internal dialogue and democratization.
- o Illegal immigration from Central American and the Caribbean, already the second largest source of illegal immigrants, would grow. One million refugees have left Cuba; over a quarter million have left Nicaragua since 1979. The numbers of the new wave can only be speculated.
- o Containment would require large increases in military aid to the region's democracies, costly long-term support, and even formal security guarantees. Even these may be insufficient.

- Economic and social development would be, of necessity, hostage to military exigencies, where armed guerrilla movements could in minutes destroy years of patient work of building economic and social infrastructure.
 - Cuba and Nicaragua would be ceded the initiative to pick and choose areas of democratic weakness to exploit.
 - Costa Rica's non-military tradition could be threatened if the Sandinistas decided to overtly challenge the country's democratic system.
 - Honduras, Guatemala and El Salvador would need to upgrade their military capabilities to a level commensurate with that of Nicaragua. This need would be open-ended and would become ever more costly each time the Soviet bloc supplied Nicaragua with improved or increased weapons.
 - The guerrillas in El Salvador and Guatemala would be free to receive unlimited material and psychological support from the Sandinistas. Guerrilla movements in Honduras, Belize, or Mexico could be instigated to further divert resources.
- o El Salvador would need massive military aid to counter increased guerrilla attack capabilities. The Sandinistas, no longer opposed by the contras, would be free to give the guerrillas as much support as they need.
 - o Communist guerrillas would be strengthened: psychologically, from a U.S. retreat, and materially, from increased Soviet, Cuban, and Nicaraguan aid.
 - o As guerrilla movements grow in boldness, moderate governments would lose crucial political "breathing space." They would be subject to increasing attack from radical elements on the left proffering accomodation and those on the right offering repression.
 - o With increased guerrilla attacks, moderate governments would lose support, political polarization would occur and the extreme right would reassert itself, claiming only they can counter a strengthened Communist left.
 - o Polarization between extremes of left and right would result in increased violence. A resurgence of the military and military coups against fragile civilian governments would be inevitable.
 - o Faced with military governments and the reversal of democracy, the United States would likely withdraw aid for Central American countries. A vicious circle of leftist guerrilla violence and military crackdowns would result, ending the hope for freedom, and facilitating Communist subversion and takeover.

POLITICAL OBJECTIVES OF THE NICARAGUAN DEMOCRATIC RESISTANCE

On January 27, 1987, the Nicaraguan democratic resistance reaffirmed its support for democratic principles by issuing a "Charter of the Democratic Commitment of the Nicaraguan Resistance." The Charter commits the resistance to:

- o Political pluralism, a representative system based on free elections (initially with OAS supervision), and guaranteed full participation.
- o A republic with separation of powers and a system of checks and balances.
- o Freedom of speech, press, association, and religion.
- o Recognition of the rights of labor, including formation of free and independent unions, collective bargaining, and the right to strike.
- o Full observance of human rights, including all rights contained in the UN Universal Declaration of Human Rights, the OAS American Declaration on the Rights and Duties of Man, the American Convention of Human Rights, and the International Pacts on Civil, Political and Economic Rights.
- o Social justice and the legal equality of all citizens.
- o Respect for the rights of private property and economic freedom, together with responsibility for attending to the needs of the underprivileged.
- o Respect for cultural and political rights of minority ethnic groups in Nicaragua--Miskito Indians and blacks (Creoles").
- o Abolition of the secret police, party army, and repressive party instruments; abolition of the death penalty.
- o Demilitarization and reduction of armed forces. No proven human rights violators will be allowed to serve.
- o Academic freedom, university autonomy, and parental choice of education for elementary and secondary age children.
- o Priority use of government resources for health, education, housing, rehabilitation of war damage, and assistance for the development and growth of small business. Social and economic cooperation in Central America.
- o True non-alignment, with cooperation with all representative democracies, and diplomatic relations with all who respect the Nicaraguan democratic process.

DIPLOMACY OF THE NICARAGUAN DEMOCRATIC RESISTANCE

National reconciliation through dialogue is one of the essential elements for a regional settlement in Central America. This fact was agreed to by all the Central American governments in the September 1983 Contadora Document of Objectives. Dialogue has been repeatedly offered by the Nicaraguan democratic resistance and has been repeatedly rejected by the Sandinistas:

- o At Easter 1984, the Nicaraguan democratic resistance accepted the call by the Nicaraguan Bishops for Church-mediated dialogue.
- o On February 22, 1985, the civic opposition in Nicaragua called for national dialogue, seeking a lifting of the state of emergency, restoration of constitutional guarantees, and guaranteed safety for resistance members who participate in the dialogue.
- o On March 1, 1985, in San Jose, Costa Rica, the leaders of the democratic resistance asked the Sandinista regime to begin a dialogue. They offered a cease-fire and sought negotiations for a return to democracy. On March 22, the Nicaraguan Catholic bishops offered to mediate between the two parties.
- o On January 22, 1986, the leaders of the United Nicaraguan Opposition (UNO) released a "Statement of Principles and Objectives," once more offering a Church-mediated dialogue.
- o On January 30, 1986, six civil opposition parties presented a proposal calling for a cease-fire, lifting of the State of Emergency, and an agreement for a new electoral process. In meetings with the Contadora and Support Group leaders, the United States conveyed its support for this proposal.
- o In March 1986, the democratic resistance announced its concurrence with the six-party proposal.
- o In February 1987, Costa Rican President Arias presented peace proposals which included a national dialogue in Nicaragua. The March 11 agreement which founded the Nicaraguan Resistance specifically endorsed this initiative as "the best agent for the democratization and pacification of Nicaragua."
- o The Sandinistas have rejected every proposal for dialogue. A typical reaction is: "We will negotiate with the Contras on the day the right wing parties and COSEP (a business umbrella organization) count all the grains of sand in the sea and all the stars in the sky. When they finish we will ask them to count them all again." (Comandante Tomas Borge, June 27, 1985)

SANDINISTA CONSOLIDATION OF A TOTALITARIAN STATE

- o As Marxist-Leninists, the Sandinistas (FSLN) are committed to consolidating one-party rule of state and society.
- After coming to power with broad popular support for a program for political pluralism, free elections, a mixed economy, and a non-aligned foreign policy (all pledged to the OAS in 1979), the FSLN began breaking these promises for their own political ends.
- In April 1980, the Sandinistas increased FSLN representation in the Council of State in order to gain control. Two non-Sandinista members left the Junta: Violeta Chamorro, editor of the now silenced La Prensa, and Alfonso Robelo, who is a member of the directorate of the Nicaraguan Resistance).
- By the end of 1980 the Sandinistas began to restrict freedom of expression. They instituted censorship, confiscation of property, arbitrary detentions, a ban on strikes, and "special tribunals" to try political cases outside the established legal system.
- The Sandinistas refused to allow conditions for free elections in 1984. Opposition candidates were harassed by Sandinista mobs and not given equal access to the nation's only television network, the Sandinista Television System. Press censorship continued throughout the campaign.
- Sandinista candidates had unlimited access to the resources and facilities of the government. Consequently, the major opposition groups refused to participate in the November 1984 elections.
- Bayardo Arce's "Secret Speech" in 1984 explained the Sandinistas' view of elections as a facade, to be used for the purpose of "unity among Marxist-Leninist groups." He further stated, "democracy as they call it, bourgeois democracy, has an element we can manage and even derive advantages from...."
- Comandante Jaime Wheelock has publicly stated that private property does not have a place in Nicaragua.
- On October 15, 1985, when the Sandinistas again suspended civil liberties, the Church, political parties, labor unions, and the press were faced with increased censorship and persecution. Opposition figures were interrogated, harassed, and threatened. This intimidation included Nicaraguan employees of the U.S. Embassy.

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- In June 1986, the Sandinista government closed Radio Catolica, shut down the Church newspaper, Iglesia, and ended a long-standing policy of not drafting seminarians. Priests were arrested and interrogated, and Cardinal Obando y Bravo was accused of being a traitor.
 - The regime broke off reconciliation talks with the Miskito Indians and launched an attack in March 1986 which drove over 10,000 Miskitos into Honduras.
 - In June and July 1986, the Sandinistas intensified their crackdown:
 - La Prensa was closed.
 - Bishop Vega was expelled and Monsignor Carballo denied re-entry into Nicaragua.
 - Opposition political party members were arrested and interrogated.
 - As with earlier calls for dialogue, the FSLN have refused to acknowledge the February 6, 1987 call by seven opposition political parties for ending the state of emergency and opening dialogue with all opposition elements.
 - On January 9, 1987, three hours after the constitution went into effect, a State of Emergency was once again decreed.
 - Felix Espinosa, a member of the Conservative Party, was punished for his outspoken criticism of the regime in the National Assembly. The government falsely accused him of burning his own property, dating the arrest warrant one day before the alleged crime. Espinosa had to take refuge in the Venezuelan Embassy when the FSLN stripped him of his legislative immunity.
 - Due to the machinations to remove Felix Espinosa from the National Assembly, the Conservative Party no longer has sufficient members to introduce legislation.
 - Cardinal Obando Y Bravo was recently falsely accused of receiving funds from the CIA. The Sandinista daily newspaper, Barricada, called the Cardinal a "mercenary" and stated he is "not a Christian like us."

SANDINISTA DEPENDENCY ON MOSCOW

Sandinista domestic policies are based upon a radical Marxist-Leninist model. Sandinista economic, political, and social dependence on the Soviet bloc is the natural result of a shared ideology.

- o From 1979 to 1986, Soviet Bloc countries have provided over \$1.834 billion in credits and aid to the Sandinista government.
- o Soviet bloc economic aid in 1986 grew to almost \$500 million, the highest level yet.
- o Soviet and Soviet bloc economic assistance to Cuba and Nicaragua has been five times greater than U.S. aid to all of Central America.
- o The Soviet Bloc's economic organization, CEMA, has given Nicaragua associate member status. The only CEMA meeting held outside the Soviet Bloc was held in Nicaragua. CEMA also purchases Nicaraguan exports such as sugar, coffee, tobacco, and bananas at above-market prices, and provides oil in large quantities.
- o The Sandinistas have turned to Bloc countries to provide specialists in communications, transportation, industry, and agriculture. In spite of their refusal to accept volunteer Peace Corps nurses and doctors, they have welcomed Soviet, Cuban, and East German medical personnel.
- o The Soviet Union since 1985 has supplied Nicaragua with the bulk of its crude oil needs. Reports earlier this year that the Soviets were reducing oil deliveries have proven false. The Soviets and their East European allies are continuing to meet Nicaragua's crude oil needs.
- o The Nicaraguan airline has permitted Aeroflot to fly to Costa Rica in its stead.

Construction projects all over Nicaragua, many with military application or support purposes, are being built under Soviet Bloc direction.

- o The "Program of Multilateral Soviet-Nicaraguan Cooperation" encompasses a range of strategic projects in Nicaragua.
- o The El Bluff port project, scheduled for completion in 1988, will provide a channel and anchorage for ships up to 10,000DWT, a 750-meter breakwater, and a wharf. The port will have the ability to handle Soviet surface ships and submarines.

- o Mining of important minerals is being increased with Soviet bloc assistance. The La India and El Limon mines are being rehabilitated by the Soviets; the Vesubo mine by the Bulgarians. Mine training centers are being enlarged in Siuna and Bonanza by Bulgaria and Czechoslovakia.
- o In July 1986, the Soviets installed an Intersputnik Ground Satellite System in Nicaragua to facilitate Sandinista communications with the Soviet world, including direct-dial phone lines.
- o Other major projects include a 350 megawatt hydroelectric project near Metagalpa, a dam and irrigation project in the Boaco area (reportedly financed by Cuba), and an irrigation project involving the entire Pacific region, financed by the Soviets. Education has become an exercise in political indoctrination, with massive aid and "guidance" from the Soviet Bloc.
- o Primary school educational materials provided by Bloc countries, such as the 4.7 million Spanish textbooks from East Germany, are steeped in propaganda. For example, math textbooks teach addition by counting pictures of grenades and AK-47 automatic weapons.
- o The Nicaraguan Council of Higher Education reported in August 1986 that there were 1700 Nicaraguans who had been sent to study in the Soviet Union, and over 1200 in other Soviet Bloc countries. The Council also announced that an additional 500 undergraduate students (300 to the Soviet Union, 200 to other Bloc countries) and 150 graduate students would be sent to Communist countries.

Sandinista cultural models are taken from the Soviets and Bloc countries. Dramatic films and documentaries, dance, musical and theatrical groups, and newspaper articles extol the Communist world.

- o Barricada and El Nuevo Diario, the Sandinista newspapers, print a steady stream of favorable stories about the Soviet Bloc. Articles include interviews with bloc country ambassadors, journalists, doctors, and "jurists," histories of bloc countries, and glowing depictions of "societal advances" in Communist states.
- o SSTV, the Sandinista television system, broadcasts on a daily basis Soviet-produced documentaries, featuring tributes to the Soviet system of education, Communist "advancements" in medicine, science, technology, and industry, and tours of Moscow libraries, etc.

- o Feature films on television also are from the Soviet Bloc. Soviet and East German films depict the KGB foiling "CIA plots," evil landholders and "exploiters," and East Germans defeating Hitler by themselves. Other motion pictures of a non-fiction character brought into the country are reviewed by the Ministry of Culture to ensure ideological correctness before they are shown to the public.
- o Bookstores are filled with materials from the Soviet Union, Cuba, and Eastern Europe while Western books, newspapers and magazines have virtually disappeared.

SANDINISTA INTERVENTION

- o The Sandinistas have repeatedly violated the borders of their neighbors, even before Contra activity began.
 - The Sandinistas have committed more than 250 acts of overt aggression against Honduras in the form of border violations and cross-border artillery shelling since 1979.
 - Between 1979 and 1982, Honduras was entered over 100 times by the Sandinistas (Figures are from Honduran government complaints to the OAS.)
 - The Sandinistas have made a practice of firing small arms indiscriminately across the border into Honduras. Since 1985, the Sandinistas have escalated this practice to firing rockets from motorized multiple rocket launchers into Honduras.
 - Recently, small arms and mortar fire into Honduras' Choluteca Department were reported by the Honduran press. There were no Contra activities in this area.
 - The Sandinista Army has placed several thousand anti-personnel mines, creating unmarked mine fields several miles inside Honduras border which have killed and maimed innocent civilians.
 - In the last year, the Sandinistas have saturated the Honduran border area with mines. Several Honduran soldiers have been killed trying to find and defuse these mines.
 - Since 1982, Costa Rica has been attacked at least 90 times by the Sandinistas. (Figure is from a 1986 formal complaint by Costa Rica to the OAS.)
- o The Sandinistas have also repeatedly provided support for subversion in other Latin American countries.
 - As Congress stated in PL 99-83, in August 1985, the Government of Nicaragua "has committed and refused to cease aggression in the form of armed subversion against its neighbors."
 - In July 1984, in PL 98-215, Congress concluded that Nicaragua had violated article 18 of the OAS Charter "by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the Government of El Salvador and other Central American governments."

- In May 1983, the House Intelligence Committee reported: "The Salvadoran insurgents rely on the use of sites in Nicaragua, some of which are located in Managua itself, for communications, command-and-control, and for the logistics to conduct their financial, material and propaganda activities."
- o Nicaraguan activities include supplying weapons, materiel, military and political training, communications support, and safehaven to the Salvadoran guerrillas and other Central and South American radicals.
 - Nicaraguan President Daniel Ortega admitted in an interview on June 24, 1987 with the Mexican newspaper Excelsior, that shortly after the Sandinistas took power in 1979, the Sandinista army began providing weapons to Marxist FMLN guerrillas in El Salvador, and he conceded that the Sandinista army may still be providing such support.
 - The FSLN committed itself to the support of revolutionary struggle throughout Latin America at a secret meeting of party cadres in September 1979.
 - The policy of providing support to Marxist revolutionaries was decided at the highest levels of the FSLN party, including the Defense and Interior Ministries headed by Sandinista leaders Humberto Ortega and Tomas Borge.
 - Facilities were set up in Managua as early as 1979 to construct vehicle concealment compartments for the transfer of materiel to Salvadoran insurgents. Guerrilla training sites were also established.
 - In 1981, Honduran authorities seized a large truck-trailer loaded with U.S. weaponry that had been captured by the Communists in Vietnam. The truck was enroute from Nicaragua to El Salvador.
- o There is compelling evidence that Nicaraguan assistance continues:
 - A car that crashed in Honduras in December 1985 had concealed 6,700 rounds of ammunition, 86 electric blasting caps, 21 grenades, 12 tactical radios, and 39 communications enciphering pads, along with a manifest listing the call signs of insurgent command posts in Nicaragua and El Salvador.
 - The driver, who admitted he traveled over the same route from Costa Rica through Nicaragua and Honduras to El Salvador once before, said he had turned the vehicle over to a contact in Managua evidently for the concealment of the supplies.

- In April 1985, a high-level Salvadoran guerrilla defector confirmed that military supplies continue to be brought in from Nicaragua via sea routes along El Salvador's southeastern coast.
- Documents seized at the time of the capture of Salvadoran guerrilla commander Nidia Diaz in April 1985 provide substantial evidence that the guerrillas have received supplies and training from Nicaragua.
- A defector reported that, following U.S. intervention in Grenada in November 1983, the level of supplies decreased 30% due to the Sandinistas' desire to be more circumspect. The supplies from Nicaragua still accounted for two-thirds of the guerrillas' ammunition.
- Serial number tracing of about 1,800 weapons identified two-thirds of the U.S.-made M-16 rifles captured from Salvadoran insurgents as having been consigned for use in Vietnam. The Sandinistas are known recipients of arms from the Vietnamese, providing a likely channel of transmission to the guerrillas.
- All five Salvadoran guerrilla factions have houses and office space in Managua and are aided by Nicaraguan security personnel.
- Rebel communications facilities operate out of Nicaragua, as demonstrated by the evidence found in the car crash mentioned above.
- Reports from defectors and captured Salvadoran insurgents attest to Managua's sustained role in providing military and political training.
- o Elsewhere in Central America, the Sandinistas remain committed to aiding insurgents and radicals. These efforts are designed to maintain pressure on Nicaragua's neighbors by supporting destabilizing activities.
 - Managua supported the infiltration of Cuban and Nicaraguan-trained Honduran guerrillas into Honduras three times in the last three years -- most recently in September 1985 -- in an attempt to establish an insurgency.
 - Costa Rican communists who are part of the Costa Rican Mora-Canas brigade that was created in Nicaragua undergo training in Nicaragua. The brigade has operated in the past against Nicaraguan resistance forces in the south.
 - Sandinistas continue to provide covert support for Guatemalan insurgent groups.

- o Managua also maintains contact with, and in certain cases actively supports, South American radicals.
 - Latin American guerrillas receive part of their military training by fighting as members of Nicaraguan army units against Nicaraguan resistance forces.
 - In the aftermath of the M-19 seizure of the Palace of Justice in Bogota last November, authorities in Columbia recovered 6 rifles that can be traced to Nicaragua -- 4 from stocks of the Somoza regime and 2 from supplies sent to the Sandinistas by Venezuela in 1979. One M-16 -- and possibly 2 others -- could be traced to U.S. stocks shipped to Vietnam.
 - During the past 2 years, numerous terrorists trained in Nicaragua returned to Chile, and a leader of a Chilean leftist group was a featured speaker at a recent Latin American political parties congress in Managua.
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THE SANDINISTA CONSTITUTION

For four hours on January 9, 1987, the people of Nicaragua enjoyed the benefits of constitutional government.

- o Shortly after the Sandinista government unveiled its new magna carta, a state of emergency was reimposed which dispensed with most of the freedoms it supposedly protected.

The following guarantees and rights were indefinitely suspended:

--The inviolability of private homes, freedom of speech, the right to travel, the right to a speedy trial, habeas corpus;

--The right of assembly, freedom of information, the right of due process; the right to strike.

OVERVIEW

- o Though wrapped in democratic trappings, the new constitution is merely a mask for Sandinista rule and provides the legal justification for the consolidation of one party, totalitarian rule in Nicaragua.
- o Opposition leaders have warned that the new constitution will not diminish the control that the nine comandantes and the Sandinista party wield over the most important aspects of Nicaraguan life.
- o The final text of the constitution must be examined within the context of the conditions under which it was drafted.
 - Operating under a state of emergency, opposition parties were prevented from holding and carrying out public demonstrations against the draft document; opposition party officials were harassed and intimidated into participating in the drafting process and the National Assembly debates; and extreme pressure was applied to coerce opposition Assembly members to sign the final draft.
 - On the day the constitution took effect, State Security officials of the Sandinista Interior Ministry confiscated thousands of placards from opposition groups who were planning to demonstrate in repudiation of the Sandinista-drafted document and arrested the owner of the print shop.
- o The constitution does nothing to hinder the Sandinistas' attempts to merge or blend the concepts of state, party, army and nation into a seamless web of total control by the Sandinista Party--the document strengthens Sandinista control over all independent organizations.

- o The constitution serves to codify the Sandinista party's absolute power. As in the Soviet and Cuban constitutions, the Sandinista charter proclaims that the "state is the fundamental instrument of the people." Like the Soviet and Cuban communist parties, the Sandinistas are the self-proclaimed "vanguard of the people" -- meaning that only they can interpret the will of the people.

Domestic Policy

- o The constitution makes the "state", i.e., the FSLN, all powerful. It codifies:
 - "state direction of the economy" (Article 99);
 - the ration card system, the Sandinista-controlled system which allows the FSLN to use food distribution as a political weapon (Article 105);
 - state power to "plan, direct and organize" the education system (Article 119), a clear attack on the historic practice of Nicaraguan churches to maintain schools of their own; and
 - existing agrarian reform laws which have been used to harass and punish Sandinista opponents (Article 106).

Executive

- o Given the firm Sandinista grip over the executive branch, and the absence of any checks and balances by the other branches of government, the constitution confirms the power of the nine comandantes who now rule Nicaragua.
- o While the constitution establishes four branches of government with distinct powers and responsibilities, in reality three--the legislative, judicial and electoral--are closely controlled by one, the executive.
 - Article 150 gives the president broad and sweeping powers which, in practice, ensure Sandinista dominance of the government.
- o The president's authority is virtually absolute in matters regarding the military, national security, the economy, education and domestic and foreign commerce. Some specific examples are:
 - He drafts and promulgates the national budget which the National Assembly may not amend;
 - He may decree a national state of emergency suspending all civil liberties;
 - He maintains total control of the armed forces and security forces of the country;

- The State is assigned the principal function of the economy. Thus, the president, who is charged with the authority to direct the economy and determine economic policies and programs, has unprecedented power over all economic activity, whether public or private;
- He assumes legislative powers when delegated them by the National Assembly.

Legislative

- o In practice the National Assembly has operated as a "rubberstamp" for policies formulated by the FSLN. Under the new constitution, the powers of this legislative body have been further weakened.
- o Although the Assembly "approves" the national budget, it is without authority to amend it.
- o By all appearances, the Assembly's lawmaking authority is shared with the executive. The president's power to issue decrees is as broad as the authority of the Assembly to enact legislation.

Judicial

- o The new constitution affirms the existence of "special courts" (including the Anti-Somoza People's Tribunals) which will continue to function in their present form outside the jurisdiction of the Supreme Court (Article 1199). This will assure no change in the State Security's ability to convict all opponents of the regime without respect for the due process rights elsewhere provided in the constitution.
- o The Supreme Court is given responsibilities "to try and resolve" cases or appeals regarding violations of rights. But the Supreme Court can easily be sidestepped by merely bringing cases to the "special courts." This situation is further confused as it is the National Assembly -- not the courts -- which "officially interprets the law" (Art. 138).

National Defense and Defense of the Revolution

- o The national military forces will continue to carry the name "Sandinista Peoples Army." The constitution does not diminish the control of the Sandinista party over the military (Article 95).
- o The current conscription program, "the Patriotic Military Service," is extended constitutional sanction (Article 96). There is widespread opposition and resentment to the draft, which is viewed as impressment for an army belonging to a political party, not the nation. In the words of the Nicaraguan Episcopal (Bishops) Conference: "If 'armed power,' which should be the exclusive right of the state, becomes

'armed power' at the service of a political party, even the possibility of a democratic and pluralistic state and diverse social forces is automatically denied. To force citizens to join an 'army-political party' without their being in agreement with the ideology of that political party is an assault on freedom of thought, opinion and association." (September 1983)

- o The militarization of Nicaraguan society is codified in Article 94: "The defense of the Homeland and the Revolution rests on the mobilization and organized participation of all the people in the struggle against their aggressors. The state shall promote the massive incorporation of the people into the various structures and tasks of the country's defense" (emphasis added).
- o Article 97 provides that "The struggle against actions promoted from abroad to subvert the revolutionary order established by the Nicaraguan people and the confrontation with criminal and anti-social actions are integral to the defense of the revolution." This provision codifies and justifies the longstanding Sandinista goal of equating patriotism with opposition to all those (both external and internal) who are struggling for democracy in Nicaragua.
- o The Sandinistas are given the power to define what actions would be considered "subversion" of the revolutionary order. The same article also makes the struggle against "anti-social actions" --a broad term nowhere defined-- "integral to the defense of the Revolution." Thus, opposition, in any form, to the Sandinista-run state can be deemed "anti-social."

Individual Rights and Civil Liberties

- o Nicaragua has been operating under a series of emergency decrees almost continuously since March, 1982. The following is a partial list of the rights and guarantees which are explicitly suspendable under the constitution when a state of emergency is decreed by the president (Article 185):
 - Personal freedom
 - Security
 - Privacy
 - Inviolability of home, correspondence and communications
 - Free expression
 - Right of detainees to be informed of charges against them (and the right to have their family informed)
 - Right to a speedy trial by a competent court
 - Right to habeas corpus
 - Right to freely organize
 - Right to petition
 - Right to assemble
 - Right to organize political parties

- Right to truthful information and freedom from censorship
- Right to strike

- o The new Sandinista constitution further provides for the restriction of a number of political rights even in the absence of a state of emergency decree (Art. 47). The suspension of many of these rights and guarantees--through either legislation or presidential decree--is a direct violation of a number of internationally recognized human rights conventions to which Nicaragua is a signatory.

National Economy and Agrarian Reform

- o The constitution establishes a centrally-planned economy, assigning this as the state's primary function. The State is to direct and plan the economy and guarantee the "defense of the interests of the majority" (Article 98 and 99). The state's monopoly in the fields of banking, finance, insurance, and foreign trade are also codified (Article 98 and 99).
- o Existing agrarian reform laws which have been used to harass and punish Sandinista opponents and to create a large state agricultural sector are codified as "a strategic means for the revolutionary transformation" of Nicaragua"(Art. 106).
- o The state is mandated to "promote" the association of peasants and agricultural producers into cooperatives. (Articles 109 and 110)

Conclusion

In keeping with Marxist-Leninist doctrine, the constitution serves as an instrument for legitimizing the Sandinista Party's usurpation of governmental authority. Although some of the provisions of the new constitution appear to guarantee individual rights, Sandinista behavior would indicate that those provisions will be manipulated, suspended, or simply ignored by the Sandinistas if they are seen as impediments to Sandinista control. The rights of those who oppose Sandinista policies have not been respected in the past. There is no reason to think they will be respected in the future.

ECONOMIC DETERIORATION

- o Nicaragua is an agricultural country with substantial potential wealth. Despite this, its economic outlook is bleak.
- Although the Government of Nicaragua has blamed the country's economic difficulties on its war against the democratic resistance and the U.S. trade sanctions, most Nicaraguans realize that the economic deterioration is due to Sandinista policies and mismanagement.
- o Since the 1979 revolution, the FSLN regime has sought to implement a Marxist, state-controlled economy while giving lip service to the goal of a mixed economy and pluralistic society.
- o The regime controls producer prices for virtually all items, sets wages, and continues to confiscate private property, especially that of its political rivals.
- o Because of the poor business climate, investment has fallen dramatically in recent years and many international companies have either suspended or substantially reduced their local operations.
- o The private sector has been squeezed as credit is directed to state enterprises, access to imports is limited, and prices are kept artificially low.
- o The traditional indicators of economic performance have fallen under Sandinista rule.
 - 1986 exports totalled less than one-third of those of 1978, the year before the Sandinistas took power.
 - Nicaragua has experienced negative economic growth three of the past four years.
 - In 1986, inflation reached 657.4%.
 - Per capital grain production fell by one-third between 1979 and 1987. In 1986, scheduled food donations did not meet the GON's needs and it had to turn to the U.S.S.R. for emergency wheat and rice shipments.
 - GDP is more than 40% below pre-revolution levels.
 - Purchasing power has declined two-thirds since the Sandinista revolution.
 - Per capita income has declined at least 25% from 1978 levels.

- o The burden of this economic failure has fallen on the people, who are reacting to shortages of staples such as meat, milk, rice, beans, bread, and cooking oil.
 - o The regime uses its control over basic consumer goods to rank consumers according to their value to the revolution, with the military receiving top priority.
 - Other groups loyal to the Sandinista regime, such as government bureaucrats and workers affiliated with Sandinista unions, are afforded access to these goods at subsidized prices and GON-controlled stores.
 - o The economic situation is the main cause of public discontent and disenchantment with the Sandinista regime. It is also the main stimulus toward emigration.
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HUMAN RIGHTS IN NICARAGUA

- o In July 1979, a broad coalition of Nicaraguans overthrew the Somoza dictatorship. One of the factors that had united these diverse groups was the Somoza regime's disregard for human rights.
- o The leaders of the revolution promised the Nicaraguan people that their new government would fully respect human rights.
- o This promise has not been kept.
 - Today, the Sandinista regime persecutes and harasses opposition political parties, the private sector, independent free trade unions, the Church, and the press.
 - Nicaraguans have witnessed the forced relocation of tens of thousands of countrymen from their homes and the heavy use of secret police and "mass organizations" to spy on citizens and create a generalized climate of fear.
- o The Sandinistas have tailored their legal system, mass organizations, and armed forces into instruments of repression.
- o At the heart of the Sandinista's legalized system of human rights abuse is the DGSE, the state security apparatus housed in the Ministry of Interior.
 - DGSE agents may arrest suspected opponents and hold them indefinitely without charges.
 - It routinely subjects prisoners to psychological and physical abuse and summarily executes those considered most dangerous to the Sandinista regime.
- o The "People's Anti-Somocista Tribunals" were also designed as Sandinista tools of repression
 - These tribunals, also called "TPAs", are not bound by conventional legal rules and enjoy absolute discretion concerning the admissibility of evidence and the criteria needed to infer guilt.
 - The TPAs have a conviction rate of over 90 percent.
 - There has been evidence during the first half of 1987 that the Sandinista regime is expanding its use of the TPA system even further.
- o Approximately 10,000 political prisoners, including those held for ties to the Somoza regime, remain in detention.

- o Mothers of political prisoners in Nicaragua who joined forces in January 1987 in an effort to focus public attention upon the plight of relatives jailed for violating security laws have themselves become the targets of Sandinista reprisal.
 - The mothers' group, which calls itself the "January 22 Movement", seeks to obtain a general decree of amnesty for all political prisoners, to obtain assistance for the prisoners, and to abolish the TPAs.
 - Two days after meeting with U.S. Representatives James H. Scheuer and Lindy Boggs on April 28, 1987, a member of the January 22 movement was summoned to the infamous El Chipote prison, a DGSE installation.
 - Four agents interrogated her about her involvement in meetings with visiting foreigners.
 - They also warned that further activism could jeopardize the lives of her two sons. Undaunted, the January 22 member participated in a May 2, 1987 meeting with Rep. John J. Rhodes.
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- o By 1985 the Sandinistas had forcibly relocated at least 20,000 Miskito Indians from their traditional homelands and about 60,000 peasants from northern Nicaragua to create free fire zones. Armed assaults on Rio Coco villages in March 1985 triggered an exodus of Miskito refugees into Honduras.
 - o Felix Pedro Espinosa, a Conservative member of the National Assembly, was condemned in the Assembly as a traitor following acceptance of a U.S. visitor grant.
 - In June 1986, he was charged by state authorities with arson for allegedly burning down his own home. Assembly President Comandante Carlos Nunez called for his resignation as a member of the Assembly, and warned that if he did not do so voluntarily, Nunez would use his powers to expel him.
 - Espinosa was expelled in July 1986 and sought asylum in the Venezuelan Embassy. He travelled to Venezuela and the U.S. in 1987, detailing the events.
 - His anti-government Conservative Party faction now lacks the necessary five members in the Assmibly to propose legislation.

SANDINISTA TIES TO TERRORISM

- o The Sandinistas have links to terrorists in Europe, the Middle East, and Latin America.
- Sandinistas received training from the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP) -- Marxist terrorist groups.
- Sandinistas participated in the PFLP hijackings in the 1970s and in the PFLP war against King Hussein. Patrick Arguello, a Sandinista killed while hijacking a plane, is a Sandinista hero, and a hydroelectric dam has been named in his honor.
- Terrorist groups such as the Red Brigades (Italy), IRA (Ireland), ETA (Basque terrorists), Baader-Meinhof Gang (West Germany), MIR (Chile), and Montoneros (Argentina), use Nicaragua as a "safe haven." The Sandinistas have also issued passports to members of these groups, enabling them to travel without their true identities being known.
- Red Brigade members, including those suspected of killing Prime Minister Aldo Moro, work for the Sandinista government Political Directorate as "reporters."
- Members of the Baader-Meinhof Gang serve as officers in the Sandinista Army.
- Radicals from Latin American countries, including Uruguay, Argentina, and Brazil have received terrorist training and fraudulent passports in Nicaragua.
- Members of the Colombian M-19 terrorist group, which attacked the Palace of Justice in Colombia, received arms and training from the Sandinistas.
- Costa Rican, Guatemalan, Salvadoran, and Honduran radicals and Communists fight in a special "foreign brigade" (the Pomares Ordonez Brigade) attached to the Sandinista Army.
- The Sandinistas provide arms, training, command-and-control facilities, and communications for guerrillas in El Salvador.
- The Sandinistas equip, train, organize, and infiltrate Honduran terrorists, and give them bases of operation.
- The Costa Rican Vice President recently announced that the Nicaraguan Embassy in Costa Rica aids the Mora Canas Brigade -- a communist paramilitary group in that country.

U.S.--NICARAGUA NEGOTIATING HISTORY

The United States would welcome a negotiated settlement with the Sandinistas, but Nicaragua has avoided serious negotiations.

- o In September 1980 and January 1981, the Carter Administration warned Nicaragua that U.S. aid was jeopardized by Sandinista support for Salvadoran guerrillas. This warning was ignored.
- o In August 1981, the United States offered improved relations in exchange for an end of Sandinista support to the Salvadoran guerrillas. Nicaragua refused this offer.
- o In April 1982, the United States again offered improved relations in exchange for an end of Sandinista support to the Salvadoran guerrillas. Nicaragua ignored the proposal.
- o In October 1982, the United States joined in a multilateral demarche, the Declaration of San Jose, to Nicaragua. The Sandinistas refused to receive the proposal.
- o Twice in 1983, the United States offered to abide by a comprehensive and verifiable implementation of the 1983 Contadora Document of Objectives. None was forthcoming.
- o In June 1984, Secretary Shultz visited Managua and inaugurated nine rounds of bilateral talks with the Sandinista government, held from June to December 1984. Bilateral (U.S.-Nicaraguan) arms reductions in the region, dialogue with opposition groups, and internal reconciliation were rejected by the Sandinistas.
- o Throughout 1985, the Sandinistas showed little interest in seriously considering U.S. proposals, while stalling Contadora by claiming they first had to come to an agreement with the United States. When Contadora talks were suspended for lack of progress (caused by the Sandinistas), Nicaragua was isolated in opposing an OAS Resolution (December 9, 1985) calling for continuation of talks.
- o In early 1986, Secretary Shultz met with the Contadora and Support Group foreign ministers and reiterated U.S. support for negotiations. He made clear that the United States would resume bilateral talks with the Sandinistas when they talked with their opposition, including the resistance.
- o In April 1986, the United States expressed support for the comprehensive, verifiable, and simultaneous implementation of the Contadora Document of Objectives. Nicaragua blocked progress toward achieving such an agreement.
- o In early 1987, the United States welcomed the peace initiative of Costa Rican President Arias which focused on the key issue of democratization. The Sandinistas initially condemned the initiative and only agreed to participate following heavy international pressure.

THE REFUGEE SITUATION

- o The Government of Nicaragua's legalized system of repression has sparked an exodus of Nicaraguans from all social backgrounds, but predominantly urban laborers, farmers, and Miskito Indians -- the people the revolution was supposed to benefit.
- o As many as 300,000 Nicaraguans have fled their country since 1979, mostly to neighboring Costa Rica, Honduras, and the United States.
 - This means that nearly 10 percent of the Nicaraguan population has sought refuge from the harsh policies of the Sandinista government.
 - They leave for a combination of motives, including political oppression, exposure to combat between Sandinista and resistance forces, obligatory military service, forced recruitment by the Sandinistas, and a depressed economy exacerbated by GON mismanagement.
- o Many refugees appear to have been sympathetic to the armed opposition.

 - As a result, their property and belongings were confiscated by the Sandinista army and state security troops.
 - Many were forced to live in relocation camps and to participate in political re-education campaigns.
 - Hundreds who questioned the soldiers' authority were treated as counter-revolutionaries, jailed, and tortured before escaping to Honduras or Costa Rica.
- o In particular, Miskito Indians from Nicaragua's Atlantic Coast have suffered from Sandinista attempts to alter their traditional patterns of land and social administration, persecution of their leaders, forced resettlement in distant areas, and armed attack.
 - By 1985 the Sandinistas had forcibly relocated at least 20,000 Miskito Indians from their traditional homelands and about 60,000 peasants from northern Nicaragua to create fire free zones.
 - Armed assaults on Rio Coco villages in March 1985 triggered an exodus of miskito refugees into Honduras.

