

A Study of Indigenous Land Rights in the Caribbean Coast of Nicaragua

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Abstract

Nicaragua has in place some of the best policies when it comes to indigenous land demarcation, but the reality is that land autonomy is not being fully recognized. This contribution analyzes the question of why this failure is happening by beginning first with a brief history of where most indigenous communities live, the Caribbean Coast of Nicaragua. The Caribbean Coast was separate for most of Nicaragua's history and only recently was it incorporated. Then this paper covers the historic case of *Awas Tingni v. Nicaragua* that was the reason for the creation of the Communal Lands Law, or Law 445. Law 445 is the cornerstone of land demarcation policy in Nicaragua. However, it is not without its faults as this paper goes on to explore them, including the government's failure to uphold its obligation to remove any settlers from indigenous autonomous territory. The argument presented in this contribution as to why land demarcation is failing is that the policies in place make the process an inherently political process. It ties indigenous people into the corrupt politics of Nicaragua that are rife with clientelism and neoliberalism. This paper concludes with the implication that it is important for indigenous land rights everywhere that the problem in Nicaragua be resolved so the country may stand as an example in the fight for indigenous autonomy.

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Preface

This thesis was inspired by my own travels throughout Latin America and the connections I made there. I visited Nicaragua during the summer of 2014 and fell in love with the country. I spent the summer living in the countryside with a host family, learning about the multitude of environmental issues that plague the country and how aspects of American imperialism and neoliberal ideas complicate these issues further. That summer, the Nicaraguan government was trying to get approval for creating a Nicaraguan canal and many world leaders came to visit Nicaraguan President Daniel Ortega. I was fascinated to see how this small country could play such a large role on the world stage.

When I proposed a thesis topic, I recalled the complexity of Nicaragua and how so many world issues have played out in this small country. I approached my then current professor, Joe Bryan, with the idea of writing about environmental issues in Nicaragua. He turned me toward his own research surrounding indigenous land rights in the country, and I was intrigued enough to bring him on as my advisor and to take on the topic as my own. This idea was the perfect culmination of my own interest in Nicaragua and my interest in indigenous communities. As an added bonus: this topic was not widely researched, and I could add a new perspective to the mix.

I would not be writing this paper without the help of my thesis committee, Joe Bryan, Jill Harrison, and Dale Miller. Completing a project this big was definitely intimidating, but they each helped me in their own ways to conquer it. My thesis would not be half as insightful without their guidance.

And perhaps most important of all, my thesis would not have been written if not for my cat, Louie, who stayed up with me many late nights researching. His companionship kept me going and kept my lap nice and warm.

Introduction

This thesis concerns legal recognition of indigenous peoples' land rights in the Caribbean ("Atlantic") Coast of Nicaragua. The Nicaraguan government has several policies in place that guarantee titling for the peoples of the Caribbean Coast, all intended to give them direct control over their land and its resources. However, the reality reflects a much different situation. Land autonomy is not being recognized. For example, there are outside settlers coming onto indigenous land that are not being stopped by the government. The purpose of this thesis is to understand why these policies are failing to protect the indigenous people's land rights in Nicaragua?

I will begin with a brief history of the Mosquito Coast and the people who live there. I continue through the Revolution and the addition of land titling in the 1987 Nicaraguan Constitution. Furthermore, I will cover the 2001 Awas Tingni case, -- the first time that an indigenous group won the right to the land and its resources that they traditionally had occupied. This important case led to the creation of Law 445 and set the precedent for indigenous land rights in the Americas. I then discuss how the land titling process has been carried out since 2001 and present literature that describes the current situation in Nicaragua concerning the Mosquito Coast and its current inhabitants. Finally, I will cover the indigenous political group YATAMA before moving to my analysis.

My analysis has three parts: authority and governance structure, neoliberalism, and clientelism. I will examine each of these parts in how they help play out with the failure of indigenous land autonomy policy.

The research that I will examine is predominantly peer reviewed sources from research on the Mosquito Coast. I also incorporate research from several articles written in NACLA, the

North American Congress on Latin America, a widely respected journal that covers modern day topics in Latin America. This journal is especially critical to understand the current situation on the Mosquito Coast in terms of land rights and resource distribution.

To answer my research question of why the policies aren't being reflected in the reality of the land situation of the Mosquito Coast, I had to rely on secondary sources. I did not do any of my own field work. Going into research, I first had to get a good understanding of the background of Nicaragua and the indigenous peoples who live there. A good portion of my background research was dedicated to understanding the Revolution and the Sandinistas, as they formed the government that established the laws for land titling.

The other bulk of my research was around the laws themselves and getting a strong grasp of what they entailed, who were the actors creating them, and any faults that they may have. To do this research, I depended on peer reviewed journal articles and case studies of Nicaraguan indigenous people.

As previously stated, I also relied on the reporting covered in NACLA to form an understanding of the current realities of the land situation in Nicaragua. This was the last bulk of my research, but arguably the most important, for it most clearly addressed my central research question. Additional research I conducted was mainly for context, while NACLA and the New York Times provided the information I needed for analysis.

Most of my research covers until 2015-2016, when the majority of researchers in Nicaragua were forced to flee due to unsafe conditions in the country. For this reason, any understanding of the current situation in Nicaragua is based off of speculation and may not reflect current conditions.

Background

This background section covers the early history of the Caribbean Coast, beginning with colonization and ending with the Coast's role in the Revolution. The Caribbean Coast has been separate from the rest of the country for much of Nicaragua's history and only since 1894 has it been incorporated into the rest of the country. This lays the context for the local communities' desire for autonomy in the modern era.

The Mosquito Coast is on the Atlantic or Caribbean side of Nicaragua. The area was first visited by Europeans in the 1500s, when Christopher Columbus stepped on its shores and was greeted by a seemingly impassable wall of jungle. He encountered the indigenous people who inhabited the area, the Miskito people. Columbus viewed the natives as terrible sorcerers and did not foresee any reason to interact with the original inhabitants (Rogers, 2002). This view was not shared by the British, who eventually came to use the Mosquito Coast as a haven for refilling supplies and they eventually colonized the region (Rogers, 2002).

While the rest of Nicaragua was colonized by Spain, the Mosquito Coast continued its relationship with the British. The natural barrier of the coastal rainforests kept the Spanish from venturing too far into Miskito territory. This original colonization was one of the first major factors that contributed to the divide that exists between the people of the coast and the rest of Nicaragua. To this day, mestizo Nicaraguans are referred to as Spaniards by Coastal Nicaraguans. From the beginning, the people of the Mosquito Coast view themselves separately from the rest of Nicaragua. They were neither involved in politics nor any of the other ongoing events that occurred in the rest of the country. That is, until, the Sandinistas came in the latter part of the twentieth century.

Nicaragua gained its independence in 1821 and underwent a tumultuous century. The country joined with other Central American countries to form the United Provinces of Central America and was almost taken over by a filibuster American named William Walker (La Botz, 2016, p. 15). In 1893, José Santos Zelaya came to power. Zelaya was the ruler responsible for reincorporating the Caribbean Coast of Nicaragua through the Harrison-Altamirano Treaty (La Botz, 2016, p. 43). Zelaya resigned in 1909 and what followed afterwards was an occupation of the country by United States Marines. Augusto César Sandino led an uprising against the United States and the government at the time, and in 1936, he successfully started his own regime.

From 1936-1979, Nicaragua was ruled by the Somoza dynasty. The Somozas created a dictatorial state in which they had control over everything “from sugar and coffee to rice and cements, alcohol and Lanica Airlines” (La Botz, 2016, p. 101). The only people who seemed to benefit from this regime were small groups of elite businessmen who had ties to the Somoza family. Somoza would imprison his opposition, but as the 1970s approached, a crisis came with it. Nicaragua’s economic boom fell apart and “the dictatorship was no longer able to control the growing opposition movement” (La Botz, 2016, p. 167).

This is when the Sandinista Front for National Liberation (FSLN) stepped in. The Sandinistas were inspired by the Cuban Revolution and were fed up with the Somoza dictatorship. The Sandinistas wanted a government that would improve the lives of the working and lower classes. They led a revolutionary movement and in 1979, the Sandinistas were victorious in overthrowing the Somoza regime. The revolutionaries were left with the impossible task of forming a new government and bringing the war-torn country together. Furthermore, there was another obstacle that the Sandinistas had not expected: the Mosquito Coast (Dennis, 1993).

The Miskito people were not supporters of the Sandinistas when they arrived at the Coast in 1979. The indigenous people were “not particularly receptive to the revolutionary programs the Sandinistas had to offer...and within two years tensions went from lukewarm to bitter” (Dennis, 1993). The Sandinista government created MISURASATA (Miskito, Sumu, Rama, Sandinista Working Together), an organization designed to bring about cooperation between the new Sandinista government and the indigenous people (Dennis, 1993; Brunnegger, n.d.). However, the government quickly became suspicious of the activities of MISURASATA.

At the same time of the organization’s creations, the United States was training an army of Contras to rise up against the newly formed revolutionary government. The Sandinistas were suspicious of any separatist movements that may be taking place in any parts of the region, including the Mosquito Coast.

Sandinistas suspicion of separatist activities on the Coast led to a series of confrontations that resulted in the destruction of property along the Coast and even loss of human lives on both sides (Dennis 1993). Even though the Contra movement never was part of the majority, “it became convenient for the government to view the whole region as harboring separatist ambitions” (Dennis, 2004, p. 9).

This is just one example that shows how the Sandinistas did not understand the indigenous people’s identity or desires. As stated earlier, the Mosquito Coast always operated separately from the rest of the country, even after being incorporated into Nicaragua in 1894 (Dennis, 2004). Now the Sandinistas were trying to incorporate the indigenous people back into the country, and they were doing it poorly. The Miskito community did not want to overthrow the government as the Contras did. Instead, the reasoning behind their rebellion was multi-faceted.

What followed next was several years of growing mistrust between MISURASATA and the Sandinista government. In 1981, the Sandinista government arrested several MISURASATA leaders, which led to a divide between the group as to whether or not they should continue working with the government at all (Brunnegger n.d.; Baracco et al, 2011). Peace talks eventually began in 1984, and ended in 1987 with the Nicaraguan government deciding to promote “local support for autonomy in the context of an initiative brokered without MISURASATA involvement” (Brunnegger, n.d.). By this point, a military victory was considered impossible so both parties were more willing to negotiate a peace. At the heart of this conflict was indigenous and afro rights. The Sandinistas wanted the Miskito people to be part of Nicaragua, to share in this shared history and to be one country, but the Miskito desired their own land (Baracco et al, 2011). The peace treaties of 1985 ended the conflict and allowed for negotiations with the Miskito people. Autonomy for the Mosquito Coast indigenous communities would enable them to “negotiate with modernization on their own terms, autonomous from the hegemonic pretensions of both Nicaraguan nationalism and US neo-imperialism to which they had been subjected, and actively resisted, from the beginning of the revolution” (Baracco et al, 2011).

The year 1987 brought with a new constitution recognizing “ the multi-ethnic nature of Nicaragua (Article 8), noting indigenous peoples’ existence, their right to development of their identity and culture (Article 5), and the official status of their languages in addition to Spanish on the Coast (Article 11)” (Brunnegger, n.d.). Several months later, lawmakers approved Law 28 creating two autonomous regions in eastern Nicaragua: the North Atlantic Autonomous Region (RAAN) and the South Atlantic Autonomous Region (RAAS). Each region has councils that hold popular elections (Larson, n.d.).

The events of 1987 made it seem as though the almost decade-long conflict had yielded real results and that an autonomous region within Nicaragua was within reach.

However, the future had a different story to tell.

Research

This research section has five parts which cover the current laws in place for indigenous autonomy, how they got to be, what is going wrong, and the political motives behind these laws. The section begins first with the historic case that created Law 445. Then we move into what is created with the new Communal Lands Law. Afterwards, the problems that are currently persisting are covered, such as the lack of enforcement and the problem with land titling. Then, finally, to bridge over into the analysis section of this thesis, the indigenous political group of YATAMA is covered. Also covered in that section is the increasing connection of indigenous titling within the political machine of the Nicaraguan government.

Awas Tingni

Following the policies enacted after the Revolution, indigenous communities along the Caribbean Coast hoped that they would finally be in charge of their ancestral lands. The community of Awas Tingni was one such group. Awas Tingni is an indigenous Mayangna community of about 600 people. Their land is rich in collectively owned natural resources, and the community believes in “carefully selecting the things they consume” in order to preserve the land (Neihart, 2013).

In 1993, the Nicaraguan Ministry of Environmental and Natural Resources (MARENA), arranged a deal with the Awas Tingni community to grant a concession to a Dominican-financed logging company, Maderas y Derivados de Nicaragua (MADENSA), to begin logging on the indigenous territory. The World Wildlife Fund (WWF) pressured the Nicaraguan government to suspend the logging deal until “an agreement could be negotiated with the Awas Tingni Community and adequate environmental controls could be established” (Anaya & Grossman, 2002). The Awas Tingni community would receive economic compensation for the use of their

resources and the government would demarcate their lands (Neihart, 2013). The government also agreed “not to take any action that would prejudice or undermine the Community’s land claim” (Anaya & Grossman, 2002).

However, while these deals were being negotiated, the Nicaraguan government was also working with a Korean-backed logging company, Sol del Caribe, S.A (SOLCARSA). The government deal would allow SOLCARSA exclusive rights to log on 63,000 hectares beside the land that had been granted to MADENSA (Anaya & Grossman, 2002). By the time the Awas Tingni community heard word of the government deal, SOLCARSA had already been granted an exploratory license and preliminary concessions for logging, all without any consent or knowledge from the indigenous community (Anaya & Grossman, 2002).

The Nicaraguan government’s defense was that the Awas Tingni had not lived on the land long enough for it to be considered their ancestral territory. They also claimed that the land was much too large for the singular community and that neighboring indigenous tribes had claims to the same land (Anaya & Grossman, 2002).

In 1995 the Awas Tingni filed a complaint against the government with the Inter-American Commission on Human Rights, also known as “The Commission.” The Commission took on the case in 1998 and determined that the government violated “Article 25 (right to judicial protection), Article 21 (right to property), and Article 1 (obligation to respect rights, including freedom of conscience and religion) of the Convention” (Neihart, 2013).

However, the Commission concluded that the government was in “violation of relevant provisions of the American Convention on Human Rights and ordering reparations” (Anaya & Grossman, 2002). The Court declared that the Convention includes legal protections for indigenous peoples that must be upheld by the local government. But most monumental, the

Court upheld the idea that “property” includes the idea of communal property that many indigenous communities, including the Awas Tingni, hold. As one paper claims, “[t]his is the first legally binding decision by an international tribunal to uphold the collective land and resource rights of indigenous peoples in the face of a state’s failure to do so” (Anaya & Grossman, 2002).

The Nicaraguan government did not go ahead with its deal with the South Korean back logging company, but the underlying issue of land demarcation was still at large and the government had directly ignored the community’s ownership of the land. This was proof that the policies enacted after the Revolution concerning indigenous land was not enough to prevent the government from using the land’s resources for their own gain.

The implications of this Court case were far reaching for indigenous communities everywhere. For the first time in the eyes of the law, the idea of property was extended to include communal property. Following this Court decision, several other countries began to create legal frameworks for indigenous land rights. Even though this concept originated in Nicaragua, the country continued to struggle with land demarcation for its indigenous people. This will be explored further in the rest of this thesis. But the next part of this paper will cover the actual contents of Law 445.

Law 445

The Autonomy Law, or Law 28, was enacted after the Revolution to guarantee indigenous peoples' right to their culture, language, and land. At the time, it was heralded as the “most novel and progressive advance in state-indigenous relations anywhere in Central America” (Herihly, 2016). But the Awas Tingni Case proved that there was still much work to be done to protect indigenous communities.

Obtaining stronger protections did not occur without conflict. The President from 1997 to 2002, Arnoldo Alemán, was not in favor of passing any laws for indigenous land rights, even after the Awas Tingni Case. The World Bank was the party that put the pressure on the Nicaraguan government to create a new law. The Bank even went as far as to threaten to withhold any future loans until a law was passed. Alemán first proposed a bill without any input from any indigenous communities or advocates. There was a huge uproar towards this act and a collection of universities, NGOs, and indigenous community leaders and elders came together to create Law 445 (Larson, n.d.).

In 2002, the Nicaraguan Assembly passed Law 445 during a “key political moment,” when President Alemán was stripped of his immunity and did not have any political power to oppose the new law (Larson, n.d.). The law created a process for titling and demarcation of land of the Caribbean Coast (Bryan, 2019). For the first time, there was a legal framework for land titling, which Law 28 failed to address in 1987. Law 445 created CONADETI, or the National Demarcation and Titling Commission, and three smaller commissions that were in charge of the demarcation process (Sylvander, 2016).

These measures were only the beginning of this new law. Also under Law 445, the Nicaraguan government was required to “prohibit settlement of territories by *terceros* or ‘third

parties' who come from outside the community" (Bryan, 2019, p. 58). This process was known as *saneamiento*, or the cleansing of indigenous territory of *terceros*. Furthermore, the government was responsible for removing any extractive industries, such as logging companies, in the territories (Herihly, 2016).

Saneamiento is carried out after the land title has been granted. This allows for the prioritization of the indigenous rights to the land, leaving the government to deal with the settlement of the *terceros*. However, there remained much ambiguity within the Law concerning the cleansing process. Law 445 still "leaves room for the possibility of 'peaceful co-living' between indigenous communities and mestizo settlers" (Sylvander, 2016). If the settlers pay rent to the indigenous communities who own the land, they are allowed to stay. The question remained of who was considered a *tercero* within the community. The definition of a *tercero* changed based on each territory and the historical context for the area. These grey areas create conflicts within the Mosquito Coast which will be explored later in the paper.

Law 445 intended to fix the problems that arose during the Awas Tingni case. There were entire commissions built around demarcation and the government now had a legal obligation to protect the indigenous territories from outside invaders and foreign industries. Nicaragua had also received a substantial loan from the World Bank to begin the demarcation process. But the titling process itself still proved to be an elusive endeavor due to the government being reluctant to give full autonomy to the communities of the coast. This will be covered with the next two sections.

The Fight for Titling

Despite all of the promises of Law 445, the government still was reluctant to title community lands on the Mosquito Coast. As one paper puts it, “[f]or much of Nicaraguan history, the eastern half of the country has been treated as an internal colony” (Finley-Brook & Offen, 2009, p. 349).

One example of this is seen in the Awas Tingni community. After their success in the Court in 2001, the community was excited to become the sole owners of their territory. However, the government did not award the title until 2008. During this time, the government continued to use Awas Tingni land as an “open frontier for business interests” (Bryan, 2019, p. 56). The government justified the delay in the land titling process by asserting that other indigenous communities laid claim to the same land. Additionally, there was legal backing for this delay. Law 445 stated that all land disputes must be settled by the communities before the land could be titled.

This situation revealed one of the shortcomings of Law 445, especially when it came to indigenous relations and how “its 72 articles present a complex framework for land titling that essentially freeze and universalise what were fluid and locally differentiated institutions and practices” (Finley-Brook & Offen, 2009, p. 351).

Another problem exacerbated by Law 445 was the competition that existed between indigenous communities. The very nature of the law was that it “recognised one group’s rights at the expense of another’s” (Finley-Brook & Offen, 2009). Demarcation made land officially a scarce resource, for when one community received the title, it legally removed that land from ever being under the ownership of another indigenous community (Finley-Brook & Offen, 2009, p. 356). Indigenous communities traditionally view land as being communally owned. But this

process make it so even though the title was collectively owned, there had to be elected officials that represented that community. These elected officials were responsible for controlling resources. So, the process in which titling was granted became very important.

Awas Tingni was one of the first communities to receive their land title which led to a series of complaints from the other communities of the Mosquito Coast. The Miskito communities in particular raised complaints, claiming that they had fought the Sandinistas and they were well overdue for their reward of legal land titling, which they eventually received throughout the next ten years (Bryan, 2019).

The titling situation began to pick up speed when Daniel Ortega returned to power in 2007. Ortega ran on a promise of prioritizing land demarcation for the indigenous people as reparation for past conflicts that had occurred between the Sandinista government and the people of the coast. Ortega made an alliance with the indigenous political group of YATAMA, which helped him solidify his victory in 2006 (Bryan, 2019). He went on to title around 31% of Nicaragua's territory, fulfilling his political promises (Mayer 2018).

This situation proved the political power that lied within land demarcation. The granting of titles coincided with elections. In one case, Ortega titled eight territories in a single day a week before winning his third term in office (Bryan, 2019). The Sandinista government saw that the best way to win the indigenous vote was through land demarcation. At first glance, this appears to be a good thing, proof that the government is finally supporting indigenous claims to their rightful territory. But what happens after land demarcation shows that there is still a long way to go in terms of having full government support of indigenous lands.

The Fight Against Terceros

Included in Law 445 was the promise that the government would intervene to stop any settlement by *terceros* or mestizos from other parts of Nicaragua that settled on indigenous territory. But as one paper puts it, “An important aspect of land laws of whatever kind as they apply to many areas of eastern Nicaragua is that historically they have been exceptionally hard to enforce” (Jamieson et al, 2011). This proved to be true in the case of the *terceros* who came to the Coast to live in the jungle.

Why were people from other parts of Nicaragua coming to live on the Mosquito Coast? There are several factors. Some of the settlers had been misplaced due to drought or hurricane, both environmental factors that have been exaggerated due to the effects of climate change (Robles, 2016). Then there’s the prospect of economic growth. Nicaragua is the second poorest country in the western hemisphere, and the Caribbean Coast seems to hold the answer to many of Nicaraguan citizens’ economic peril. The coast has 46% of the country’s natural resources and Nicaraguans see new opportunities for ranching and logging and gold within the jungle (Robles, 2016; Rogers, 2012).

Under Law 445, the police are responsible for protecting the indigenous land from these “colonists” who are seeking free land. But the police have their own motivations that often do not correlate with those of the Nicaraguan people. The modern police force in Nicaragua was created right after the Sandinistas came to power alongside the Ministry of the Interior and the Sandinista Popular Army. The Sandinistas believed this to be their “most successful state building project...the creation of the security apparatus” (La Botz, 2016). The Nicaraguan security state was created after the model that Cuba had created, in that the main goal was to

protect the Revolution. From day one, the police have been a government creation, for the protection of the government.

Decades after the Revolution, the Sandinista Police are tasked less with protecting the Revolution, as that role was passed onto another agency, the Sandinista Defense Committees (La Botz, 2016). However, this does not mean that the police are more inclined to support the indigenous people in their struggles. One indigenous community, the Kakabila, claim that the local police often ignore their claims of having illegitimate settlers come onto their territory. They say that the police are only likely to waste gas by driving out to their isolated villages if there's a chance of compensation for themselves, usually in the form of drug confiscations (Jamieson et al, 2011).

Despite the Law stating that the police must help indigenous people with *terceros*, the police are less than likely to help for a variety of reasons. This has led to the indigenous communities taking on the fight to protect their lands.

For example, there was the case of an indigenous Miskito community of Lapan that kidnapped twelve "colonists" and said that they would not release the hostages until at least six hundred colonist families left the Caribbean Coast. The indigenous people had given up hope that the government would step in and believed that if they did not take action, the *terceros* would ruin their land and turn it into a desert as they had with the rest of Nicaragua (Rogers, 2012).

The tensions run high on both sides. There was another case, this time with the mestizos on the attack. The mestizos burned down an indigenous village, and there have been hundreds of indigenous people who have fled across the border to Honduras in order to escape the violence that these mestizo Nicaraguans have caused (Robles, 2016).

There have been serious consequences from the arrival of these “colonists,” especially for the environment. The Indio-Maíz Biological Reserve is the second largest preserved rainforest area in all of Nicaragua, and it sits right in the middle of indigenous territory on the Mosquito Coast. After Hurricane Otto hit the country in 2016, the reserve became more susceptible to fires. There was also a record-breaking drought that followed. Then in April of 2018, the reserve did catch fire, though it wasn’t all due to natural causes -- a mesitzo rice farmer confessed to igniting it. The *terceros* had been trying to transform the reserve into an area suitable for agriculture, without any regard to the fact that it was on indigenous territory and a biological reserve. The settler in question was not put into jail even though they committed a crime and the government was slow in its response to the fire, which led to countless uprisings (Mayer, 2018).

One can argue that the fire was a direct result of the government’s lack of action to prevent any colonization of the indigenous territory. And this lack of any action from the government gives a strong message to the indigenous people. It shows that the government does not take its obligation to the indigenous people as written under Law 445. It also shows that the territory does not truly belong to the indigenous people, especially if any other Nicaraguan can show up and establish a life without any official hindering them. Even if indigenous people have the titles to their land, if *terceros* are allowed to squat against the wishes of the land owners, what significance does demarcation have in this context?

YATAMA

Post 1987, the Indigenous communities quickly realized that they needed to gain political momentum to accomplish their goals. The communities met in a 1987 convention, and what arose was Yapti Tasba Masraka Nanih Asla Takanka, or “Organization of the Children of Mother Earth” or YATAMA. The purpose of YATAMA was to be an armed group and unite

several Miskito groups in fighting the Sandinistas. It became a political party in the 1990 election when it had candidates run for office. The party promised to continue its fight for right to territory and autonomy (Butler, n.d.).

As a party, YATAMA's top priority is to "promote indigenous self-government and seek to protect indigenous ancestral territories" (Campbell, 2007). YATAMA also considers itself the protector of Indigenous people of Nicaragua and the "go to representative before any other authority" (Campbell, 2007).

The majority of YATAMA consists of Miskitu people and the political party uses oral tradition that has been handed down through Miskitu generations as a resource for structuring their organization. The structure is composed of something called "communitarian democracy," (Campbell, 2007) which means that indigenous communities are organized into communal assemblies which are headed by a community council. Then there are two other levels of assemblies. To be elected as a representative to YATAMA, a political candidate must pass through all three levels of assembly (Campbell, 2007). This way, each representative has the full backing of the community when they are elected, ensuring that they truly have the community's support.

Over the years, YATAMA continued to gain political power and in 2006, Daniel Ortega made an alliance with the YATAMA party, which guaranteed him the presidential election. The alliance was built on "on a common agenda defining their governing priorities for the autonomous regions" (Gonzalzes, 2016). This alliance led to several communities winning their titling, with over 31% of national territory being demarcated, giving 22 communities their land autonomy.

This also follows the trend of land demarcation happening parallel to key political moments, showing the political power of the process. Land titling is often only granted when it is needed to win an election. The figure below shows a timeline of the correlation between land titling and key elections.

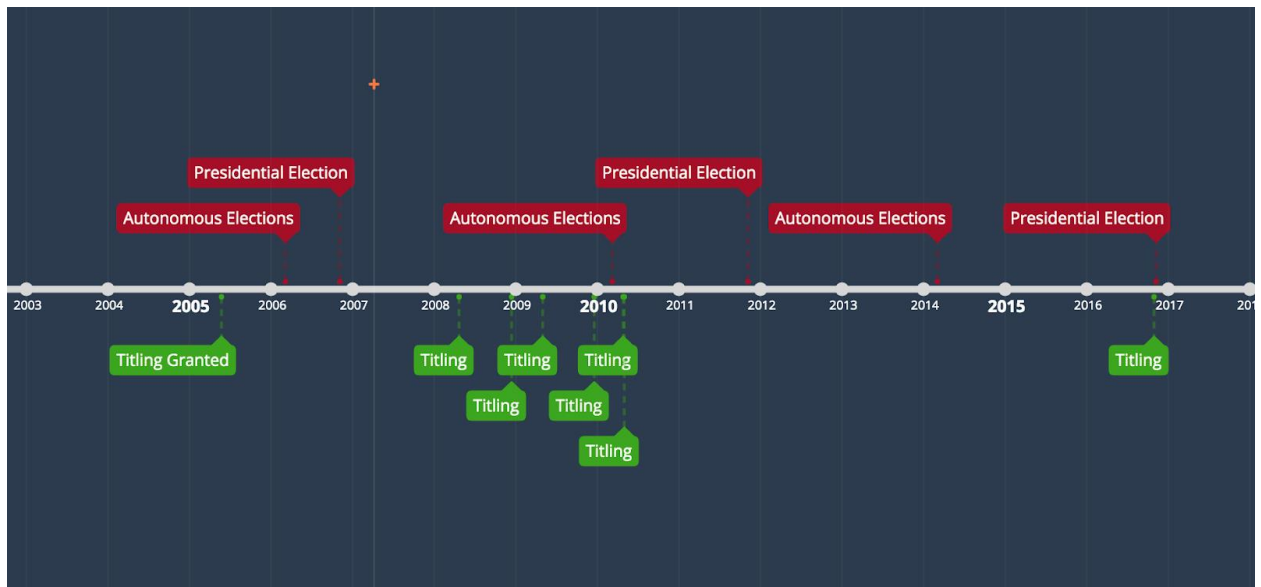


Figure 1. Timeline showing correlation between Sandinista elections and land titling granted. Information provided by Dr. Joe Bryan, 2019.

The political alliance of the Sandinistas and YATAMA began to fade in 2014 when YATAMA accused the Sandinistas of committing election fraud (Bryan, 2019). But there were deeper reasons for the falling out of the alliance between the political group and the Nicaraguan government. When it came to land demarcation, political representation, and statute reform, both sides had differing opinions when it came to actually enacting these reforms. More specifically, YATAMA was upset at the Sandinistas' act of allowing cohabitation of *terceros* on indigenous land, an act that was specifically forbidden in the Law 445 (Gonzalzes, 2016). For YATAMA, as

long as these *terceros* were allowed to remain on their land, they represented a threat to their electoral base and to their political power.

YATAMA represents the linkage between indigenous communities and the rest of Nicaraguan politics. Through YATAMA's political power, land demarcation has become tied up with elections. Politicians have realized that through the promise of land titling, they have the power to win elections by gaining the indigenous vote. The next section of this thesis will cover why the connection of land demarcation and politics has led to the failure of the indigenous communities' goal of land autonomy in practice.

Analysis

This thesis has examined how Nicaragua is failing in terms of protecting indigenous land rights in terms of the limits of the laws, illegitimate settlements on indigenous lands, and failure in granting titles except when it proves to be politically viable. This next section will cover why Nicaragua has failed and will look into how governmental structure, neoliberalism, and clientelism come into play within this country and its indigenous people.

There are several theories why the land demarcation laws did not work. I will first give several researchers' theories on the situation. Then I will begin to expand on these ideas. I will start with the issue of authority and governance and how the structure established by the 2003 Communal Lands Law failed to consider local indigenous politics and therefore was "doomed" to fail. I will then cover how the neoliberal principles of the Nicaraguan government have led to an increase in movement of settlers from other parts of Nicaragua to the Caribbean Coast. Also, I will cover how these policies have led to the failure of the land demarcation laws. Finally, I will address the clientelism and favoritism that exists within Nicaraguan politics and how land demarcation has gotten indigenous communities connected within these political failures.

The main argument of this analysis is that land demarcation has created new forms of political authority that tie indigenous communities into existing political parties, clientelism, and neoliberalism. All of these factors have contributed to the failure of protection of land titling on the Caribbean Coast.

First, Mary Finley-Brook in her 2007 paper "Indigenous Land Tenure Insecurity Fosters Illegal Logging" covers how even after the 2003 Demarcation Law, logging companies are still coming onto indigenous land for resource extraction. She believes this is due to the governmental structure that fosters corruption and land disputes. There have been land disputes

between rival tribes which lead to insecurity over who owns the land, which makes it easier for extraction companies to interfere. There's also corruption in the government with people being susceptible to buy-outs, which does not equal the best interest for indigenous people.

Finley-Brook's recommendation for improvements include policies that "value local practices, such as public village assemblies, rather than blindly impose external norms" (Finley-Brook, 2007). Communal leadership falls more in line with indigenous practices and would lead to less corruption and place the control of natural resources into the hands of the collective as opposed to the individual. I will expand on Finley-Brook's ideas later on in this paper.

Anne Larson and Fernanda Soto add to Finley-Brook's analysis in their paper "Making the 'Rules of the Game': Constituting territory and authority in Nicaragua's indigenous communities." They cover two cases of indigenous communities who are successful in winning the title to their land but then are caught up in the politics of establishing representatives for the community. Larson writes of the connection between property and authority and how political leaders have rejected grassroots, communal decision-making and have "turned instead to backroom negotiations, political pressure and, at least in some cases, manipulation" (Larson 2010). She continues on to state that "configuration of territory shapes access to resources; and the configuration of authority shapes power over resources – and over people" (Larson 2010). If the person at the top is corrupted, then the power over resources and people is also corrupted.

Larson in her paper calls for paying more attention to the connection of property and authority and for transparency in the authoritative process. There needs to be clear rules on elections and the powers of each representative.

Dan La Botz in his book "What Went Wrong? The Nicaraguan Revolution" makes the argument that one of the failures of the Revolution has been how Nicaragua has turned into a

classist state with “twelve families with mega-capital of more than one hundred million dollars” with then another handful of millionaire families followed by the rest of the population who live in poverty (La Botz, 2016). One of the reasons for this is the clientelism of Nicaraguan politics: politics are not meant to serve the Nicaraguan people, but instead are based on a system of getting rich and giving favors. In this analysis, I will break down how land demarcation has involved the indigenous communities of the Mosquito Coast in this realm of politics and clientelism, and how this has led to the failure of land titling.

Authority and Governance

One of the problems with the demarcation process is how the indigenous people have to set up a government structure. This forces a communal society to become a more individualistic community where the major decisions are made by one person as opposed to a council. It also makes the land less protected, for it allows outside forces such as logging companies to come in and bribe a single person to allow them access, as opposed to having to win over a whole council of decision makers. Let us break these issues down and see how each one of them has led to the failure of demarcation to protect indigenous lands.

With Law 445 enacted, indigenous communities had to devise a certain structure and the roles for the new structure. First, there’s the *síndico*, the person in charge of the allocation of land and resources. Then the *wihta*, the “communal judge” and lastly the coordinator, who is in charge of negotiating refugee aid (Larson, 2010). The most important role is the *síndico* because their “legal signature is needed to represent the decision of the collective” (Larson, 2010). This is the person who needs the most legitimacy, for they represent their whole people.

This system has a long history on the Mosquito Coast. It was first established in the 1920s when the missionaries and logging companies came onto the Coast. The missionaries would arrange the indigenous people into communities and then have assemblies for each community. Then the logging companies arrived and maintained control over the Mosquito Coast from the 1920s to the 1970s. This is when the *síndico* was established. The original role of the *síndico* was to be the point person between the logging companies and the indigenous community (Dennis, 2004, p. 234).

As the logging companies began to leave, the Somoza government came in and would appoint the *síndico* as being in charge of all the natural resources for the community. The *wihta* was charged with being the eyes and ears of the Somoza government. This, naturally, led to some tension between the elected positions and the rest of the community because it became unknown who the representatives were really serving: the government or the community (Dennis, 2004, p. 235).

The Somoza government fell with the Revolution and when the Sandinista government came to the Mosquito Coast, they decided to stick with the *síndico* and *wihta* system because it was already established. The assembly system also stayed in place because it had existed since the missionary era (Dennis, 2004, p. 235).

Cronkleton, Larson, and Pulhin outline several reasons why this person cannot easily become the official *síndico* under the new system. First, by creating an official title, the position has much more legitimacy and power, something that not every leader can handle. Beforehand, the *síndico* only had to deal with matters between other indigenous communities. However, now, the *síndico* must deal with relations not only between other communities, but with the

Nicaraguan government. That role brings with it a lot more responsibility that traditional leaders may not be equipped for, such as dealing with politics.

Also, traditional *síndicos* are accustomed to only representing their community. But how the government of Nicaragua divided up the regions for *síndicos* made it so that each *síndico* was responsible for multiple indigenous communities (Larson, 2010).

In theory, this would give the communities more power as they could unite under common interests and appeal to the Nicaraguan government together. The community of Tasba Raya joined with seven other communities based on “ethnic composition; common history and forms of land tenure; close proximity and traditional sociocultural and productive interchange over the years; familial ties; and the development of systems for negotiation, mediation and conflict resolution regarding access to and use of resources in shared areas” (Larson, 2010). And the Communal Land Law allowed groups to elect their *síndicos* and other elected positions according to their traditional customs.

However, YATAMA, opposed the decision of Tasba Raya to join with the seven communities they had chosen because it did not align with their design plan. YATAMA wanted to control electoral districts to gain more power and realign them with an “indigenous structure of territories and territorial authorities” (Larson, 2010). In order for this to happen, the Tasba Raya communities would have to represent at least 23 communities. Naturally, Tasba Raya refused and YATAMA responded by telling the community that they had to conform to the conditions imposed. Tasba Raya eventually gave way to a territory that comprised 17 communities, and this led to turmoil within the community; they have not been able to elect a representative within the last two years. As a result, Tasba Raya cannot receive any compensation that comes from outside influences using their land, including “25% of

government taxes on logging that should be returned to the communities where extraction takes place” (Larson, 2010).

Oftentimes, the unofficial *síndico* who is representing the community currently, even though they may have the authority already needed to lead the tribe, might not be the best person for the official title. And this creates instability in trust within the structure of the government. The Nicaraguan government is asking several indigenous tribes to come together and elect one singular person to represent the collective. It goes against the communal system of the tribes, and this person is given an immeasurable amount of power when it comes to dealing with the land. The new system is built to be deteriorated (Cronkleton, Larson, Pulhin, 2015).

The process of switching power from the communal to the individual gives way to lots of faults. With the communal in charge, it makes it much harder for an outside force, such as a logging company, to come in and get permission to extract resources. The company would have to appeal to a series of council members who all would most likely share the goal of wanting to preserve their land and their resources. It would require a strong case to persuade all of them in order to grant permission to come onto their land (Larson, 2010; Gonzalzes, 2016).

But with this new system, the outside company only has to appeal to an individual, which makes the task much easier from the start. And in cases as shown above, sometimes there isn't even enough cooperation between the indigenous tribes for a single representative to be elected. *Síndicos* can be bought out or can be replaced in exchange for one that will bend to the will of those who want to use the land for extraction. As Anne Larson, 2010, states, there are no rules or regulations when it comes to this governmental structure of *síndicos*.

Political leaders carry an extreme amount of power and goals as opposed to the members of the community, - especially in terms of property rights. Community members want to own

their territory and maintain “control over their livelihood resources and over their elected representatives” (Larson, 2010). But with political leaders, they have the responsibility of delegating these new land demarcation rules to the rest of the world. And this can result in personal gain at the expense of the collective. It is at the fault of the Nicaraguan government for creating these laws that brought politics, individualism, and room for manipulation into a culture that wanted control over their land. And instead, the laws made it easier for the land to be taken away from them.

Both YATAMA and the Nicaraguan government came to realize the problems with this form of governance and both attempted to come up with new procedures. YATAMA’s proposal had an “emphasis on cultural protection and survival of indigenous communities in the context of a socio-demographic shift, as an absolute Mestizo majority now characterises the regional ethnic composition” (Gonzalzes, 2016, p. 315). In this proposal, decision making abilities are turned over to “a system of indigenous territorial assemblies” which are also assisted by Territorial Councils who are elected by the indigenous communities directly (Gonzalzes, 2016, p. 314). This proposal also transfers important decision making such as development and administering justice are turned over to territorial councils as opposed to being dealt with at the municipal level. This enhances the level of autonomy at the community level.

The Nicaraguan government’s proposal, however, was less focused on maintaining the indigenous cultural traditions as YATAMA’s and was more focused on a hybrid of indigenous tradition and the pre-established form of governance. The communities still maintain their right to self-govern. The proposal then creates a system of regional governments with control over three select areas. The governments will be represented by all the ethnic groups that live in the area. The chain of command would then go from the regional governing body then to the

communal governing authority of the communities. This proposal maintains a “balance between autonomous territorial units that are exclusive to indigenous and Afro-descendant communities, and multi-ethnic shared heterogeneous bodies” (Gonzalez, 2016, p. 317).

The proposals share a lot of similarities in that they both recognize Indigenous communities as being the holders of autonomy and that autonomy means they can “make decisions on matters that concern them and that are relevant to their development and cultural survival as culturally distinct peoples” (Gonzalez, 2016, p. 316).

However, both proposals are severely lacking in their consideration of why this form of governance failed in the first place and why the laws establishing land demarcation are failing so much in the first place. This will be covered in the next two sections of this analysis with the first covering the neoliberal aspect and the second being an examination of how the political system of the Nicaraguan government is broken.

The Neoliberalism Aspect

Neoliberalism refers to laissez-faire economic policies that leave “as much as possible up to individuals participating in free and self-regulating markets” (Lie & Thorsen, n.d., p. 2). These policies refer to opening up a country to free trade, especially to foreign governments and companies, reducing state interference in the economy including with social programs, and an emphasis on privatization (Lie & Thorsen, n.d., p. 15).

My argument is that neoliberalism is contributing to the failure of land demarcation because of its emphasis on deregulation, reduction in social welfare programs, and making it easier for foreign companies to come in and conduct trade. If the Nicaraguan government were to

focus on other policies such as social welfare and developing the internal economy, then indigenous communities would not be as tempted to sell their land that they just received in titling to foreign extraction companies.

If there were more economic opportunities within the Mosquito Coast for monetary gain that weren't being controlled by a select few groups of people, then the land titling would have much more power. Indigenous communities could live on their land and be actually autonomous. As Mary Finley-Brook writes, indigenous communities have begun to see "communal resources in economic terms" (Finley-Brook, 2007). They see their land as a chance to gain monetary resources, something that is hard to come by in the Mosquito Coast due to a lack of support from the government. Even YATAMA, the Miskitu political party, has been guilty of selling their land to a Nicaraguan logging company (Bryan, 2019).

Nicaragua is the second poorest country in the Western Hemisphere and the government is strapped for cash. Small, family-owned farms used to make up the majority of the GDP, but it was not enough. The desire to grow the country's GDP is one of the motivating factors to the trend of supporting neoliberal policies after the Revolution.

First, Violeta Chamorro, who was elected in the '90s, began the transition to neoliberal policies. Her administration lowered tariffs, in order to open Nicaragua's "markets to foreign investment" and at the same she reduced the national budget's social welfare programmes (La Botz, 2016, p. 215). Her policies were spurred by economic and political pressures that had been put on Nicaragua by foreign investors, such as the IMF. While these trends began with Chamorro, they did not stop with her. Each President after her prioritized "the encouragement of capitalism, private enterprise, and the making of profit" and implemented neoliberal policies as a result (La Botz, 2016, p. 257).

In Nicaragua, neoliberal policies have been focused on deregulating the market and opening up the land to extraction by foreign companies, especially along the Mosquito Coast. Ever since the revolution, the Sandinista government has promoted an “expansion of extractive industries throughout much of Nicaragua’s rural interior” (Herlihy, 2016). This has forced inland farmers to move to the Mosquito Coast in search of more fertile lands. Additionally, small farmers moved to the Mosquito Coast as large cattle ranchers bought up their land (Herlihy, 2016). As stated before, after the Revolution, the Coast “became sites of contention between foreign companies, which paid the cash-starved states up front for potentially lucrative concessions” which eventually led to the case of *Awas Tingni v. Nicaragua* (Hale, 2011). This case was meant to solve the issue of extraction through the creation of Law 445, but the neoliberal trends in Nicaragua have not stopped. These neoliberal policies have led to a big reason why the land demarcation process is failing to protect indigenous lands, both from *terceros* and outside colonizers in Nicaragua, and from foreign logging companies.

An example of this is the canal that Daniel Ortega has been trying to build. In 2013, Ortega decided that the future of Nicaragua lay in building a trans-oceanic canal that would run through the entirety of the country. There were many objections to the project, including the fact that the Panama Canal was undergoing major improvements, the environmental repercussions would be monumental, and that it would displace thousands of Nicaraguans from their homes. Ortega went ahead with the plans anyway and hired out several foreign businesses to come and carry out the work. A British company was hired to conduct an environmental survey. A Chinese railroad company came in to figure out how to get the canal to meet up to international standards. And finally, an Australian engineering company was hired to tackle the problem of how to move tons and tons of dirt for the canal. Notice how no Nicaraguan companies were hired to carry out

Ortega's plan of the canal, carrying along with the Sandinista government's trend of selling out the country's land and resources to extraction corporations (La Botz, 2016, p. 364-365).

The canal project was never officially carried out, but it still resulted in Nicaraguan citizens being forced off their land for the sake of the canal. This put "peasants and workers against his capitalist government" (La Botz, 2016, p. 365) as it showed the citizens of Nicaragua that Ortega's priorities lay with making money with overseas companies as opposed to protecting the citizens of the country.

This is a big reason why the government refuses to enact *saneamiento*. The government has been selling out the land that was originally owned by the *terceros* for extraction by other companies, a key source of income for the Nicaraguan government. Bigger ranches and extraction industries are where the real money is. By enacting *saneamiento*, the process of evicting *terceros* from Indigenous lands, the government gets rid of one of its most valuable resources: land (Sylvander, 2018). If *terceros* are kicked off of the Caribbean Coast, then they would have to return to their own lands which have already been sold off. The *terceros* would either have to buy back their land, something most of them probably could not afford, or live somewhere else. If they were to move somewhere else it would provide the government with another problem of having to resettle these people. This is a problem that is avoided by having the *terceros* live on the vast Caribbean Coast and avoid the government's responsibility of *saneamiento* (Sylvander, 2018).

This ties into neoliberalism because it involves the removal of the state in order for business and markets to thrive. The government is supposed to step in and enforce *saneamiento* but that would mean losing business and regulating markets. And the Indigenous communities represent a group of people with less power to fight back against the *terceros*, whereas

corporations have much more influence with the government. Indigenous communities do not pull the same weight as foreign extraction corporations. Following neoliberal trends, the bottom line is profit, not people. Thus, the Sandinista government will not carry out its promise of *saneamiento* because it does not fit with their neoliberal bottom line.

Neoliberal policies enacted by the Nicaraguan government have also included erasing any barriers to free trade. And one of the biggest sources of trade that Nicaragua has is located in the Mosquito Coast, where around 80% of the country's natural resources lie.

Since the Sandinistas are invested in these neoliberal reforms, indigenous communities cannot be truly autonomous. They are forced into selling their land rights just to get by and this represents a failure in the system. True autonomy cannot be achieved without economic opportunity.

In addition, if the Nicaraguan government were to invest in non-neoliberal policies, then there would be less of an influx of *terceros* moving onto indigenous land which also threatens their autonomy.

In conclusion to this piece, land demarcation has failed in application due to the policies that encourage indigenous peoples to sell off their land rights to foreign extraction companies, while simultaneously displacing white Nicaraguans and encouraging them to move onto indigenous land on the Coast.

The Clientelism of Nicaraguan Politics

Clientelism refers to having politics depend on patronage and social relations, especially when it comes to money and networks within politics. This means that there is often an exchange

of goods and services in exchange for things such as votes. This process allows for a select few elite to profit off of politics.

Nicaraguan politics have become a game of favoring the rich and change coming from the top-down. Additionally, land demarcation has become a political motive which brings the process of land titling into this process of clientelism and politics.

La Botz talks about the clientelism of Nicaraguan politics when he writes of how the Somoza regime would take foreign aid meant for rebuilding Managua after a natural disaster and instead use the money “to increase his own economic power and to enrich himself led to increasing competition in the Nicaraguan capitalist class” (La Botz, 2016, p. 107).

The Sandinistas were meant to erase the clientelism of the Somoza regime. But as La Botz continues to explain, this is not what happened. This is one of the key reasons why the Revolution has failed in La Botz’s thesis. The continual usage of politics to further one’s own riches at the expense of the general public is another reason why land demarcation has failed in the Sandinista age.

An example of this clientelism after the Revolution is when the Sandinista party would publicly oppose certain measures, but then “privately they would meet discreetly with...representatives of the Chamorro government and agree to the very deals that they were publicly decrying” (La Botz, 2016, p. 269). This way, they could maintain the Sandinista public image of standing up for the worker and the “little guy” while also getting what they really wanted, which is the support of the rich. Through this process, the Sandinista government was actually creating a new political system that “would grind those social classes to produce profit for the country’s new capitalists, including the Sandinistas themselves” (La Botz, 2016).

YATAMA was not immune to this clientelism. The political party that was meant to represent all of the Miskitu communities of the Mosquito Coast was actually formed by a collection of veterans who were all looking out for the bottom line: themselves. For example, the YATAMA party received more than half of the area allocated to Awas Tingni (Bryan, 2019).

As shown in Figure 1 earlier in this thesis, land demarcation and politics are tied together, especially when it comes to elections. Daniel Ortega once gave eight territories their title in one day and then nine days later he won his third consecutive term (Bryan, 2019). This would not have been possible without the support of YATAMA, which they would never have given without the land titles.

All of this puts the communities of the Coast's quest for land demarcation at the liberty of Nicaraguan politics, which are built around a system of back door deals and doing favors that come at the expense of the Nicaraguan people. Land demarcation has become a political process that is used by Daniel Ortega to win elections.

And this is one reason why the land demarcation laws have failed the indigenous communities. The laws themselves are great, but they are being carried out by a government that favors back door deals in order to get rich themselves.

As shown by the La Botz examples, the Nicaraguan government has shown itself to be untrustworthy.

Implications

It is important to study the failures and successes of the indigenous land autonomy movement in Nicaragua because this fight is happening worldwide. Indigenous communities deserve the right to their land and as this thesis has demonstrated, legally recognized land rights have failed to protect these communities. Research has shown that worldwide, indigenous people manage one quarter of the world's land surface and maintain about 80% of the world's biodiversity (Raygorodetsky, 2018). This is why it is important to return indigenous land to indigenous people; they were the original protectors of these lands and they should continue to manage these lands if the world wants to continue having this level of biodiversity.

In cases around the world where traditional Indigenous lands have been returned to their original stewards, there has been an improvement in environmental health all around. In one case in Chile, an indigenous community was able to improve “sustainable harvest of traditional foods such as seaweed, fungi, and molluscs to address health issues, while also empowering women economically” (Gurria, 2017) after receiving rights to their land. The community was able to protect their salmon population by banning large-scale fishing corporations from coming onto their land.

Private land ownership has not always been the answer. In the United States, the Homestead Act gave away 270 million acres of indigenous land to settlers who then abused the land for agriculture or for giant feedlots for cattle raising (Estes, 2019). Imagine if that land were returned to the original Indigenous populations today. What would it look like? Going off examples seen around the world, it would represent a more environmentally conscious area of land.

The case in Nicaragua is unique. There's the opportunity for a majority of Nicaragua's natural resources to be back in the hands of the original environmental stewards. As seen before

in this paper, what happens when Indigenous people are not in charge is the Nicaraguan government quickly selling off the land to foreign extraction corporations in exchange for a profit. Indigenous communities have lived on that land for centuries without selling off their resources. They are the environmental stewards, the protectors.

This is why it is important to study this case: to see what went wrong and how to improve upon it so that land demarcation for indigenous lands can be something that occurs all around the world.

Conclusion

The question that this thesis sought to answer was how can we understand why the land demarcation policies are failing to protect the indigenous people's land rights in Nicaragua? Throughout this thesis, I answered that question by first covering the background of the Mosquito Coast and its role in Nicaraguan history. I talked of how the Coast was colonized by the English and how the Coast was not incorporated into the rest of Nicaragua until 1894. Throughout the 20th century, the communities of the Coast struggled to find their place within Nicaragua. During the Sandinista Revolution, the indigenous communities used the opportunity to ask for what they truly wanted which was autonomy over their land again. There was an amendment added to the 1987 Constitution which granted the communities' desires of land autonomy.

However, things were not yet settled in the fight for complete control over their territory. The Nicaraguan government was still operating deals with foreign extraction companies on indigenous lands, something that was prohibited under the 1987 Constitutional amendment. This led to the landmark 2001 case of *Awas Tingni v. Nicaragua* which resulted in the Communal Land Law, Law 445. This law granted land titling to indigenous communities along the Coast.

But there were several problems with the Law. The process of land demarcation forced the Coastal communities to involve themselves within the political machine of the Nicaraguan government. Land titling quickly became a political tool, something that politicians such as Daniel Ortega could use to gain votes and win elections with the promise of granting land title requests.

Nicaraguan politics are a system built on favoring a select few elite at the expense of the rest of the country's civilians. An example of this is the canal that President Ortega attempted to push through. The canal led to the displacements of hundreds of civilians all the while giving business to foreign countries. There was outcry from the Nicaraguan public, but the government did not listen to the complaints. The Nicaraguan government's priorities are to sell out the country's resources in order to make a profit.

The Laws created to enforce land titling granted autonomy, but paradoxically they intertwined the Coastal communities in political processes. This is because titling requires the state, it has become politicized and therefore has incorporated tensions that exist within Nicaraguan society such as neoliberalism and clientelism. This process has led to the loss of political authority and is more dependent than ever on the will of political parties. Land demarcation has also led to the commodification of land and resources and has led to the collapse of other, traditional uses of the land. This is why land demarcation has failed.

Ever since the Mosquito Coast has been incorporated within the rest of the country, the indigenous communities have had one wish: to have total autonomous control over their ancestral lands. The Nicaraguan government has tried several times to grant the requests of the communities, and they have created some of the most substantial laws for indigenous land rights in the world. But the reality is still much different and leaves much to be desired in terms of land autonomy.

This thesis concludes that in order for land autonomy to be truly granted to the Caribbean Coast, autonomy needs to mean autonomy and not just another attachment to the Nicaraguan government. If this were to happen, then Nicaragua could be one of the leading countries in the world when it comes to the fight of indigenous land rights around the world.

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