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**THE NICARAGUAN PARLIAMENTARY SYSTEM
BROADCASTING OF THE PROCEEDINGS
OF PARLIAMENT**

INTER-PARLIAMENTARY UNION

AIMS

The Inter-Parliamentary Union whose international Statute is outlined in a Headquarters Agreement drawn up with the Swiss federal authorities, is the only world-wide organization of Parliaments.

The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of democratic institutions and in the advancement of the work of international peace and co-operation.

In pursuance of this objective, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary assemblies so as to improve the working of those institutions and increase their prestige.

MEMBERSHIP OF THE UNION AS OF 2 SEPTEMBER 1985

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The organs of the Union are:

1. *The Inter-Parliamentary Conference* which, unless otherwise decided, meets once a year.

2. *The Inter-Parliamentary Council*, composed of two members from each affiliated Group. *President*: Mr. H. Stercken (Federal Republic of Germany).

3. *The Executive Commute* composed of eleven members, ten of whom are elected by the Conference, the Council President acting as *ex officio* President. At present, it has the following composition:

President: Mr. H. Stercken (Federal Republic of Germany).

Members: Mr. S. Bares (Hungary); Mr. R. Bitat (Algeria); Mr. R. Carpio Castillo (Venezuela); Mr. B. Friesen (Canada); Mr. A. Ghalanos (Cyprus); Mr. C. Pepper (United States of America); Mr. B.R. Jakhar (India); Mr. S.E. Oh (Republic of Korea); Sir John Page (United Kingdom); Mr. L.N. Tolkunov (USSR).

Secretary general: Mr. Pio-Carlo Terenzio.

OFFICIAL PUBLICATION

The Union's official organ is the *Inter-Parliamentary Bulletin*, which appears quarterly in both English and French. This publication is indispensable in keeping posted on the activities of the Organization. Subscription can be placed with the Inter-Parliamentary Bureau, Geneva.

INTER-PARLIAMENTARY UNION

**CONSTITUTIONAL AND PARLIAMENTARY
INFORMATION**

First Series - Thirty-seventh year

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OF PARLIAMENTS**

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PRESENTATION ON THE NICARAGUAN PARLIAMENTARY SYSTEM

by Mr. Rafael Solis Cerda, Secretary General
of the National Assembly

The President welcomed Mr. Rafael Solis Cerda who as well as being Secretary General of the National Assembly of Nicaragua was also a Member of Parliament.

Mr. Solis Cerda said that, on behalf of the National Assembly and its secretariat, he welcomed members of the Association to Managua and was grateful for the invitation to join the Association and to explain the Nicaraguan parliamentary system. The pre-revolutionary Constitution had ended on 19th July 1979. Fundamental statutes had then been promulgated setting out the functions of the new organs of government, namely, the Government of National Reconstruction, the Council of State and the Supreme Court. This arrangement had continued until 4th November 1984 when elections were held for a President, Vice-President and members of the National Assembly. At that point the Government of National Reconstruction and the Council of State had been abolished. The new National Assembly had a constituent function as well as a legislative function for two years from 10th January 1985. The elections held at the end of 1984 had produced 7 parties represented in the 96 seat Assembly as follows: Sandinista National Liberation Front: 61, Democratic Conservative Party: 14, Independent Liberal Party: 9, Popular Social Christian Party: 6, Communist Party: 2, Socialist Party: 2, Popular Action Movement Marxist Leninist: 2. The distribution of seats was proportionate to the population in different parts of the country and was explained fully in the booklet of the Nicaragua Parliament available at the session.

The first action of the National Assembly, which met for the first time at the beginning of 1985, was to adopt its own general statute and internal rules. A draft had been prepared by the Committee on Legal Affairs (of which he himself was the Chairman). The Assembly had full power to pass laws and decrees or to amend or appeal existing ones. The former Council of State shared its legislative powers with the National Reconstruction Government. Only when the National Assembly was in recess (for 2 months each year) did the Executive have legislative powers.

The new Constitution of Nicaragua followed the Latin America pattern, familiar from Mexico to Argentina, with a strong executive branch, directly elected and having specific powers of its own. Government ministers were appointed by the President although they could be summoned to address the National Assembly. Some further revision of the Assembly's Standing Orders would be necessary following the adoption of the new Constitution of Nicaragua in 1986, and in the light of experience. For instance, greater powers would be given to committees of the Assembly.

The Assembly's session lasted for 10 months a year with recess from 21st December to 21st February. It met for periods of 15 days with plenary sessions held on Tuesday and Wednesday and committees on Monday. The quorum was half the membership plus 1 for the adoption of laws. The Executive Board of the Assembly comprised the President, 3 Vice-Presidents and 3 Secretaries. The FSLN majority had 4 seats and 3 opposition parties were represented. The Board set the order of business for the Assembly, approved delegations etc. The responsibilities of the Presidents and the Secretaries were similar to those in other Latin American parliaments. The Secretary General had overall responsibility for the organisation, agenda, minutes, legal drafting, international relations and administrative services. He also dealt with relations with the Executive Branch, with the Judiciary and with the Electoral Body. There were permanent committees on

1. Defence, Interior and Means of communications;
2. Justice;
3. Foreign Affairs;
4. Education, Culture and Support;
5. Health, Social Security and Welfare;
6. Work, Union affairs and mass organisations;
7. Agrarian reform, Agriculture, Conservation of the environment and preservation of natural resources;
9. Economic affairs, Finance and Budget;
10. Population and development, creative services, urban reform and resettlement;
11. Communication, Transportation, Energy and construction;
12. Human Rights and Peace.

The Committee on Human Rights and Peace had been set up on the initiative of the Opposition parties and did not replace a committee in the previous Council of State. It was found necessary to have such a Committee during the current war time emergency.

Through the second half of 1986 the Assembly had held almost daily sittings from 10 a.m. to 8, 9 or 10 p.m. in the evening for some 3 months to consider and finally approve the new Constitution. Legislation could be introduced by Members of the National Assembly, the President of the Republic, the Supreme Court and the Electoral Council (for instance, the Supreme Court had presented a draft bill on divorce to tidy up and amend long-standing legislation on this subject). A bill introduced by Members of the Assembly had to be supported by at least 5 of them. After plenary debate and a vote if necessary, bills went to committee for detailed examination and report within the 15 days (which could be extended). A bill which had been rejected in the plenary or in committee could not be presented again the same year. Some bills presented by the Parliament had been rejected by the Assembly (for example one on official secrets and another on the appropriation of second homes—such bills were rejected in committee and not insisted on by the Executive). A bill passed by National Assembly could be vetoed by the President and a two-thirds majority of the Assembly could override the veto. The President had to promulgate any bill passed by the Assembly, if he did not veto it, within 15 days; otherwise the Assembly itself promulgated it. Publication in the Official Gazette brought a bill into effect.

Members of the National Assembly enjoyed traditional rights of immunity and the rights of representation on committees, presentation of bills etc. Parties with a minimum 4 representatives could constitute parliamentary groups for which some material assistance was provided. The National Assembly building was very small and use was also made of the former bank building opposite. At present only a third of the Members of the Assembly had offices but more would have them in future as extra floors in the bank building became available.

A heavy legislative programme faced the National Assembly, with provision needed for municipal elections in 1988, autonomy for the Atlantic Coast region and an overhaul of the legal system.

Mr. Solis Cerda concluded by offering to answer questions on the Nicaraguan Parliamentary system the following day.

The President thanked him warmly for the information he had given and for the clear description of the structure and working of his parliament.

QUESTIONS ON THE NICARAGUAN PARLIAMENTARY SYSTEM

Minutes of the spring session of the Association
(Managua, 27 April-1 May 1987).

The President said that in addition to Mr. Solis Cerda, Secretary General of the National Assembly, Mr. Onofre Guevara, Director of Publications of the National Assembly, would answer questions. He asked about the role of Ministers in the Government in relation to the National Assembly, whether Ministers were Members of the Assembly and whether the Assembly could censure them.

Mr. Guevara said the Ministers were chosen and appointed by the President. The Assembly could request the attendance of Ministers to report on their duties but the Assembly could not dismiss a Minister. Some junior Ministers were also Members of the National Assembly but their governmental work was regarded as a priority and during their absence from the Assembly alternates could attend in their place. Such ministers could speak in the Assembly but not directly on their governmental work for which they were responsible only to the President. This convention was respected by the Assembly.

Mr. Sauvant (Switzerland) asked whether bills were always sent to committee and how the work was divided between the three Vice-Presidents and the three Secretaries of the Assembly.

M. Solis Cerda said that it was up to the Plenary of the Assembly to decide whether a bill should be sent to a committee and occasionally a bill was rejected outright without submission to a committee. With regard to the Members of the Executive Board, he said that all had party functions as well as their National Assembly responsibilities. Of the three Secretaries, he himself was the one most fully committed to the running of the National Assembly; the other two had a mainly political role.

Mr. Ilunga (Zaire) asked about the functions of the Secretary General; the difference between laws and decrees; the right of minorities to propose legislation; and the provision in standing orders and legislation governing the competence of the National Assembly.

Mr. Solis Cerda said that as Secretary General, he had a dual responsibility as Secretary of the Executive Board and head of the Administration. The Secretariat was divided into two parts. The political secretariat dealt with the minutes, the order of business, the publications etc. The administrative secretariat, also under the Secretary General, dealt with other parliamentary services. Some heads of department were also Members of Parliament; others were officials.

All parties except for the 3 smallest ones could propose bills. There was some discussion about changing the minimum number of 5 Members necessary to present a bill because this affected the 3 left wing parties each of whom only had two Members. All the other parties had more than 5 Members. The division of responsibility between the Government and the National Assembly left matters such as defence, foreign policy and economic policy in the hands of the Executive

with the implementation of policy clearly a matter for the President. The National Assembly had full powers over legislation except during the parliamentary recess when the Executive could legislate within provisions for emergency, as set out in the Constitution. This provision had not been put into effect in the two recesses so far. Emergency sessions of the National Assembly had been held instead. The President was also able to make administration decrees which were not subject to National Assembly approval.

Mr. Khair (Jordan) asked whether there was any power-sharing, how the bureau was chosen and what happened when the President neither vetoed nor approved a bill.

Mr. Solis Cerda said that the opposition parties shared legislative but not executive power. Some opposition parties were sympathetic to the Government. There were other opposition parties who had nothing to do with the Government and further opposition parties which were not represented in the National Assembly. It should be noted, however, that 87 of the 96 Members of the Assembly had signed the new Constitution. Inevitably, there was some give and take with opposition parties. For instance, the provisions of the Constitution relating to war and state of emergency and localised states of war was eventually passed by the Assembly with amendments on the 43rd day of its consideration, 2 days before the deadline. To date, the President had not exercised his veto power. But the National Assembly had effectively rejected 2 bills presented by the Government. At the moment the Government party had a majority in the Assembly but the possibility of a coalition with other parties could not be ruled out in future.

Mr. Anderson (United States of America) asked about Article 139 of the Constitution which stated that "representatives shall bear no legal responsibility for their opinions and votes cast in the National Assembly and enjoy immunity and conformity with the law".

Mr. Solis Cerda said that this article had been drafted to give the best working conditions for Members of the Assembly and to allow them freedom of speech with which to criticise as they wished. There was only one case of immunity being suspended and that was in relation to a Member of Parliament who had burnt his own property and sought political asylum. Members were expected to abide by the law of the country but could not be arrested or appear in court unless their immunity was waived.

Mr. Davies (United Kingdom) asked about the hours of sitting, the number of Members on each committee and the most senior post among the staff of the Assembly which was not held by a Member of Parliament.

Mr. Solis Cerda said that the Assembly sat on Tuesdays and Wednesdays from 10 a.m. until 6 p.m.; with a lunch break; although the start was at a fixed time, the hour of rising was flexible. The average committee size was between 8 and 10 with all parties represented proportionately on the committees. The committees on Foreign Affairs, Defence and Justice were larger. There was no established civil service in Nicaragua before 1979. The Secretary General of Parliament was a political post in most Latin American countries. Nicaragua was trying to establish a corps of good administrators with the aim of having a civil service, but at present all significant posts in the National Assembly administration were political ones.

Mr. Lussier (Canada) asked how the National Assembly could interpret law, to what extent the Nicaraguan Constitution reflected the typical arrangements for a presidential system and for further details on the legislative process.

Mr. Solis Cerda said that the National Assembly did have a responsibility for interpreting the law. A distinction was drawn between authentic and judicial interpretation. This was a Latin American practice. The Assembly could be asked to explain what had been intended when it passed a particular law. This did not contradict the responsibility of the courts for judicial interpretation of the legal meaning of a Statute. Responsibility for interpretation of constitutional rights rested with the Supreme Court.

The Nicaraguan system of government tended to follow that of other Latin American countries because they were thought to be more suitable examples than those of Western Europe. The presidential system did have an element of the system in France and it should be noted that treaties had to be passed by the National Assembly. The systems in Mexico, Peru, Venezuela, Argentina, Panama and Colombia had all been studied when the Constitution was drawn up. Just because the President and Executive were powerful it did not mean that the legislature was weak. Different models had been proposed by far left political groups but most other parties, including the Conservatives, had supported the adoption of a traditional Latin American system.

With regard to detailed examination of legislation the form of debate in plenary was to consider a bill article by article but normally bills were passed by the plenary in the form presented by the committee. The possibility of changing this arrangement was being considered.

Mr. Pacha (Tunisia) asked about the general Statute and Internal Rules, a quorum, political representation on committees, the making of decrees in recesses, publication of debates and absenteeism.

Mr. Solis Cerda said the form of the Assembly's regulations called the General Statute and Internal Rules had been drawn up specifically in that way, because of their constitutional importance at the time the National Assembly was a constituent body. The subsequently adopted National Constitution subsumed some of this and a revision of the Rules was under consideration. These Rules were issued as decrees by the National Assembly and were not subject to presidential approval. A special quorum applied to the adoption of the Constitutional law but otherwise quorum was a half plus 1 of Members of the Assembly. Political parties were represented on committees and places were allocated by the Bureau. Such decisions were usually taken by consensus. Occasionally the start of the sitting had been delayed by the absence of a quorum but absenteeism had not generally been a problem. The Official Gazette in which laws, decree laws, presidential decrees, national Assembly decrees and administrative decrees were published was an organ of the State and not just of the National Assembly. Reports of debates were published first in summarised form and subsequently in full. All forms of legislation except for internal administrative rules of the Government were published in the Official Gazette.

The *President* thanked *Mr. Solis Cerda* for answering all the questions so fully and looked forward to the opportunity of visiting the National Assembly building.

THE NATIONAL ASSEMBLY: THE NICARAGUAN PARLIAMENT

by Mr. Rafael Solis Cerda,
Secretary-General of the National Assembly

I. History

The National Reconstruction Government installed on July 19, 1979 faced the task of constructing the framework for a popular democratic government, while initiating the process of political, social, and economic reconstruction. A new legal order, capable of governing the new system, was necessary.

One of the first acts of the National Reconstruction Government was to decree the Fundamental Statutes of the Republic of Nicaragua, to guarantee the rights of citizens and regulate the exercise of public administration.

The Fundamental Statutes dissolved the dictatorship's Congress of Senators and Representatives Court of Justice, Appeals Court, Labor Court and other political structures, and established the Government of National Reconstruction, the Council of State and the Supreme Court of Justice as branches of government. It stated that legislative powers would be shared by the Government of National Reconstruction and the Council of State.

The Council of State, a co-legislative body of 52 members from 33 political, popular, labor, guild, social and business organizations, functioned from May 4, 1980 to January 9, 1985. During its five sessions it approved 319 laws, 168 proposed by the Council of State and 151 by the National Reconstruction Government. The Fundamental Statutes mandated that the Council of State draft an Electoral Law, which was passed on March 26, 1984. On February 21 of the same year, the National Reconstruction Government officially announced elections, and created the Supreme Electoral Council as the official body which would organize, direct and supervise the elections.

On November 4, 1984, general elections with popular, direct voting and secret ballot were celebrated to elect a President and a Vice-President of the Republic to a six year term starting on January 10, 1985. A National Assembly of 90 representatives and their alternates was elected for an equal term, while the six losing candidates for President automatically became representatives, with their alternates. All together, the National Assembly has 96 representatives and their respective alternates. It was established that the President of the Republic would exercise Executive Power and have the same functions as the National Reconstruction Government until the approval of the Constitution. The National Assembly would have legislative functions, the central one initially being the drafting and approval of the Constitution within the first two years of its term.

II. Composition of the National Assembly

The elections of November 4, 1984 consolidated the legitimacy of the revolutionary government and showed the pluralist nature of the revolution. Seven parties participated. The 90 directly elected and 6 indirectly elected representatives and alternates are distributed in the following way:

Table 1. - Results of the elections for National Assembly representatives

<i>Political party</i>	<i>Representatives</i>
1. Sandinista National Liberation Front (FSLN)	61
2. Democratic Conservative Party of Nicaragua (PCDN).	14
3. Independent Liberal Party (PLI)	9
4. Popular Social Christian Party (PPSC).	6
5. Communist Party of Nicaragua (PC de N).	2
6. Nicaraguan Socialist Party (PSN).	2
7. Popular Action Movement Marxist-Leninist (MAP-ML).	2

According to the proportional representation system established by the Electoral Law, the representatives are distributed as follows:

Table 2. - Regional representation of the political parties before the National Assembly

<i>Party</i>	<i>Region I</i>	<i>Region II</i>	<i>Region III</i>	<i>Region IV</i>	<i>Region V</i>	<i>Region VI</i>	<i>Special Zone 1</i>	<i>Special Zone 2</i>	<i>Special Zone 3</i>
FSLN	7	11	17	9	6	7	2	1	1
PCDN	1	1	4	3	2	2			
PLI	1	2	2	1	1	1			
PPSC		1	2	1		1			
PC de N			1						
PSN			1						
MAP-ML			1						

Region I: Includes the northern provinces, Madriz, Esteli and Nueva Segovia (a war zone since 1981).

Region II: The provinces of León and Chinandega (a war zone bordering on Honduras).

Region III: Managua, the capital.

Region IV: The southeastern provinces of Rivas, Granada, Carazo and Massaya (the border areas of Rivas have been slightly affected by the war).

Region V: Includes the central eastern provinces of Boaco and Chontales and part of Zelaya (war zones since 1983).

Region VI: The northern provinces of Matagalpa and Jinotega (a war zone since 1981).
 Special Zone I: Puerto Cabezas (northeast)
 Special Zone II: Bluefields (center east)
 Special Zone III: Rio San Juan (southeast)
 Puerto Cabezas and Bluefields are parts of the provinces of Zelaya (on the Atlantic Coast); Rio San Juan is the capital of the province of the same name. All three Special Zones have been affected by the war.

III. Functions of the National Assembly

The functions of the National Assembly are the following:

1. Draft and approve laws and decrees, as well as amend or repeal existing one.
2. Interpret the Law.
3. Consider, discuss and approve the General Budget of the Republic in conformity with the procedures established in the Constitution and by Law.
4. Ratify or reject international treaties.
5. Determine the political and administrative division of the country.
6. Consider the economic and social development plans and policies of the country.
7. Fill permanent vacancies of the Presidency or Vice Presidency of the Republic.
8. Authorize foreign visits of the President of the Republic longer than one month.
9. Create permanent, special and investigative committees.
10. Select the Judges to the Supreme Court of Justice, and members and alternates to the Supreme Electoral Council, from slates of three candidates proposed by the President of the Republic.
11. Solicit reports through the President of the Republic from the Ministers or Vice Ministers of the State, and Presidents or Directors of Autonomous and Governmental Institutions. Request by the same means their personal appearance.
12. Review and resolve complaints presented against officials who enjoy immunity.
13. Elect the National Assembly's Executive Board.
14. Decree the General Statute and Internal Rules of the National Assembly.

IV. Function and organization of the National Assembly

The General Statute and the Internal Rules of the National Assembly regulate the rights and duties of the National Assembly and its commissions, its relationship with other branches of government and the procedure for the debate, voting, passage and promulgation of laws.

The National Assembly meets in Managua, capital of the Republic, in a regular session from February 21 to December 22 during each of the six years of its term. It is the right of the President of the National Assembly to convoke special sessions during recess periods.

The quorum for sessions of the National Assembly is half plus one of its members. Bills require the approval of a relative majority of the representatives present in order to be passed.

The National Assembly is chaired by an executive board consisting of a President, three Vice Presidents, and three Secretaries, elected individually by a majority vote. This board directs the development and functions of the National Assembly and its activities.

The Executive Board is composed of:

1. Carlos Núñez Téllez, President (FSLN)
2. Leticia Herrera C, Vice President (FSLN)
3. Mauricio Diaz Dávila, Vice President (PPSC)
4. Clemente Guido, Vice President (PCDN)
5. Rafael Solis Cerda, Secretary (FSLN)
6. Domingo Sánchez Salgado, Secretary (PSN)
7. Juan Tijerino Fajardo, Secretary (FSLN).

The representatives are members of the various Commissions. These Commissions are formed in such a way so that there is representation of different parties. The Commissions elect their President, Vice President and two Secretaries. The members of the Commissions are appointed by the President of the National Assembly after consultation with the Executive Board. There are two kinds of Commissions:

Permanent Commissions: Study and propose bills to the National Assembly.

Special Commissions: Carry out temporary functions determined by the National Assembly; they are formed as necessary at the proposal of the President of the Assembly.

The Permanent Commissions are the following:

1. Defence, interior and means of communication
2. Justice
3. Foreign affairs
4. Education, culture and sports
5. Health social security and welfare
6. Work union affairs and mass organizations
7. Production, distribution and popular consumption
8. Agrarian reform, agriculture, conservation of the environment and preservation of natural resources.
9. Economic affairs, finance and budget
10. Population and development, community services, urban reform and resettlements.
11. Communication, transportation, energy and construction
12. Human rights and peace.

The definition and functions of each of these Commissions are determined in the Internal Rules of the National Assembly.

V. Procedure for approval of laws

Representatives to the National Assembly and the President of the Republic have the right to introduce bills. The President of the Supreme Court of Justice and the Supreme Electoral Council also can introduce legislation in matters pertaining to their areas. Bills must be signed by at least five Representatives; those presented by the other branches of government pass directly to the appropriate Commission. Urgent bills submitted by the Executive Branch may be submitted to the Plenary for immediate debate.

Bills presented by Representatives are voted on; if accepted they pass to the respective Commission to be studied and drafted within 15 days, or longer for special cases. This time period can be extended through a request made to the President of the Commission. Once the bill is resubmitted to the Plenary with the opinion of the Commission, it is discussed in general form; if approved it is debated part by part. Rejected bills cannot be rediscussed in the National Assembly during the same session.

Once a bill is approved, it is sent to the President of the Republic to be signed, promulgated and published, or totally or partially vetoed, within 15 days. If the President does not approve or veto the bill within the time period, the President of the National Assembly shall order it published.

If a bill is totally or partially vetoed by the President of the Republic, it shall be returned to the National Assembly where a vote of half plus one of the Representatives can override the veto. In such instances, the President of the National Assembly shall order it published.

VI. Rights of representatives

Representatives have the right to speak and vote in the sessions of the National Assembly, to introduce motions, to form part of an presidio over Commissions, to be members of the Executive Board and to present bills.

Furthermore, those parties with a minimum of 4 representatives have the right to make up "parliamentary factions" which are entitled to space and basic materials to carry out their functions.

VII. Principal laws approved

The principal task of the National Assembly in its first two years was to draft and approve the Political Constitution of Nicaragua. It also carried out regular legislative functions and approved 18 decrees and 20 laws including the following.

Amnesty Law: This law grants amnesty to all Nicaraguans involved in counterrevolutionary activities, including armed actions, if and when they turn over their arms to the corresponding authorities. This law has been extended until July 19, 1987, a demonstration of the will for peace of the revolutionary government.

Amnesty Law for Miskitos, Sumos, Ramas and Creoles: Grants amnesty to Nicaraguan citizens of Miskito, Sumo, Rama and Creole origin who are in prison for crimes against the public order and security, as an effort to achieve peace and unity among the Nicaraguan people.

Wage scale law: Establishes the legal framework for a salary policy. Eliminates anarchy in salaries in the different sectors of economic activity as a way to protect workers' rights and put into practice the principle of "equal pay for equal work".

Rentals and transactions in foreign currency: This law is part of the plans to reconstruct the country by channelling foreign currency to prioritized sectors. Regulates rentals and business transactions when the purchaser or renter is a foreign tourist, an internal mission or organization, a foreign company, a diplomatic or consular representative, or any foreign official, or a Nicaraguan who is paid in foreign exchange.

Law regulating commerce and defense of consumers: The supply shortages caused by the U.S. aggression are worsened by speculation with consumer products by unscrupulous merchants. This law, while respecting the mixed economy, permits the State to intervene directly to regulate prices and distribution when necessary.

Law regulating crimes of embezzlement, fraud and speculation: Established the means to prevent and eliminate corruption in state management and achieve a better utilization of the State's economic resources through efficient administration.

Law declaring day of respect for international law: On June 27, 1986 the World Court of Justice issued its verdict condemning the United States government for violating the principles of international law against Nicaragua. This law established June 27 as the Day of Respect for International Law, so that the country and its future generations commemorate and be aware of the importance of international law in achieving world peace.

Law governing collection of fees for public services: The purpose of this law is to establish norms that govern the collection of overdue fees for public services, guaranteeing that users shall not be obliged to pay costs that were not charged in the time period established by law. It aims to protect users from the deficiencies, abuse and errors caused by slowness or negligence of the companies.

In 1987 the National Assembly plans to discuss the laws governing constitutional challenges ("Amparo"), emergency decrees and municipalities; revisions of the Electoral Law in order to celebrate municipal elections; the autonomy statute for the Atlantic Coast, and the law governing foreign investment, in addition to other laws and decrees introduced by members of the National Assembly.

CONSTITUTION OF THE REPUBLIC OF NICARAGUA

THE PRESIDENT OF THE REPUBLIC

hereby makes known to the people of Nicaragua that the Constituent National Assembly after consulting with the people, has discussed and approved the following Political Constitution:

PREAMBLE

WE,

The Representatives of the People of Nicaragua, united in the Constituent National Assembly.

INVOKE

The struggles of our indian ancestors;
the spirit of Central American unity and the heroic tradition of our people who, inspired by the exemplary actions of General *Josi Dolores Estada*, *Andres Castro* and *Enmanuel Mongalo*, destroyed the dominion of the filibusters and the United States intervention in the National War;

Benjamin Zeledon's anti-interventionist deeds;

Augusto C. Sandino, General of Free People and Father of the Popular and Anti-imperialist Revolution;

the heroic action of *Rigoberto Lopez Perez*, who initiated the beginning of the end of the dictatorship;

the example of *Carlos Fonseca*, the greatest perpetuator of Sandino's legacy, founder of the Sandinista National Liberation Front and Leader of the Revolution;

the generations of Heroes and Martyrs who forged and carried forward the liberation struggle for national independence.

IN THE NAME OF

The Nicaraguan people; the democratic, patriotic and revolutionary political parties and organizations of Nicaragua; the men and women; the workers and peasants; the glorious youth; the heroic mothers; those Christians who moved by their faith in GOD committed and dedicated themselves to the struggle for the liberation of the oppressed; the patriotic intellectuals; and all others who through their productive labor contribute to the defense of the Nation;

Those who guarantee the happiness of future generations by offering their lives in the struggle against imperialist aggression.

FOR

The establishment of the legal framework to protect and preserve the achievements of the Revolution and the building of a new society dedicated to the elimination of all forms of exploitation and to the achievement of economic, political and social equality for all Nicaraguans and absolute respect for human rights.

FOR THE HOMELAND, FOR THE REVOLUTION,
FOR THE UNITY OF THE NATION AND FOR PEACE.

WE HEREBY PROCLAIM THE FOLLOWING
POLITICAL CONSTITUTION OF THE REPUBLIC OF NICARAGUA

TITLE I
FUNDAMENTAL PRINCIPLES

CHAPTER I

Article 1

Independence, sovereignty and self-determination are inalienable rights of the Nicaraguan people and the foundation of the Nicaraguan nation. Any foreign interference in the internal affairs of Nicaragua or any attempt to undermine these rights is an attack upon the life of the people.

It is the right of the people and the duty of all citizens to preserve and defend, with arms if necessary, the independence of the Nation, its sovereignty and national self-determination.

Article 2

National sovereignty rests with the people, the source of all power and forgers of their own destiny. The people exercise democracy by freely deciding upon and participating in the construction of the economic, political and social system which best serves their interests. The people exercise power both directly and through their representatives elected by universal suffrage; equal, free, and direct elections and secret ballot.

Article 3

The struggle for peace and the establishment of a just world order are unrenounceable national commitments of the Nicaraguan nation. We therefore oppose all forms of colonialist and imperialist domination and exploitation.

The Nicaraguan people are in solidarity with all those who struggle against oppression and discrimination.

Article 4

The Nicaraguan people have created a new state to promote their interests and guarantee their social and political achievements. The state is the principal instrument through which the people eliminate all forms of exploitation and oppression, promote material and spiritual progress of the nation, and ensure that the interests and rights of the majority prevail.

Article 5

The state guarantees the existence of political pluralism, a mixed economy and non-alignment.

Political pluralism assures the existence and participation of all political organizations in the economic, political and social affairs of the nation, without ideological restrictions, except for those who seek a return to the past or advocate the establishment of a political system similar to it.

A mixed economy assures the existence of different forms of property: public, private, associative, cooperative and communal; these forms of property must serve the best interests of the nation and contribute to the creation of wealth to satisfy the needs of the country and its inhabitants.

Nicaragua's international relations are based on the principle of non-alignment, the search for peace, and respect for the sovereignty of all nations; therefore, Nicaragua opposes all forms of discrimination and is anti-colonialist, anti-imperialist, and anti-racist. Nicaragua rejects the subordination of any state by another.

TITLE II
THE STATE

CHAPTER I

Article 6

Nicaragua is an independent, free, sovereign, unitary and indivisible state.

Article 7

Nicaragua is a participatory and representative democratic republic. It has four branches of government: Legislative, Executive, Judicial and Electoral.

Article 8

The people of Nicaragua are multi-ethnic and are an integral part of the Central American nation.

Article 9

Nicaragua is a firm defender of Central American unity. It supports and promotes all efforts to achieve political and economic integration and cooperation in Central American. It also supports the effort to establish and preserve peace in the region.

Nicaragua, inspired by the ideals of Bolivar and Sandino, strives for the unity of the people of Latin America and the Caribbean.

Consequently, Nicaragua will participate with other Central and Latin American countries in the creation and election of the bodies necessary to achieve such goals. This principle shall be regulated by appropriate legislation and treaties.

Article 10

The national territory is located between the Atlantic and Pacific Oceans and the republics of Honduras and Costa Rica. It includes the adjacent islands and keys, soil and subsoil, territorial waters, continental platform, continental rise, airspace and stratosphere.

The precise boundaries of the national territory are defined by laws and treaties.

Article 11

Spanish is the official language of the state. The languages of the Communities of the Atlantic Coast shall also have official use in the cases established by law.

Article 12

The city of Managua is the Capital of the Republic and the seat of government. In exceptional circumstances these can be established elsewhere in the nation.

Article 13

The symbols of the nation are the National Anthem, the Flag and the Official Seal, as established by the law that defines their characteristics and use.

Article 14

The state has no official religion.

TITLE III NICARAGUAN NATIONALITY

CHAPTER I

Article 15

Nicaraguans are either nationals or nationalized.

Article 16

Nationals are:

1. Those born in Nicaraguan territory, excepting children of foreigners in diplomatic service, children of foreign officials serving international organizations

or those sent by their government to work in Nicaragua, unless they choose to solicit Nicaraguan nationality.

2. Children of a Nicaraguan father or mother.
3. Children born abroad to fathers or mothers who originally were Nicaraguan, if and when they apply for citizenship after reaching legal age or independence.
4. Infants of unknown parents found in the Nicaragua, subject to correction in accordance with the law should their filial identity become known.
5. Children born to foreign parents on board a Nicaraguan aircraft or vessel, if and when they solicit Nicaraguan nationality.

Article 17

Native born Central Americans who reside in Nicaragua have the right to apply for Nicaraguan nationality from the competent authorities without renouncing their previous nationality.

Article 18

The National Assembly may grant nationality to foreigners deserving this merit by virtue of extraordinary service rendered to Nicaragua.

Article 19

Foreigners who have renounced their nationality may be nationalized by applying to the competent authorities when they have fulfilled the requirements and conditions established by law.

Article 20

No national may be deprived of nationality except upon voluntary acquisition of another; nor shall a national be deprived of Nicaraguan nationality because of having acquired that of another Central American country or any country with which Nicaragua has an agreement of dual nationality.

Article 21

The granting, loss and recuperation of nationality shall be regulated by law.

Article 22

Cases of dual nationality shall be treated in conformity with treaties and the principle of reciprocity.

TITLE IV
RIGHTS, DUTIES AND GUARANTEES
OF THE NICARAGUAN PEOPLE

CHAPTER I

Article 23

The right to life is inviolable and inherent to all persons. There is no death penalty in Nicaragua.

Article 24

All persons have duties to their families, the community, the Homeland and humanity. The rights of each persons are limited by the rights of others, the collective security and the just requirements of the common good.

Article 25

All persons have the right to:

1. personal freedom;
2. security;
3. seek legal redress.

Article 26

All persons have the right to:

1. privacy and the privacy of their family;
2. the inviolability of their home, correspondence and communications;
3. respect for their honor and reputation.

A private home may be searched only with a warrant from a competent judge or expressly authorized official to prevent a crime from being committed or to avoid damage to persons or goods, in accordance with the procedures established by law.

The law shall determine the cases and the procedures for an examination of private documents, fiscal records and related documents, when such is indispensable for the investigation of matters before the Courts or for fiscal reasons.

Illegally seized letters, documents and other private papers shall be null and void in legal proceedings or elsewhere.

Article 27

All persons are equal before the law and have the right to equal protection under the law. There shall be no discrimination for reasons of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic position or social condition.

Foreigners have the same rights and duties as Nicaraguans, with the exception of political rights and other rights established by law; foreigners may not intervene in the political affairs of the country.

Article 28

Nicaraguans who are temporarily out of the country have the right to enjoy amparo¹ and protection by the state through its diplomatic representatives.

Article 29

All persons have the right to freedom of conscience and thought and to profess or not to profess a religion. No one shall be the object of coercive measures which diminish these rights, or be obligated to declare his or her creed, ideology or beliefs.

Article 30

Nicaraguans have the right to freely express their beliefs in public or private, individually or collectively, in oral, written or any other form.

Article 31

Nicaraguans have the right to travel and to establish their residence in any part of the nation and to freely enter and exit the country.

Article 32

No one is obligated to do what is not required by law, or barred from doing what is not prohibited by law.

Article 33

No one may be arbitrarily detained or imprisoned, or be deprived of liberty except in cases established by law and in accordance with legal procedures. Therefore:

1. An individual may be detained only by a warrant issued from a competent Judge or an official expressly authorized by law, except when apprehended in the act of committing a crime.
2. All detained persons have the right to be:
 - 2.1. Informed in detail without delay of the reasons for their detention and the charges against them, in a language they understand; to have their family informed; and to be treated with respect in accordance with the dignity inherent in human beings.
 - 2.1. Brought before a competent legal authority within 72 hours.
3. No one shall be detained after a release order has been granted by the appropriate authority or once the sentence imposed has been completed.
4. The responsible authority shall be liable for any illegal detention.
5. The appropriate authorities shall attempt to maintain those awaiting trial apart from those who have been sentenced.

¹ In Nicaragua, "amparo" is a legal procedure used to seek review of administrative acts, similar to the writs of prohibition, *mandamus* and *habeas corpus* in the United States judicial system. It is originally a Mexican constitutional concept.

Article 34

All those awaiting trial have equal rights to the following minimum guarantees:

1. To be presumed innocent until proven guilty according to the law.
2. To be tried without undue delay by a competent court established by law.
3. Not to be removed from the jurisdiction of a competent judge except in cases provided for in this Constitution or by law.
4. To be guaranteed the right to a defense, to participate personally from the start of the proceedings and to adequate time and means to prepare their defense.
5. To be represented by a public defender when legal counsel has not been elected by the time of the first hearing, or in the event that no prior call was decreed.
The accused shall have the right to communicate freely and in private with his or her legal counsel.
6. To have the assistance of an interpreter free of charge if they do not understand or speak the language used by the court.
7. Not to be obligated to testify against themselves or against a spouse or a partner in a stable *de facto* union, or a family member within the fourth level of consanguinity or the second of marital relations, or to admit their own guilt.
8. To be found guilty or not guilty within the legal time period, by each of the relevant courts.
9. To have the right to appeal to a superior court upon conviction of any crime and not to be retried for any crime for which a final judgement of conviction or acquittal has been issued.
10. Not to be brought to trial or sentenced for acts or omissions which at the time committed had not been unequivocally established by Law as a punishable crime, and not to be given a sentence which has not been previously established by law.

Criminal proceedings are open to the public, but in some cases the press and the general public may be excluded for moral considerations or for matters of the public order or national security.

Article 35

Minors shall not be subjected to nor the object of judgment, nor shall they be submitted to any legal proceeding. Minors who violate the law cannot be taken to penal rehabilitation centers. They shall be attended in centers under the responsibility of a specialized institution, as provided by law.

Article 36

All persons shall have the right to respect for their physical, psychological and moral integrity. No one shall be subjected to torture, nor inhumane, cruel or degrading treatment. Violation of this right constitutes a crime and shall be punishable by law.

Article 37

The penalty shall not extend beyond the accused. No sentence may independently or consecutively total more than thirty years.

Article 38

The law is not retroactive except in penal matters that favor the accused.

Article 39

In Nicaragua the Penitentiary System is humane, its fundamental objective is to transform the detainee into a person capable of reintegration into the society. In the progressive stages, the Penitentiary System shall promote family unity, health care, educational and cultural advancement and productive occupation with financial compensation. Detention has a reeducational character.

Women and men serving prison sentences shall be held in separate penal centers. Women shall be provided guards of the same sex.

Article 40

No one shall be subjected to involuntary servitude. Slavery and slave trade in any form are prohibited.

Article 41

No one shall be detained for indebtedness. This principle does not limit the powers of competent legal authorities to issue warrants for the non-fulfillment of support or alimony orders. All national and foreign citizens have the duty to pay their debts.

Article 42

Nicaragua guarantees asylum to those persecuted for their struggle for democracy, peace, justice and human rights.

The granting of political asylum shall be determined by law in accordance with international agreements ratified by Nicaragua. If a political refugee or exile is expelled from Nicaragua, that person may not be sent back to the country in which he or she was persecuted.

Article 43

Extradition from Nicaragua will not be permitted for political crimes or common crimes committed in conjunction with them, at Nicaragua's own discretion. Extradition for other common crimes is regulated by law and International Treaties.

Nicaraguans shall not be extradited from Nicaragua.

Article 44

Nicaraguans have the right to the personal property and necessary goods that is essential for the integral development of each person.

Article 45

Persons whose constitutional rights have been violated or are in danger of violation have the right to present writs of habeas corpus or *amparo*¹, according to the circumstances and the law of *Amparo*.

Article 46

All persons in Nicaragua shall enjoy protection and recognition by the state of the rights inherent to human beings, as well as unrestricted respect, promotion and protection of human rights, and the full benefit of the rights set forth in the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Pact of Economic, Social and Cultural Rights and the International Pact of Civil and Political Rights of the United Nations; and the American Convention of Human Rights of the Organization of American States.

CHAPTER II POLITICAL RIGHTS

Article 47

All Nicaraguans who have reached 16 years of age are full citizens.

All citizens enjoy the political rights set forth in the Constitution and in other laws, without limitations other than those established for reasons of age.

A citizen's rights may be suspended when serious corporal or specific related punishments are applied and when a final judgment of civil injunction is decreed.

Article 48

Unconditional equality among Nicaraguans in the enjoyment of political rights is established. In the exercise of these rights and in the fulfillment of these responsibilities and obligations, there exists absolute equality between men and women. It is the obligation of the state to remove obstacles that impede effective participation of Nicaraguans in the political, economic and social life of the country.

Article 49

In Nicaragua workers in the cities and countryside, women, youth, agricultural producers, artisans, professionals, technicians, intellectuals, artists, religious persons, the Communities of the Atlantic Coast and the population in general have the right to form organizations in order to realize their aspirations according to their own interests, without discrimination, and to participate in the construction of a new society.

² See foot note to Article 28.

Such organizations may be formed by the voluntary participation and free will of their members. They shall have social function and may have a partisan character, according to their nature and objectives.

Article 50

Citizens have the right to participate under equal conditions in public affairs and in state management.

Effective participation by the people at local and national levels shall be guaranteed by law.

Article 51

Citizens have the right to elect and be elected in periodic elections, and to vie for public office.

Article 52

Citizens have the right, individually or collectively, to petition, denounce irregularities and make constructive criticisms to the branches of government or to any authority, and obtain a quick resolution or response and to have the result made known within the time period established by law.

Article 53

The right to peaceful assembly is recognized; the exercise of this right does not require prior permission.

Article 54

The right to public assembly, demonstration and mobilization in conformity with the law is recognized.

Article 55

Nicaraguan citizens have the right to organize or affiliate with political parties with the objective of participating in, exercising or vying for power.

CHAPTER III SOCIAL RIGHTS

Article 56

The state shall grant special attention in all of its programs to those who defend the dignity, honor and sovereignty of the nation, and to their families, as well as to the families of those fallen in defense of the nation, in accordance with the laws.

Article 57

Nicaraguans have the right to work in keeping with human nature.

Article 58

Nicaraguans have the right to education and culture.

Article 59

Every Nicaraguan has an equal right to health care. The state shall establish the basic conditions for the promotion, protection, recuperation and rehabilitation of the health of the people.

The organization and direction of health care programs, services and activities is the responsibility of the state, which shall also promote popular participation in support health care.

Citizens are obliged to respect stipulated sanitary measures.

Article 60

Nicaraguans have the right to live in a healthy environment and it is the obligation of the state to preserve, conserve and reclaim the environment and the natural resources of the country.

Article 61

The state guarantees Nicaraguans the right to social security for protection against the social contingencies of life and work, in the manner and conditions determined by law.

Article 62

The state shall strive to establish programs for the physical, psycho-social and professional rehabilitation of disabled people, and for their job placement.

Article 63

It is the right of all Nicaraguans to be protected against hunger. The state shall promote programs which assure adequate availability and equitable distribution of food.

Article 64

Nicaraguans have the right to decent, comfortable and safe housing that guarantees familial privacy. The state shall promote the fulfillment of this right.

Article 65

Nicaraguans have the right to sports, physical education, relaxation and recreation. As part of their integral development, the state shall promote sports and physical education, through the organized and mass participation of the people and specific programs and projects.

Article 66

Nicaraguans have the right to accurate information. This right includes the freedom to speak, receive and disseminate information and ideas, be they spoken or written, in graphic or any other form.

Article 67

The right to provide information is a social responsibility and shall be exercised with strict respect for the principles established in the Constitution. This right cannot be subject to censorship, but may be subject to retroactive liability established by law.

Article 68

The mass media is at the service of national interests.

The state shall promote the access of the public and its organizations to the means of communication, and shall prevent the media from responding to foreign interests or to any economic power monopoly.

The existence and functioning of public, corporate or private means of communication shall not be the object of prior censorship. It shall be subject to the law.

Article 69

All persons, either individually or collectively, have the right to practice their religion in public or private, through worship, practice and teaching.

No one may disobey the law or prevent others from exercising their rights and fulfilling their duties by invoking religious beliefs or inclination.

CHAPTER IV FAMILY RIGHTS

Article 70

The family is the fundamental nucleus of society and has the right to protection by society and the state.

Article 71

It is the right of Nicaraguans to form a family. The law shall regulate and protect this right.

Article 72

Marriage and stable *de facto* unions are protected by the state; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the will of one of the parties, as provided by law.

Article 73

Family relations rest on respect, solidarity and absolute equality of rights and responsibilities between the man and woman.

Parents must work together to maintain the home and provide for the integral development of their children, with equal rights and responsibilities. Furthermore, children are obligated to respect and assist their parents. These duties and rights shall be fulfilled in accordance with the pertinent legislation.

Article 74

The state grants special protection to the process of human reproduction. Women shall have special protection during pregnancy and shall be granted maternity leave with pay and appropriate social security benefits.

No one may deny employment to women for reasons of pregnancy nor dismiss them during pregnancy or the post-natal period, in conformity with the law.

Article 75

All children have equal rights. There shall be no discrimination for reasons of filial relations. In ordinary legislation, dispositions or classifications that reduce or deny equality among children shall be null and void.

Article 76

The state shall promote programs and develop special centers for the care of minors; minors have the right to protection and education from their family, the society and the state, according to their needs.

Article 77

The elderly have the right to protective measures from their family, society and the state.

Article 78

The state shall protect responsible paternity and maternity and establish the right to investigate paternity and maternity,

Article 79

The right of adoption based on the best interests of the child established, as regulated by law.

CHAPTER V LABOR RIGHTS

Article 80

Work is a right and a social responsibility. The labor of Nicaraguans is the fundamental means to satisfy the needs of society and of the individual, and is the source of the wealth and prosperity of the nation. The state shall strive for full and productive employment under conditions that guarantee the fundamental rights of the individual.

Article 81

Workers have the right to participate in the management of their enterprises, through their organizations and in conformity with the law.

Article 82

Workers have the right to working conditions that guarantee:

1. Equal pay for equal work under identical conditions, suitable to their social responsibility, without discrimination for political, religious, social, gender or other reasons, which assures a standard of living compatible with human dignity.
2. Payment of legal tender in their work place.
3. Minimum wage and social security payment shall not be legally attached except for support of the family and only by the terms established by law.
4. Work conditions that guarantee physical safety, health and hygiene and minimize work hazards to guarantee the worker's occupational health and safety.
5. An eight-hour work day, weekly rest, vacations, remuneration for national holidays and a thirteenth month bonus, in conformity with the law.
6. Work stability in conformity with the law and equal opportunity to be promoted, subject to length of service, capacity, efficiency and responsibility.
7. Social security for protection and subsistence in case of disability, old age, occupational hazards, illness or maternity; and for family members in case of death, according to the conditions established by law.

Article 83

The right to strike is recognized.

Article 84

Child labor that can affect normal childhood development or interfere with the obligatory school year is prohibited. Children and adolescents shall be protected against any form of economic and social exploitation.

Article 85

Workers have the right to cultural, scientific and technical development; the state shall facilitate this through special programs.

Article 86

All Nicaraguans have the right to choose and exercise freely their profession or trade and to choose their place of work with no requirements other than requisite schooling and that the work serve a social purpose.

Article 87

Full labor union freedom exists in Nicaragua. Workers may organize voluntarily in unions, which shall be constituted in conformity with the law.

No workers are obligated to belong to a particular union, nor to resign from the one to which they belong. Full union autonomy is recognized and the legal rights of organized labour are respected.

Article 88

In defense of their individual or organizational interests, workers are guaranteed the inalienable right to negotiate with their employers, in conformity with the law:

1. Individual contracts;
2. Collective bargaining agreements.

CHAPTER VI
RIGHTS OF THE COMMUNITIES OF THE ATLANTIC COAST

Article 89

The Communities of the Atlantic Coast are indivisible parts of the Nicaraguan people, enjoy the same rights and have the same obligations as all Nicaraguans.

The Communities of the Atlantic Coast have the right to preserve and develop their cultural identities within the framework of national unity, to be granted their own forms of social organization, and to administer their local affairs according to their traditions.

The state recognizes the communal forms of land ownership of the Communities of the Atlantic Coast and their enjoyment, use and benefit of the waters and forests of these communal lands.

Article 90

The Communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art and culture. The development of their culture and values enriches the national culture. The state shall create special programs to enhance the exercise of these rights.

Article 91

The state is obligated to enact laws promoting and assuring that no Nicaraguan shall be the object of discrimination for reasons of language, culture or origin.

TITLE V
NATIONAL DEFENSE

CHAPTER I

Article 92

It is the duty and right of Nicaraguans to struggle for the defense of life, Homeland, justice and peace for the full development of the nation.

Article 93

The Nicaraguan people have the right to arm themselves in defense of their sovereignty, independence and revolutionary gains. It is the duty of the state to direct, organize and arm the people to guarantee this right.

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 mass incorporation of the people into the various structures and tasks of the country's defense.

Article 95

The Sandinista Popular Army has a national character and must protect, respect and obey this Political Constitution.

The Sandinista Popular Army is the military arm of the people and direct descendant of the Army in Defense of National Sovereignty. The state prepares, organizes and directs popular participation in the armed defense of the Homeland through the Sandinista Popular Army.

No armed groups may exist in the national territory other than those established by the law, which shall regulate military organizational structure.

Article 96

Nicaraguans have the duty to bear arms to defend the Homeland and the gains of the people against the threats and aggressions of a foreign country, or of forces directed or supported by any country. Patriotic Military Service is established in accordance with the terms of the law.

Article 97

The struggle against externally promoted actions to undermine 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. The state creates the internal security forces, whose functions are determined by law.

TITLE VI
NATIONAL ECONOMY, AGRARIAN REFORM
AND PUBLIC FINANCES

CHAPTER I
NATIONAL ECONOMY

Article 98

The principal economic function of the state is to promote the country's material development, overcome the inherited backwardness and dependence of

the economy, improve the country's standard of living and create a more just distribution of wealth.

Article 99

The state directs and plans the national economy to guarantee the protection of the interests of the majority and the promotion of socio-economic progress.

The Central Bank, the National Financial System, Insurance and Foreign Commerce, instruments of the economic system, are irrevocable responsibilities of the state.

Article 100

The state shall promulgate a Foreign Investment Law that contributes to the socio-economic development of the country, without damaging national sovereignty.

Article 101

Workers and other productive sectors have the right to participate in the creation, execution and control of economic plans.

Article 102

Natural resources are national patrimony. Preservation of the environment, and conservation, development and rational exploitation of natural resources are responsibilities of the state; the state may formalize contracts for the rational exploitation of these resources when required by the national interest.

Article 103

The state guarantees the democratic coexistence of public, private, cooperative, associative and communal property; all these form parts of the mixed economy, are subject to the overriding interests of the nation and fulfill a social function.

Article 104

Enterprises organized under any of the forms of ownership established in this Constitution enjoy equality before the law and the economic policies of the state. The economic plans of enterprises must be prepared with the participation of the workers. Free economic initiative exists.

Article 105

The state is obligated to fairly and rationally regulate the supply and distribution of basic consumer goods, both in the countryside and in the cities. Speculation and hoarding are incompatible with the socio-economic system and constitute serious crimes against the people.

CHAPTER II AGRARIAN REFORM

Article 106

Agrarian reform is the fundamental instrument for achieving a just distribution of land and an effective means for revolutionary transformation, national development and the social progress of Nicaragua. The state guarantees the development of the agrarian reform program in order to fulfill the historic demands of the peasants.

Article 107

Agrarian reform shall abolish landed estates, rentism, inefficient production and the exploitation of peasants. It shall promote forms of ownership compatible with the economic and social objectives of the nation, as established in this Constitution.

Article 108

Land ownership is guaranteed to all those who productively and efficiently work their land. The law shall establish specific regulations and exceptions in conformity with the goals and objectives of agrarian reform.

Article 109

The state shall promote the voluntary association of peasants in agricultural cooperatives, without sexual discrimination. Subject to resources, it shall provide the material means necessary to raise their technical and productive capacity in order to improve the standard of living of the peasants.

Article 110

The state shall promote the voluntary incorporation of small and medium scale agricultural producers, both individually and in associations, into the economic and social development plans of the country.

Article 111

The peasants and other productive sectors have the right to participate, through their own organizations, in establishing the policies of agrarian transformation.

CHAPTER III PUBLIC FINANCES

Article 112

The annual General Budget of the Republic shall regulate public income and expenditure. The Budget must show the distinct sources and recipients of income and expenditure, which must balance, and shall determine the spending limits of

the state institutions. Extraordinary spending may only be authorized by law and financed through the simultaneous creation and assignment of resources.

Article 113

The Budget shall be prepared by the President of the Republic and approved by the National Assembly in the Annual Budget Law, in conformity with this Constitution and the law.

Article 114

The taxation system must take into consideration the distribution of wealth and income, as well as the needs of the state.

Article 115

Taxes must be created by laws that establishes their frequency and type and the rights of taxpayers. The state shall not require payment of taxes that have not been previously established by law.

TITLE VII
EDUCATION AND CULTURE

CHAPTER I

Article 116

Education seeks the full and integral development of Nicaraguans; to stimulate them with a critical, scientific and humanist way of thinking; to develop their personality and sense of dignity and to prepare them to assume the tasks of common interest necessary for the progress of the nation. Therefore, education is fundamental to the transformation and development of the individual and society.

Article 117

Education is a single, democratic, creative and participatory process, which promotes scientific research and links theory with practice and manual with intellectual labor. It is based on our national values; on the knowledge of our history and reality and of national and universal culture; and on scientific and technological advances; it cultivates the values of the new Nicaraguan in accord with the principles established in this Constitution, the study of which must be promoted.

Article 118

The state promotes the participation of the family, community and individuals in education and guarantees the support of the public means of communication for this purpose.

Article 119

Education is an unrenounceable responsibility of the state, including planning, direction and organization. The national educational system functions in an integrated fashion and in accordance with national plans. Its organization and functioning are determined by law.

It is the duty of the state to develop and train the technical and professional personnel at all levels and disciplines necessary for the development and transformation of the country.

Article 120

The creative application of educational plans and policies is a fundamental role of the national teaching profession. Teachers have the right to living and working conditions in accord with their dignity and with the important social function that they perform out; they shall be promoted and given incentives in accord with the law.

Article 121

All Nicaraguans have free and equal access to education. Basic education is free of charge and obligatory. The Communities of the Atlantic Coast have access in their region to education in their native language up to the levels set by national plans and programs.

Article 122

Adults shall be offered educational opportunities and training programs. The state shall continue its programs to eradicate illiteracy.

Article 123

Private education centers may function at all levels, subject to the terms established in this Constitution.

Article 124

Education in Nicaragua is secular. The state recognizes the right of private educational centers with a religious orientation to teach religion as an extracurricular subject.

Article 125

Higher education enjoys financial, organic and administrative autonomy in accordance with the law. Academic freedom is recognized. The state promotes free creation, research and dissemination of the sciences, arts and letters.

Article 126

It is the duty of the state to promote the recovery, development and strengthening of national culture, sustained by creative popular participation.

The state shall support national culture in all its diversity, whether collective or individual.

Article 127

Artistic and cultural creation is completely unrestricted. Cultural workers have full freedom to choose their forms and styles of expression. The state shall strive to provide them with the means necessary to create and present their works, and to protect their rights of authorship.

Article 128

The state protects the archaeological, historical, linguistic, cultural and artistic patrimony of the nation.

TITLE VIII
ORGANIZATION OF THE STATE

CHAPTER I
GENERAL PRINCIPLES

Article 129

The Legislative, Executive, Judicial and Electoral branches of government are independent of one another and coordinate harmoniously, subject only to the overriding national interest and to the provisions established in this Constitution.

Article 130

No office holder may exercise functions other than those conferred upon the office by the Constitution and the laws.

All state officials must declare their financial status before assuming and upon leaving public office, as regulated by law.

Article 131

Elected and appointed officials of the four branches of government are publicly accountable for the proper fulfillment of their duties and must inform the public of their work and official activities. They must be receptive to problems presented by the people and strive to resolve them. Official duties must be exercised in the public interest. All officials must efficiently and honestly carry out their duties; they shall be responsible for their acts and omissions. Civil service shall be regulated by law.

CHAPTER II
LEGISLATIVE BRANCH

Article 132

The National Assembly exercises legislative power through representative popular mandate. The National Assembly is composed of ninety Representatives with their respective Alternates, elected by universal suffrage; equal, free and

direct elections, and secret ballot in regional districts by means of a proportional representation system, as regulated by the Electoral Law. The number of Representatives may be increased in accord with the general census of the population in conformity with the law.

Article 133

Unelected Presidential and Vice Presidential candidates who participated in the election also form part of the National Assembly as Representatives and Alternates respectively if they have received a number of votes equal or superior to the average number of votes necessary to win the election in each regional electoral district.

Article 134

A Representative in the National Assembly must be:

1. A Nicaraguan national;
2. In full enjoyment of political and civil rights;
3. Over twenty-one years of age.

Article 135

No Representative to the National Assembly may obtain any concessions from the state or be the proxy or agent of public, private or foreign enterprises which have contracts with the state. Violation of this provisions annuls the concessions or advantages obtained and terminates the person's representative status.

Article 136

Representatives to the National Assembly shall be elected for a period of six years, starting from the date of inauguration, which shall be the ninth of January of the year following the election.

Article 137

Representatives and Alternates elected to the National Assembly shall be sworn in by the President of the Supreme Electoral Council.

The National Assembly shall be inaugurated by the Supreme Electoral Council.

Article 138

The functions of the National Assembly are to:

1. Draft and approve laws and decrees, as well as amend or repeal existing ones;
2. Officially interpret the law;
3. Decree amnesty and pardons, as well as commute or reduce sentences;
4. Solicit reports through the President of the Republic from the Ministers or Vice Ministers of the state, and Presidents or Directors of autonomous and governmental institutions. Request by the same means their personal appearance and explanation or consultation;

5. Grant and cancel legal status to entities of a civil or religious nature;
6. Consider, discuss and approve the General Budget of the Republic in conformity with the procedures established in the Constitution and by law;
7. Elect Judges to the Supreme Court of Justice, and Members and their Alternates to the Supreme Electoral Council, from slates of three candidates proposed by the President of the Republic;
8. Elect the Controller General of the Republic from a slate of three candidates proposed by the President of the Republic;
9. Consider, acknowledge and decide on the resignations or permanent absences of Representatives to the National Assembly;
10. Consider and acknowledge the resignations or dismissals of Judges of the Supreme Court of Justice, of Members of the Supreme Electoral Council or the Controller General of the Republic;
11. Ratify or reject international treaties;
12. Regulate all matters related to symbols of the nation;
13. Create honorary orders and distinctions of national character;
14. Create and grant its own orders of national character;
15. Receive the President or the Vice President of the Republic in formal session to hear the annual report;
16. Delegate the legislative faculties to the President of the Republic when the National Assembly is in recess, in accord with the Annual Decree of Delegating Legislative Functions. Matters relating to the codes of the Republic are excepted;
17. Elect the National Assembly's Executive Board;
18. Create permanent, special and investigative committees;
19. Propose grace pensions and grant honors for distinguished service to the Homeland and to humanity;
20. Determine the political and administrative division of the country;
21. Consider the economic and social development plans and policies of the country;
22. Fill permanent vacancies of the Presidency or Vice Presidency of the Republic;
23. Authorize foreign visits of the President of the Republic which last longer than one month;
24. Review and resolve complaints presented against officials who enjoy immunity;
25. Decree the General Statute and Internal Rules of the National Assembly;
26. Fulfill other functions conferred by the Constitution and the laws.

Article 139

Representatives shall bear no legal responsibility for their opinions and votes cast in the National Assembly and enjoy immunity in conformity with the law.

Article 140

Representatives to the National Assembly and the President of the Republic may initiate bills, as may the Supreme Court of Justice and the Supreme Electoral Council in matters pertaining to their respective jurisdictions. This right of ini-

tiative shall be regulated by the General Statute and Internal Rules of the National Assembly.

Article 141

Quorum for sessions of the National Assembly is half the number of its members plus one. To be approved, bills shall require a favorable vote by a simple majority of the Representatives present.

Once a bill is approved, it shall be sent to the President of the Republic for authorization, promulgation and publication.

Article 142

The President of the Republic may partially or totally veto a bill within 15 days after receiving it. If the President does not veto the bill, and fails to authorize, promulgate and publish it, the President of the National Assembly shall order the law to be published.

Article 143

A bill partially or totally vetoed by the President of the Republic must be returned to the National Assembly with the reasons for the veto specified. The National Assembly can reject the veto with a vote of half plus one of its Representatives, in which case the President of the National Assembly shall order the law to be published.

CHAPTER III
EXECUTIVE BRANCH

Article 144

The President of the Republic, who is the Head of State, Head of Government and Commander in Chief of the Defense and Security Forces of the Nation, exercises executive power.

Article 145

The Vice President of the Republic carries out the functions delegated by the President and shall substitute in that position during the President's temporary or permanent absence.

Article 146

The election of the President and Vice President of the Republic is by universal suffrage; equal, free and direct, elections; and secret ballot. The Candidates who receive the largest number of votes will be elected.

Article 147

The President and Vice President of the Republic must be:

1. Nicaraguan nationals;

2. In full enjoyment of civil and political rights.
3. Over twenty-five years of age.

Article 148

The President and Vice President shall exercise their functions for a period of six years, starting from their inauguration on January 10 of the year following the election; they shall enjoy immunity during their term of office.

Article 149

In case of the temporary absence of the President of the Republic, the Vice President shall assume the Presidential functions. When the absence is permanent, the Vice President shall assume the position of the President of the Republic for the remainder of the term and the National Assembly must elect a new Vice President.

In case of the temporary and simultaneous absence of the President and Vice President, the President of the National Assembly, or whoever is serving in that position in accord with the law, shall assume the functions of the President.

In case of the permanent absence of the Vice President of the Republic, the National Assembly shall appoint a substitute.

If the President and Vice President of the Republic are permanently absent, the President of the National Assembly or whoever is next in order of succession under law shall assume the functions of the President. The National Assembly must appoint substitutes for the President and Vice President within seventy-two hours after their positions have become vacant. Those appointed shall exercise their functions for the remainder of the term.

Article 150

The functions of the President of the Republic are to:

1. Comply with and enforce the Political Constitution and the laws.
2. Represent the nation.
3. Initiate legislation and exercise the right to veto, in accordance with this Constitution.
4. Enact executive decrees with the force of law in fiscal and administrative matters.
5. Prepare the General Budget of the Republic and promulgate it upon approval or review by the National Assembly, depending on the case.
6. Appoint and remove Ministers and Vice Ministers of State, Delegate Ministers of the Presidency, Presidents or Directors of autonomous and governmental institutions and other officials whose appointment or removal is not otherwise determined in the Constitution and the laws.
7. Assume the legislative faculties delegated by the National Assembly during its recess period.
8. Conduct the international relations of the Republic, formalize international treaties, agreements or accords and appoint the heads of diplomatic missions.

9. Decree and put into effect the State of Emergency in circumstances defined by this Political Constitution and forward the decree to the National Assembly for ratification within a period of no more than forty-five days.
10. Adopt regulations to give effect to the laws.
11. Grant honorary orders and decorations of a national character.
12. Organize and conduct the government and preside over Cabinet meetings.
13. Administer the economy of the country and determine socio-economic policies and programs.
14. Propose slates of three candidates to the National Assembly for the election of Judges to the Supreme Court of Justice, Members to the Supreme Electoral Council and the Controller General of the Republic.
15. Present the annual report and other reports and special messages to the National Assembly personally or via the Vice President.
16. Fulfill the other functions conferred by this Constitution and the laws.

Article 151

The President of the Republic determines the number, organization and jurisdiction of the government ministries and autonomous and state institutions. The ministers, vice ministers and presidents or directors of autonomous and governmental institutions enjoy immunity.

Article 152

Ministers, vice ministers or presidents of autonomous or governmental institutions must be:

1. A Nicaraguan national;
2. In full enjoyment of political and civil rights;
3. Over twenty-five years of age.

Article 153

Ministers, vice ministers and presidents or directors of autonomous and governmental institutions are responsible for their acts in conformity with this Constitution and the laws.

CHAPTER IV OFFICE OF THE CONTROLLER GENERAL OF THE REPUBLIC

Article 154

The Office of the Controller General of the Republic is the governing body which controls public administration and the "Area of People's Property" (public property).

Article 155

The Controller General of the Republic has the following responsibilities:

1. The establishment of a system which controls the proper use and prevents abuses of funds.
2. Ongoing supervision of the management of the General Budget of the Republic.
3. Control, examination and evaluation of the administrative and financial management of public institutions, those subsidized by the state and the public or private enterprises which receive investments of public capital.

Article 156

The Office of the Controller General of the Republic shall enjoy functional and administrative autonomy and shall be directed by the Controller General of the Republic, who shall give annual reports to the National Assembly and enjoy immunity.

Article 157

The law shall determine the organization and functioning of the Office of the Controller General of the Republic.

CHAPTER V JUDICIAL BRANCH

Article 158

Justice emanates from the people and shall be carried out in their name as their proxy by the Judicial branch, composed of the Courts of Justice established by law.

Article 159

The Courts of Justice form a single system, headed by the Supreme Court of Justice.

The exercise of judicial powers falls under the authority of the Judicial Branch. Military jurisdiction is established, and its exercise is regulated by law.

Article 160

The administration of justice guarantees the principle of legality and protects and promotes human rights through the application of law in the matters within its jurisdiction.

Article 161

A Judge of the Supreme Court of Justice must be:

1. A Nicaraguan national;
2. A lawyer;

3. In full enjoyment of political and civil rights;
4. Over twenty-five years of age.

Article 162

Judges shall serve for a term of six years and may be dismissed only from their position for reasons determined by law.

Judges enjoy immunity.

Article 163

The Supreme Court of Justice shall be composed of at least seven Judges, selected by the National Assembly, from slates of three candidates proposed by the President of the Republic.

The Judges shall take office after being sworn in before the National Assembly.

The President of the Supreme Court of Justice shall be appointed by the President of the Republic from among the Judges selected by the National Assembly.

Article 164

The functions of the Supreme Court of Justice are to:

1. Organize and direct the administration of justice;
2. Review and decide ordinary and extraordinary appeals presented against the judgments of the Courts of Justice of the Republic, in accord with the proceedings established by law;
3. Review and decide on writs of *amparo** claiming violations of rights established in the Constitution, according to the Law of Amparo.
4. Review and decide on writs challenging the constitutionality of a law, filed in conformity with the Constitution and the Law of Amparo.
5. Appoint the Judges of the Appeals Courts and the Courts of the Republic, in accord with the procedures established by law.
6. Draft its internal rules and appoint its personnel.
7. Fulfill other functions conferred on it by the Constitution and the laws.

Article 165

In their judicial activity Supreme Court Judges and other Judges are independent and are subject only to the Constitution and the law; they shall be governed by, among others," the principles of equality, public proceedings and the right to a defense. In Nicaragua justice is free of charge.

Article 166

The administration of justice shall be organized and shall function with popular participation as determined by the law. The members of the Courts of Justice, be they lawyers or not, have equal authority in the exercise of their legal functions.

* See footnote to Article 28.

Article 167

State authorities, organizations and legal institutions and individuals must comply with the verdicts and resolutions of the Courts and Judges.

CHAPTER VI
ELECTORAL BRANCH

Article 168

The organization, management and oversight of elections, plebiscites and referendums are the exclusive responsibility of the Electoral Branch.

Article 169

The Electoral Branch is composed of the Supreme Electoral Council and other, subordinate electoral bodies.

Article 170

The Supreme Electoral Council is composed of five Members with their respective Alternates, elected by the National Assembly from slates of three candidates for each position proposed by the President of the Republic. The National Assembly shall select the President of the Supreme Electoral Council from the elected Members.

Article 171

The Members of the Supreme Electoral Council must be:

1. Nicaraguan nationals;
2. In full enjoyment of political and civil rights;
3. Over twenty-five years of age.

Article 172

The President and other Members of the Supreme Electoral Council shall exercise their functions for a term of six years starting from the date on which they take office; during this period they enjoy immunity.

Article 173

The functions of the Supreme Electoral Council are to:

1. Organize and conduct the elections, plebiscites or referendums convoked in accordance with the Constitution and the law.
2. Appoint the members of the other electoral bodies, in accordance with the Electoral Law.
3. Establish the calendar for elections.
4. Apply the constitutional and legal provisions that refer to the electoral process.
5. Serve as the final arbiter of resolutions enacted by subordinate electoral bodies and of the claims and disputes presented by political parties.

6. Issue relevant measures in accordance with the law to ensure that the electoral process develops under conditions of full legal guarantees.
7. Ensure that the appropriate bodies provide security for the political parties participating in the elections.
8. Make the final check of the votes cast in the elections, plebiscites and referendums, and present the final declaration of the results.
9. Draft its own regulations.
10. Fulfill other functions conferred on it by the Constitution and the laws.

Article 174

The Members and alternates of the Supreme Electoral Council shall take office after being sworn in by the President of the National Assembly.

TITLE IX
POLITICAL ADMINISTRATIVE DIVISION

CHAPTER I
MUNICIPALITIES

Article 175

The national territory shall be divided for administrative purposes into Regions, Departments and Municipalities. The laws regarding this matter shall determine the size, number, organization, structure and operation of the various districts.

Article 176

The Municipality is the basic unit of political administration in the country. The law shall determine their number and size.

Article 177

The government and administration of municipalities is the responsibility of the municipal authorities, who enjoy autonomy without abrogating the authority of the central government.

Municipal governments shall be elected by the people, by universal suffrage; equal, free and direct election and secret ballot, in conformity with the law.

Article 178

Municipal authorities shall serve six-year terms, beginning from the day they are sworn in before the Supreme Electoral Council.

Article 179

The state shall promote the integral and harmonious development of the diverse parts of the nation.

CHAPTER II COMMUNITIES OF THE ATLANTIC COAST

Article 180

The Communities of the Atlantic Coast have the right to live and develop under the forms of social organization that correspond to their historic and cultural traditions.

The state guarantees these communities the benefits of their natural resources, the legitimacy of their forms of communal life.

Furthermore, it guarantees the preservation of their cultures and languages, religion and customs.

Article 181

The state shall implement a law which establishes autonomous governments in the regions inhabited by the Communities of the Atlantic Coast to guarantee the exercise of their rights.

TITLE X SUPREMACY OF THE CONSTITUTION, ITS REFORM, AND CONSTITUTIONAL LAWS

CHAPTER I POLITICAL CONSTITUTION

Article 182

The Political Constitution is the fundamental charter of the Republic; all other laws are subordinate to it. Any laws, treaties, orders or provisions that oppose it or alter its provisions shall be null and void.

Article 183

No branch of government, governmental body or official shall have any authority, faculty or jurisdiction other than those conferred by the Political Constitution and the laws of the Republic.

Article 184

Once written, the Electoral Law, Emergency Law and Law of Amparo will have constitutional status under the Political Constitution of Nicaragua.

Article 185

The President of the Republic may suspend the rights and guarantees consecrated in this Constitution within part or all of the nation in case of war or when demanded by national security, economic conditions or a national catastrophe.

The President's decree shall put the State of Emergency into effect for a specified renewable time period. The Law of Emergency shall regulate its forms. During a State of Emergency, the President of the Republic is authorized to approve the General Budget of the Republic and forward it to the National Assembly for its review.

Article 186

The President of the Republic can not suspend the rights and guarantees established in articles 23; 24; 25, no. 3; 26, no. 3; 27; 29; 33, nos. 2.1 (final part), 3 and 5; 34, except nos. 2 and 8; 33; 36; 37; 38; 39; 40; 41; 42; 43; 44; 46; 47; 48; 50; 51; 56; 57; 58; 59; 60; 61; 62; 63; 64; 65; 67, first paragraph; 68, first paragraph; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 84; 85; 87; 89; 90 and 91.

CHAPTER II
CONSTITUTIONAL CONTROL

Article 187

Any citizen has the right to seek judicial review of the constitutionality of any law, decree or regulation that is inconsistent with the Political Constitution.

Article 188

The Writ of Amparo may be used to challenge any provision, act or resolution and any action or omission of any official or authority or his or her agent violating or attempting to violate the rights and guarantees affirmed in the Political Constitution.

Article 189

The Writ of Habeas Corpus may be used by anyone whose freedom, physical integrity or security is violated or is in danger of being violated.

Article 190

The Law of Amparo shall regulate the remedies established in this chapter.

CHAPTER III
CONSTITUTIONAL AMENDMENT

Article 191

The National Assembly is empowered to partially amend this Political Constitution and to review and approve its total revision.

The President of the Republic or one-third of the Representatives to the National Assembly can initiate a partial reform.

Half plus one of the total number of Representatives to the National Assembly are necessary to initiate a total reform.

Article 192

A proposal for partial reform must specify the article or articles to be reformed with a statement of the reasons for the modification. The proposal must be sent to a special commission which shall render an opinion within no more than 60 days; the initiative shall then follow the same process as for the creation of a law.

A proposal for partial reform must be discussed in two sessions of the National Assembly.

Article 193

A proposal for total reform shall follow the same process as in the previous article, except that upon its approval, the National Assembly shall establish a time period for holding elections for a Constituent National Assembly. The National Assembly shall retain jurisdiction until the installation of the new Constituent National Assembly.

Until a new Constitution has been approved by the Constituent National Assembly, this Constitution shall remain in effect.

Article 194

Approval of a partial reform shall require a favorable vote by sixty percent of the Representatives. Two-thirds of the total number of Representatives are required to approve a total revision. The President of the Republic must promulgate the partial amendment which is not subject to veto.

Article 195

The reform of constitutional laws shall follow the procedure established for partial reform of the Constitution, with the exception of the requirement of discussion in two legislative sessions.

TITLE XI
FINAL AND TRANSITIONAL PROVISIONS

Article 196

This Constitution shall govern from the time of its publication in La Gaceta, the official daily legal publication, and shall annul the Fundamental Statute of the Republic, the Statute of Rights and Guarantees of Nicaraguans and all other legal provisions inconsistent with it.

Article 197

This Constitution shall be widely disseminated in the official language of the country. It shall also be disseminated in the languages of the Communities of the Atlantic Coast.

Article 198

All aspects of the existing legal order that do not contradict this Constitution shall remain in effect, until such time as they may be modified.

Article 199

The Special Courts shall continue to function until such time as they come under the jurisdiction of the Judicial Branch. The appointment of their members and their procedures shall be determined by the established laws.

Furthermore, the Common Courts shall continue to function in their present form, until a system with popular representation is established. This principle shall be implemented gradually in accord with the circumstances.

Article 200

The current political administrative division shall be preserved until the law governing it is promulgated.

Article 201

The President and Vice President of the Republic and the Representatives to the National Assembly, elected November 4, 1984, shall exercise their functions during the term that ends January 10 and 9, 1991, respectively.

The members of the Supreme Court of Justice and the Supreme Electoral Council and other authorities and officials of the diverse branches of government shall continue to exercise their functions until such time as their successors take office in accordance with the Constitution.

Article 202

Four official copies of this Constitution shall be signed by the President and Representatives to the National Assembly and by the President of the Republic. These copies shall be kept in the offices of the Presidency of the National Assembly, the Presidency of the Republic, the Presidency of the Supreme Court of Justice and the Presidency of the Supreme Electoral Council. Each one shall have the force of the authentic text of the Political Constitution of Nicaragua. The President of the Republic shall cause it to be published in *La Gaceta*, the official daily publication.

GIVEN IN THE MEETING HALL OF THE NATIONAL ASSEMBLY,
IN THE CITY OF MANAGUA, NOVEMBER 19, 1986
"FOR 25 YEARS, ALL ARMS AGAINST THE AGGRESSION"

EXECUTIVE BOARD OF THE NATIONAL ASSEMBLY

Carlos Nunez Tellez

President

Leticia Herrera
Vice President
Rafael Solis Cerda
Secretary

Mauricio Diaz Davila
Vice President
Domingo Sanchez Salgado
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Allan Zambrana Salmeron	Ariel Bravo Lorio
Luis Sanchez Sancho	

THEREFORE, LET BE IT PUBLISHED
MANAGUA, JANUARY 9, 1986

Daniel Ortega Saavedra
President of the Republic