



INDIGENOUS TERRITORIAL AUTONOMY AND SELF-GOVERNMENT IN THE DIVERSE AMERICAS

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The Tragedy of *Alal*: Regression of Rights in the Nicaraguan Autonomous Regime

Miguel González

Introduction

Nothing was unusual in the Sumu-Mayangna Indigenous community of Alal that warm afternoon on Wednesday, 29 January 2020; the least humid season of the year in Nicaragua's North Caribbean. As has been daily practice, some of the men were fishing while others worked in the agricultural areas near the community on the collective lands of the Mayangna Sauni As territory in the heart of the Bosawás Biosphere Reserve, an area that was officially recognized by the Nicaraguan State in 2001 (Nación Mayangna, 2014, p. 9). This was an important and unprecedented recognition after a decade of sustained efforts in which multiple actors, including local and regional Indigenous authorities along with non-governmental organizations, joined forces to identify, demarcate and finally demand that the Nicaraguan State title the ancestral lands of the Sumu-Mayangna people.

And yet, that January afternoon would be part of a tragic day for the people of Alal. The sudden shots broke the evening mellow and alerted the entire community. In a series of coordinated attacks, a gang of armed criminals murdered four men, wounded three — including women — and kidnapped

eight people. In addition, they burned to the ground their homes and stole their livestock. The people of Alal — which in the Mayangna language means ‘strong man’ — could not repel the attack, partly because of the swift action, but also because they were outnumbered by armed attackers under the command of “Chabelo” Meneses Padilla, apparent leader of the band.¹ It was an action of the *mestizo* “settlers,” or illegal occupants of Indigenous lands. The following day, in a real-time broadcast to a national news outlet, the authorities and leaders of the territory denounced the events and demanded from the State: the right to communal property, support against its usurpation by non-Indigenous settlers, respect for life of the community and cessation of environmental crimes against their territory.²

The attack on Alal was not an isolated event, but clearly notorious for its lethality, level of operation and organization of the perpetrators. And although the intimidation of armed settlers against nearby Indigenous communities in the reserve had increased in the preceding years, the attack changed the daily scenario to a qualitatively different environment of violence. Alal, together with the rest of the 17 communities that make up the Mayangna Sauni As territory (First Mayangna Territory), comprises 1638.10 km² in an area inhabited by 8,330 people (see map). They are communities that share a history of struggle, resistance and dignity. The nine Sumu-Mayangnas territories of the country also share a historical struggle for self-government and self-determination centered on the community and the territory: an autonomy built and defended despite the weaknesses of the regional autonomy regime established in 1987 in Nicaragua’s Caribbean regions.

The tragedy of Alal allows us to understand the dilemmas and the process of regression of rights of the autonomous regime of the Nicaraguan Caribbean, after a decade of fundamental economic and political changes in the country. On the one hand, the limited exercise of rights to autonomy granted to Indigenous peoples and Afro-descendant inhabitants of the autonomous regions, especially in relation to political and ethnic representation in regional governmental bodies and the lack of effective control over demarcated territories; and on the other, to gauge the new scenarios of violence that threaten to erode the weak balance of inter-ethnic social coexistence that autonomy aspired to promote since its creation. In some ways, Alal exemplifies a cumulative process of Indigenous-territorial disempowerment, dispossession and collective frustration of the coast with respect to the autonomous regime officially recognized by the Nicaraguan State. This chapter is based

on the interpretation of secondary documentary sources, interviews with Indigenous leaders and a review of official statistics and reports produced by civil society and human rights organizations.

The chapter is organized as follows: first, I present the antecedents of the autonomy process; a question that I have dealt with in other works and therefore I summarize the key elements to understand its origin, development and historical evolution. Second, I document the process of regression of the rights of coastal autonomy, an initiative originally conceived as a 'State solution' of multicultural inspiration to the challenges of ethnic-national integration in Nicaragua. The criticism outlined here focuses on autonomy understood as an intermediation mechanism through which limited rights are granted to the inhabitants of the Coast to exercise certain levels of relative autonomy. In this section I argue that regional autonomy in Nicaragua has been limited by a hierarchical governance model centered on the State, which has prevented its full realization. The third section of the chapter is dedicated to identifying the scenarios of violence that have transformed social relations in the Caribbean regions and adds a new analytical dimension to understand their real impact. Finally, I present the conclusions, where I develop a critique of the autonomist multicultural model in Nicaragua. I suggest, on the one hand, to distinguish autonomy as an official process — subject to the logic and rationality of the *mestizo*-centric State that exercises relations of domination and control over subjects of regional rights; and on the other, autonomy as an emancipatory project, given the concrete political-cultural meaning conferred by the peoples and their organizations, as an expression of self-determination and self-governance.

Autonomy

In July 1979, the Sandinista National Liberation Front (FSLN) overthrew the Somoza dictatorship through a popular insurrection and inaugurated a time of profound changes in the contemporary history of the country. From the beginning, on the Coast, the changes promoted by the Sandinista Revolution caused friction that resulted in animosity. The FSLN decided to nationalize the country's natural resources, initiated an agrarian reform and created mechanisms for the social representation of the 'masses' that displaced the organizational forms of the Indigenous and Afro-descendant peoples of the Atlantic or Caribbean region of the country. After a few months of initial

empathy and euphoria, the Coast was shaken by its own forces of social mobilization, this time to reject the changes introduced by the revolution. The agrarian reform created animosity because of the risk it posed with respect to Indigenous claims to ancestral communal property; while the ‘mass organizations’ of the FSLN were not in tune with the main multi-ethnic associative organization on the Coast, the Alliance for Progress of the Miskitu and Sumo (*Alianza para el Progreso de Miskitu y Sumo*—ALPROMISU). ALPROMISU had been born in the wake of the socioeconomic and cultural changes of the Coast in the mid-1970s, and had high levels of popular support and legitimacy, especially due to its very close relationship between Moravian religious leaders and Indigenous activists (García, 1996, p. 100).

Faced with the growing coastal mobilization demanding differential treatment and participation within the revolution, the FSLN decided to respond with intimidation and force, seizing the main coastal political leaders, which hastily led to a military conflict. In 1984, after almost four years of armed conflict on the Coast and in the country, and in the light of socioeconomic impacts and human loss, the parties to the conflict sought efforts for a peaceful and negotiated solution. Thus, autonomy was born, in the midst of war and the search for peace.

The roots of the conflict on the Caribbean Coast, and the social and political conditions that led to the creation of the regional autonomy regime in Nicaragua, have been extensively examined, especially during the years preceding the approval of the Statute of Autonomy in September 1987 (Hale, 1994; Jenkins, 1986). During the following decade, a series of studies were published that provided insights into the complex challenges of building autonomy in adverse political and economic circumstances, especially when the FSLN was displaced from power in 1990 (Frühling et al., 2007). Ultimately, the FSLN had consulted, negotiated and approved the Statute with sectors of coastal society and reached peace agreements with the Indigenous insurgency led by MISURASATA (in 1985)³ and later YATAMA (in 1987).⁴

The Statute recognized autonomy rights for the inhabitants of the Coast, including the right to preserve their forms of social and political organization, respect for communal property, political representation in regional government bodies, education in their maternal language, benefit from the exploitation of natural resources and guarantees of participation in decision-making on matters of regional interest. The Statute created two popularly elected representative bodies: the Autonomous Regional Councils, one

in each region — North and South — that are elected every five years, and where the Indigenous peoples and ethnic communities that inhabit the regions are represented.⁵ Through a heterogeneous institutional design model of ethnic representation, autonomy was therefore granted on the regions of the Caribbean Coast. Until 2020, eight regional councils were elected in a succession of regional elections that began in 1990, and with varied results both in terms of ethnic, political and gender representation. In addition to the Regional Councils, the Statute established the creation of regional executive bodies, called Coordination Committees (*Coordinaciones*), whose representation falls on an elected councillor. The problems that the Statute tried to solve were related to the exclusion of the coastal peoples, the mechanisms of discrimination in the regions, the relative isolation and gaps in socioeconomic development, in addition to the lack of integration with the rest of the country. The Statute was also an instrument of pacification and political cunning, that is, to demobilize the armed Front, which had set the scene for a war in the Caribbean that the FSLN leadership had concluded was impossible to win.

The regional autonomy of the Coast was approved in an historic moment and in exceptional circumstances due to the war and the active participation of the Indigenous insurgency in raising their visions of self-government and self-determination. But the autonomy agreement, expressed in the Statute of Autonomy of 1987, did not reflect Indigenous peoples' aspirations of a real autonomy that would protect their living spaces, their territory and their forms of local authority. The Statute was less than an intermediate point between the Nicaraguan State, that wished to contain the risk of secession in a context of war of external aggression, while at the same time recognizing the desire for coastal self-determination, expressed in different ways by the belligerent organizations of the conflict, especially the insurgent Indigenous movement (González, 2016).

The initial character of coastal autonomy was its political-administrative nature, granted on a regional jurisdiction — the former Department of Zelaya, later called Special Zones I and II — and subdivided into municipalities. This type of autonomy was not the vision proposed by MISURASATA, which centered on the ethnic character of Indigenous “nations” and inscribed in the territory, self-government and communal authority (MISURASATA, 1985). That is, an autonomy of separate spaces, of exclusive control of Indigenous and Afro-descendant peoples over their territories and through their own mechanisms of territorial governance. The official autonomy, however, tried

to avoid hegemonies “of one ethnic group over another,” especially to contain the Miskitu leadership, but ended up imposing a *mestizo* hegemonic political representation model largely controlled by the national political parties (as can be seen in graphs 1 and 2 regarding regional political representation). Community autonomy was thus subordinated and secondary to official administrative autonomy at the regional level. Juan Carlos Zamora — a former Miskitu local authority — defines this subordination in the following terms:

The autonomy law has a defect by definition, it depends on a democratic majority system defined by popular vote. In other words, as non-Indigenous people are in majority, the project of political and institutional autonomy with cultural relevance loses its strength. (Bilwi, personal communication, 27 February 2020)

Thus, administrative power only was transferred to the regional level, within a centralized system controlled by the national executive power.

In 2002, a decade after the Regional Councils were inaugurated, the Territorial Demarcation Law (Law 445) was approved with which local self-government, in the form of territorial authorities, acquired recognition and therefore established a new level of government in the autonomy system. Although the law created a procedure to demarcate and title communal lands, its actual implementation did not begin until during the second FSLN administration in 2007. Through a series of campaign commitments and regional alliances in its race to return to power, Daniel Ortega made the commitment to title the lands of Indigenous peoples and Afro-descendants of the Coast (González, 2016), a commitment that his government reached once he was elected president. Until 2018, 23 territories had been titled, covering almost all of the autonomous regions and 32% of the country’s surface (APIAN, 2017, p. 5). However, for the fourth and final phase of the titling process, which consists of territorial *saneamiento* (determining the legal circumstances of the non-Indigenous occupants in the titled territories), the Ortega administration did not demonstrate real interest nor made progress through concrete actions of implementation. Paradoxically, the titling process unleashed massive illegal occupations by *mestizo* squatter settlers in most of the new territories, while accelerating the trend to establish illegal settlements that had begun in the previous decade. The Ortega administration worked to deter fears of expulsions or relocation of *mestizo* settlers occupying Indigenous lands by

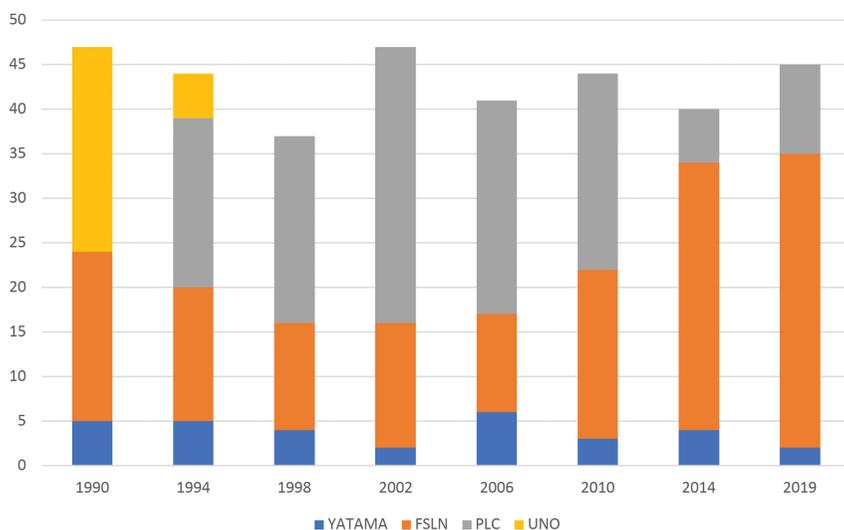


Figure 5.2. South Autonomous Regional Council: Political Representation, 1990-2019.
Source: author’s elaboration based on data from the Supreme Electoral Council (CSE, <https://bit.ly/2Ksao4s>). Note: Other minority political organizations were able to secure 16 seats between 1990 and 2019, while non-hegemonic national organizations obtained 13 seats in the same period. The acronym PLC corresponds to the Constitutionalist Liberal Party and UNO corresponds to the National Opposition Unity.

promoting a narrative of ‘cohabitation’ and ‘coexistence’ that Indigenous peoples rejected as a direct form of State omission and complacency with *de facto* usurpation of Indigenous lands (APIAN, 2017, p. 20).

It is in this context that the attack by armed settlers on Alal can be understood, as well as the systematic intimidation carried out by groups of illegal occupants of Indigenous lands to violently displace their ancestral owners. Since 2012, the coastal organization CEJUDHCAN (Center for Justice and Human Rights of the Atlantic Coast) has denounced the siege, intimidation and murder of Indigenous leaders in Miskitu communities in different territories, also subjected to violent forms of land take-overs. These complaints have reached the Inter-American Commission on Human Rights (IACHR), which has issued a series of precautionary measures, with limited effect in practice due to the lack of cooperation by the Nicaraguan State (CEJIL-CEJUDHCAN, 2019).

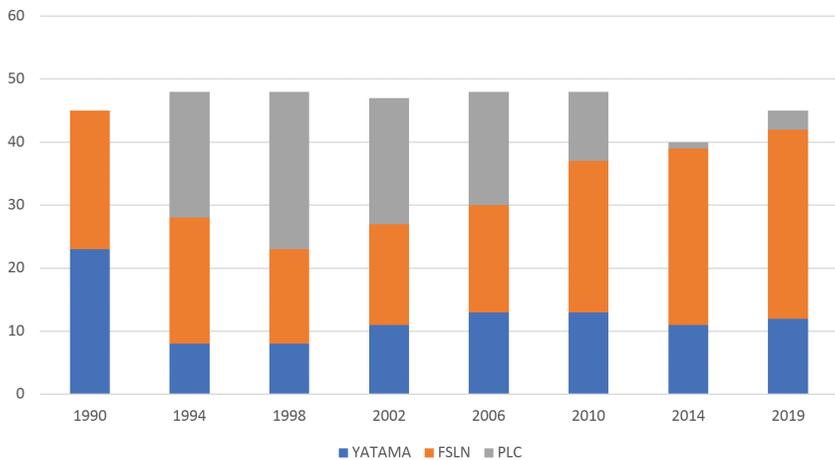


Figure 5.3. North Autonomous Regional Council: Political Representation, 1990-2019.
Source: author's elaboration based on data from the Supreme Electoral Council (CSE, <https://bit.ly/2Ksao4s>). PAMUC is a regional political party that secured one regional councillor in 2002; while two national organizations, the Independent Liberal Party and UNO obtained five and three, respectively, in the period 1990-2019.

Despite its importance, the Territorial Demarcation Law arrived late and with little real capacity to provide Indigenous peoples with effective security and greater control over their collective lands. Moreover, while trying to solve a problem of property definition, Law 445 exacerbated others, such as encouraging the desire of settlers expelled by the agro-export model and the land grabbing of rural property in the center of the country, to occupy Indigenous lands. This renewed expansion towards the agricultural / community frontier has not been contained by the Nicaraguan State; on the contrary, the official narrative has been one of acquiescence with illegal occupations, including in natural reserve areas in the North Caribbean — such as the Bosawás biosphere reserve— and in the South, the Indio-Maíz reserve.

Conflicts over land in the Caribbean regions not only pitch poor and displaced peasants against poor Indigenous peoples, but also include other forms of occupations and large-scale property grabbing such as the plantation

economy, gold mining, large-scale agricultural businesses and infrastructure projects that also threaten to downgrade Indigenous property to a formal act of recognition, erode territorial autonomy and displace their communities. Unfortunately, the representation of the conflicts has focused on interpreting the problem as an “invasion of settlers taking over land” that tends to render invisible the diverse and systematic, institutional and socioeconomic mechanisms that legitimize and promote this expansion (Becky Mcreea, personal communication, 22 February 2020).

Although communal land is legally protected to prevent its commercialization and privatization, there are various “buy-sell” mechanisms and extra-legal agreements through which previous and new appropriations by precarious settlers are *de facto* legitimized. In certain cases, Indigenous authorities and individual community members issue “use and exploitation” permits on communal lands to non-Indigenous individuals; in others, regional and municipal officials — in exchange for political favors or simply to enrich themselves illegally — deliver “guarantees” for the use of communal property to individuals, families or groups of settlers without consulting territorial authorities. In both cases, these “authorizations” are based on precarious legality and often lead to contentious and conflictive situations. Finally, there are violent, directed and systematic occupations — such as the one carried out against Alal — that require a level of organization that is difficult to achieve without a certain level of permissibility on the part of the regional and/or State authorities.⁶ The communities perceive that some of the violent actions are related to an “outpost” of the State to expand the extractive frontier and remunerate ex-military organizations for their political services to the Ortega regime (APIAN, 2017).

The issuance of permits by communal authorities to non-Indigenous individuals is more or less common practice in the territories, and it precedes the titling process. However, once the titles were acquired, these practices registered a significant increase, partly encouraged by a greater demand for land by precarious peasants for subsistence agriculture activities and the extension of areas for livestock (Cedeño et al., 2018). It is important to note that the territorial authorities have the power to extend “authorizations for the use of communal lands and natural resources in favor of third parties,” but said authorities must receive the mandate of the communal assembly (in accordance with article 10 of Law 445). In other words, exploitation permits do not transfer private ownership of the property, but rather its usufruct. However,

under these mechanisms, Indigenous property has been *de facto* appropriated in favor of settlers in a great number of territories through leases and other mechanisms (Nación Mayangna, 2014, p. 17).

The invasion of the Mayangna Sauni As territory — Arisio Genaro mentioned in 2014 — has been facilitated by Miskitu leaders who have sold land in the upper part of the Wawa River; due to the slow start of operations of the Ecological Battalion in the Bosawás reserve, and because of the message from the President of the Republic who said that he should not carry out evictions. (cited in Mairena et al., 2014, p. 53)

Authorizations for the use of Indigenous lands are also occasionally issued by regional and municipal officials, political leaders and “operators” in favor of non-Indigenous peasant organizations. A journalistic investigation prepared by Wilfredo Miranda in 2016 identified “land trafficking” as a series of illegal practices in the granting of permits “for life” in favor of “third parties” by regional councillors and authorities linked to the FSLN and YATAMA:

Although no one can give permissions for land use in Indigenous territories, Müller and Collins [both FSLN regional councillors] delivered the most recent permissions on September 6, 2015 in favor of a subject identified as Justo Linares Obando. Linares Obando is granted, under the figure of ‘life usufruct’ (that is, for life), the possession of 211 hectares of land in the Pinares Tunga Tasba Pri sector, in the North Caribbean Autonomous Region. (Miranda, 2016)

Miranda documents other cases of illegal transactions of Indigenous lands by municipal leaders and authorities linked to YATAMA:

In 2005, García Becker [former government coordinator] provided an authorization in which he acknowledged that “the group number 5” of Miranda Urbina [buyer] owns 5,036 hectares of land, located near the Wawa river in Waspam. This ‘collective’ is made up of 143 members of the former YATAMA resistance. (Miranda, 2016)

Dealings like these have been documented in recent reports and studies, in addition to complaints reported in the national media (Bryan, 2019, p. 60; The Oakland Institute, 2020). However, to date there is no judicial process in place to determine the responsibilities of the accusations.

Finally, there are the large-scale operations that also strip Indigenous and Afro-descendant peoples of property rights. In particular, the plantation economy and agribusiness, gold mining and infrastructure such as the interoceanic canal project, initiatives that have not observed the application of the right to free, prior and informed consultation (The Oakland Institute, 2020). For example, extensions of African palm in the Caribbean regions grew from 7,000 hectares in 1990 to 30,000 in 2019 (López, 2019) and in some areas these units include land grabbing mechanisms or are superimposed on Indigenous territories in contentious occupations or under usufruct agreements with territorial authorities. In 2017, the areas under concession for gold mining grew from 1.2 million to 2.6 million hectares, of which around 32% were located in the buffer area of the Bosawás reserve and in other Indigenous territories (The Oakland Institute, 2020, p. 26). In addition, the Interoceanic Canal project, which was granted by the Ortega administration to a Chinese consortium in 2013 without consulting in good faith with Indigenous and Afro-descendant communities, threatens to dispossess hundreds of peasant families and relocate Indigenous communities on the canal route (Mayer, 2018). In the scheme outlined by the Ortega administration, the communal land of the Rama-Kriol territory could be subject to expropriation for the canal project (González, 2018).

In the second decade of the autonomy regime, which began in 2000, new scenarios emerged that marked the dynamics of power and the subordination of the Coast to the economic model of agro-exports and accumulation adopted by the country's elites. At the political level, a 'pact' between the Constitutional Liberal Party (PLC) and the FSLN allowed these two parties to concentrate greater influence over State institutions including the judicial system, the electoral power, the national police and the army. Through an exclusive electoral reform, bipartisan control was extended to the municipal governments of the country by eliminating local constituency associations, a mechanism that allowed citizen participation independent of political parties. On the Coast, the new electoral participation rules forced coastal political organizations to register as political parties, in clear violation of the principles of political participation of the Statute of Autonomy. In the regional

elections of the 2000s, a less plural political system of participation was consolidated, while the Regional Councils and their Coordination Committees became spaces of control for the two national political parties, the FSLN and the PLC. This system of influence in the different spaces of authority in the autonomous regions, including the territorial governments, would increase with the coming to power of the second Ortega administration.

The economic model promoted by Ortega did not fundamentally distance itself from the neoliberal administrations that preceded it (Martí i Puig & Baumeister, 2017). This model is based on an open economy, integrated into global markets, agro-exporter and concentrated on the extractive exploitation of natural resources. International financial organizations characterized this model as “successful” because decision-making with regard to economic policies was accompanied, until the political crisis of April 2018, by a mechanism of “dialogue and consensus” with the country’s business elites.⁷

Nicaragua’s expansion in foreign exchange came from increasingly diverse export sectors: diversified agriculture, livestock and agribusiness, gold mining, low-wage maquilas in free trade zones, emerging international tourism, and increased remittances of Nicaraguans who work abroad. (Feinberg & Miranda, 2019, p. 2)

However, the expansion of cattle ranching, agribusiness, the plantation economy and forestry operations at a time of rising international prices (Rubio, 2017) created inequalities in the country’s property structure, with a distinctive effect on the Caribbean regions. Several interconnected processes of agrarian transformation took place: land concentration increasingly favored middle sectors and large landowners, while rural unemployment and underemployment grew in urban areas in the country’s Pacific region. All this led to what Martí i Puig and Baumeister describe as a process of “re-peasantization” due to the resumption of agricultural activities in agricultural frontier areas a decade ago closed by the armed conflict (Martí i Puig & Baumeister, 2017, p. 388) — a frontier better characterized as a communal front of agrarian and extractive colonization and internal demographic reconfigurations in the regions, towards which it expanded with singular *forcé*, from the Central and Pacific, but also from other peasant areas of the Caribbean, to recently titled Indigenous territories. The “re-peasantization” of the rural *mestizo*

population is both a form of indirect displacement and economic exclusion: by re-concentrating the land on the historical agricultural frontier in favor of medium and large producers, and thus displacing poor landless peasants to the subregions of community colonization in the Caribbean territories.

In other words, a double process took place on the Coast: the expansion of the poor peasant population towards border areas, resulting from the fact of being displaced by the reconfiguration of property, but also due to the incentives emerging from the rise in agricultural product prices in the country and in international markets. However, for Indigenous and Afro-descendant peoples, this pressure required a struggle for territory, rights and their living spaces. These structural conditions have made communication between settlers and Indigenous peoples difficult and the reason why the latter have rejected the narrative of “coexistence” promoted by the State.

Regression of rights

The day after the attack on the community of Alal, Sebastián Lino, president of the Sauni As Territory expressed his frustration before an independent national media: “We have advocated, there have been decrees, but they only remain on paper. There has been no accompaniment or action, only papers and decrees of Mother Earth” (100 Nicaragua News, 2020). Lino was referring to Decree 15-2013 Defense of Mother Earth issued seven years back by the government with the intent to “accompany” the communities in their defense of the territory through the support of different State institutions (Government of Nicaragua, 2013). In reality, the Decree never came to life and to this day has remained a dead letter.

Arisio Genaro Celso, former president and current secretary of the Mayangna Nation —an entity of supra-communal representation of the Mayangna people — and who was also interviewed in real time with Sebastián Lino, was less critical but decisive towards the national authorities: “Our authorities have to accompany institutionally. We are on a par with the communities. Our authorities know, but we ask them to act” (100 Nicaragua News 2020). That same day in the country’s capital, Eloy Frank, president of the Mayangna Nation, tried to minimize the events of Alal and reaffirmed his confidence in the support of the State and in the administration of President Ortega:

The Mayagnas Indigenous organizations, through their territorial governments and the Mayangna Nation, have been working in close coordination with the National Police on the issue of territorial security; the patrols that have been developed, the accompaniment to guarantee the issue of security and peace in our communities, and that there is an effort, and we have full confidence in our police that this situation can be clarified. (Umaña, 2020)

The Mayangna Nation, founded in 2009, is a quasi-federative entity heir to SUKAWALA (*Sumu Kalpapakna Wahaini Lani*, Fraternal Union of the Sumu), which represents 72 Mayangna communities belonging to 9 territories in the North and South Caribbean.⁸ SUKAWALA was the historical organization of the Sumu people founded in 1974 until it dissolved to give rise to a supra-community governing body capable of representing the newly created territories in their relations with the central government. Since its founding, the Mayangna Nation has faced tensions over its partisan control, in a context of rapid political reconfiguration in the country and the autonomous regions. For the FSLN, it was important to strengthen the political support of the Mayagnas communities. In terms of the territorial authorities, SUKAWALA had ceased to have the necessary capacity for representation as multiple territories were formed which had their own communal and territorial governments. In the Regional Councils, Mayangna representation has usually been minimal and fragmented since the election of councillors must take place through political parties. In the North Caribbean, Mayangna representation during five periods of the Regional Councils (1990-2014) only reached 4.5%, despite constituting 6% of the regional population. Therefore, the Mayangna Nation was born as a space for dialogue controlled by the FSLN in its intermediation with the Indigenous communities. At the same time, in 2007, the Ortega administration created a Vice Ministry of Foreign Affairs for Indigenous Affairs at the head of which it appointed prominent Mayagnas leaders, who also actively intervened in the decisions of the Mayangna Nation (Sirias, 2013). Although symbolically important, the Vice Ministry never managed to become a decision-making body and was eventually disbanded amid accusations of corruption.

The second Ortega administration was neither the first government in the country nor the only one that designed and promoted mechanisms of

intermediation and to establish parallel powers to the regional and community authorities. In fact, these mechanisms to a greater or lesser extent were embedded in the autonomous regime since its inception. For example, the Statute of Autonomy establishes the figure of the “representative of the Presidency” in the Autonomous Regions, a position that is “compatible” with the function of Regional Coordinator. Since their creation, the Regional Councils and their Coordination Committees have had to grapple with the figure of the “Presidential representative,” a position that successive national administrations have used — with varying degrees of efficiency and opportunism — to undermine the functions of regional authorities.

In 1990, the Violeta Chamorro administration established the Atlantic Coast Development Institute (INDERA) and channeled through it the resources and political support that she denied to the newly formed Regional Councils. Her successor, Arnaldo Alemán, created the Secretariat for Atlantic Coast Affairs in 1997, which coordinated the relationship between the Executive and the Regional Councils and the Coordination Committees. These Secretariats — whose offices were located in the capital of the country — also operated as political operative units of the PLC, at a time of high partisan polarization in the life of the Councils. The following administration, presided over by Enrique Bolaños (2002-2007), did not fundamentally change this mechanism of interference in the Councils since — despite its unpopularity — it offered a certain level of control over the coastal authorities. After his election, the second Ortega administration went further in its vision of subordinating — and not complementing — the role and functions of the Regional Councils in accordance with the mandate of the Statute of Autonomy. In an effort to centralize political and public decisions regarding the Coast, the Ortega administration created a Development Council for the Caribbean Coast, although maintaining the Secretariat and changing its name, but left in place its mandate and operational functions. However, the Secretariat began to play a more active role as a political-partisan entity in the regions, micro-managing the activities of municipal mayors, of the Autonomous Regional Councils and regional Coordination Committees. This intermediation defined a pattern of political control at the different levels of authority in the autonomous system, from Indigenous and Afro-descendant communal governments, to territorial and municipal authorities, and regional councils and governments. In a period of two successive elections, the FSLN managed to control 75% of the popularly elected positions at

the municipal and regional level. In Indigenous and Afro-descendant territories, the Ortega administration has actively intervened and used the power of State institutions — including the judiciary and electoral power — to undermine those authorities that do not align with the ruling party (Dolene Miller, communication personal, February 20, 2020). In these circumstances, official autonomy — that network of authorities, legislation, practices and controls of different scales in the regional government system under a rigid system of centralist State control — is a model of regression of rights.

To express their grievances against the State's complicity, the Alal territorial authorities had to make an effort to depart from the official narrative about the autonomy and partisan control of the Mayangna Nation, which in itself was an act of defiance and resistance: “Our lands, our communities, our lives,” claimed Sebastián Lino, “have been violated, threatened and we have been deprived of our livelihoods” (100 Noticias Nicaragua, 2020). An editorial comment by *19 Digital*, the official media outlet of the Ortega administration, responded to Alal's lament by mentioning that “the leaders of the Mayangna Nation highlighted the achievements and advances in the matter of restitution of rights in their communities by the Government of Reconciliation and National Unity.” And to endorse the State's commitment, the comment quoted the words of Taymond Robins, also an authority of the Mayangna Nation:

We have faith and certainty that our government will continue to apply the laws, it will continue to work *in situ* in the communities, in the territories, in the areas that are being affected in order to have a solution to the problem and apply the laws to these people [referring to the group that had carried out the attack]. (Umaña 2020)

With regard to the crimes committed against Indigenous property and the apparent confidence of the Indigenous authorities in State authorities, aggression and intimidation has continued and impunity has been the norm in cases of selective assassinations of Indigenous leaders and residents. In such a scenario, the official narrative of ‘rights restitution’ has remained an empty discourse, which contrasts with the frequency in which different forms of abuse, new occupations and the forced displacement of entire communities are reported in the national media (Miranda, 2020).

Sub-national violence, new realities

Central America is one of the most violent regions on the planet. With the usual exception of Costa Rica, most of the countries in this region carry decades of a violent past and structures of inequality that continue to be the norm in everyday life in cities and rural areas. In El Salvador, during 2017, the homicide rate (the number of murders per 100,000 inhabitants) was 62.1, while in Honduras it reached 40.7, both well above the rate for the Central American sub-region (25.9) and that of the Americas (17.2) (UNOC 2019a, p. 13). Part of this violence is rooted in historic social inequalities that have been reconfigured into a matrix of enduring structural inequity, contributed to by the dynamics and contradictions of capitalist accumulation, the power of the elites to deter structural changes, and the ability of criminal networks to seize State institutions, including sub-national governments (Torres Rivas, 2007; Martí i Puig & Sánchez-Ancochea, 2014).

Since the end of the armed conflict in the late 1980s, Nicaragua and Costa Rica were notable exceptions for their low levels of violence compared to Honduras, Guatemala, and El Salvador. However, in Nicaragua the reputation of the “safest country” in Central America began to change dramatically during the last decade, with an especially pernicious expression in the Caribbean regions. In 2017, the homicide rate in the Southern Caribbean was 28, while in the Northern Caribbean it was 15. During that same year, the homicide rate in the country was 8.3 (UNOC, 2019b, p. 46). Except for the State repression that took place in the context of the country’s political crisis in 2018, a more complex and decentralized violence was already clearly notorious on the Coast in previous years - an issue that, despite its intensity and durability, until now it is still marginal to other conflict situations that exist in the country.⁹

The scenarios that include violent actions are a daily part of the lives of the inhabitants of the autonomous regions and impact their social fabric. Its spatial dynamics generally correspond to the pattern described by Hilgers and Macdonald who argue that “contemporary violence is a moving target, characterized by configurations of historical legacies, economic structures, institutions, and actors that are embedded in subnational space and identity” (2017, p. 4). On the Coast, relations between rural *mestizos* and Indigenous peoples have been characterized by animosity, mutual distrust, and spatial separation (Soto, 2011, p. 26). Although violence on the Coast has not been

studied in a systematic and in-depth way, an initial take allows us to identify at least four sub-national scenarios that usually involve individual and collective actions by agents and dynamics that generate violence: i) conflicts over the occupation of communal lands, and associated natural resources, owned by Indigenous peoples; ii) the punitive actions of the army and the police to eliminate “common criminals” and intimidate Indigenous and Afro-descendant communities under the mechanisms of a problematic security approach and a questionable legality; iii) the illicit activities of organized crime networks, especially for drug trafficking; and finally, iv) gender-based violence against Indigenous, *mestizo* and Afro-descendant women and girls.¹⁰ These scenarios —and the institutional capacity and political will to face them — also test the viability and social legitimacy of the coastal autonomous regime.

Violent actions around communal land disputes have historical roots, but have been escalating, especially over the past five years. Until 2010, these types of conflicts tended to be located in a limited number of Indigenous and Afro-descendant territories in both regions, but as the titling process has progressed, paradoxically, the confrontations between settlers and Indigenous peoples have also become more generalized. According to human rights organizations, 40 Indigenous people have been killed since 2015 in conflicts related to illegal occupations (The Oakland Institute, 2020, p. 5).¹¹ Violent incidents include “destruction and theft of property,” death threats, rape, kidnapping, murder, and disappearance (CEJUDHCAN-CEJIL, 2019, p. 4). However, the environment of intimidation, targeted homicides and threats in relation to conflicts over property began to incubate a decade ago, around 2005 — fueled by the expansion of agricultural activities, infrastructure projects and the narrative of “integration” of the Coast promoted by liberal administrations.¹²

The army and the national police constitute another type of agent that generates punitive violence in the Caribbean regions, and these are usually sustained by their legitimacy in the legal use of means of coercion. Under the narrative of persecuting organized crime in rural peasant areas, the army, in joint operations with the police, have been involved in acts of violence and violation of human rights, usually operating without court orders and contravening basic precepts of presumption of innocence. The murder of six people, including two minors, in La Cruz de Río Grande, a municipality in the South Caribbean — in November 2017 — is an example of this type of operation. Under the argument of persecuting “criminal elements,” the army eliminated

a group of armed peasants against the Ortega government through what human rights observers called an extrajudicial execution due to the lack of transparency and precarious legality (Romero, 2017). Since the country's political crisis, these operations have been more clearly motivated by political ends, persecuting and intimidating opponents in rural areas and leaders of the anti-canal peasant movement (Bow, 2020).

The activities of the police, the army and the naval force in the coastal regions of the Caribbean — under the premise of combating drug trafficking have also been characterized by an approach to security, militarization and control that regularly violates the human rights of Indigenous and Afro-descendant communities, their families and individuals. In her extensive ethnographic work in the Afro-descendant community of Monkey Point, a community that is part of the Rama-Kriol territory and located south of Bluefields, Goett observed that the daily lives of men, women and girls are frequently “saturated and interrupted by state sexual violence” through acts of sexual abuse, intimidation and humiliation on the part of *mestizo* soldiers stationed in the area. More generally, Goett concludes that it is a form of control to establish *mestizo* State sovereignty in a “minoritized security zone” (Goett, 2015, p. 475). What is reported by Goett is not an isolated act or exclusive to coastal or rural areas of the South Caribbean. Similar acts of intimidation, illegal controls, and abuses by police and naval authorities are common in both community and urban areas in both regions of the Caribbean (APIAN, 2017, p. 109). As a whole, they reproduce a security pattern that militarizes daily life, monitors Indigenous and Afro-descendant bodies, and imposes racist practices tolerated by the State.

The forms of gender violence against Indigenous, *mestizo* and Afro-descendant women and girls have a specific sub-national expression on the Caribbean Coast that make it qualitatively different from the rest of the country. This violence is immersed in a context in which the forms of control and domination of the bodies of women and girls are intertwined both with their gender, racial and cultural identities, and in their socioeconomic and generational conditions. As Goett points out, gendered and colonial violence takes place in a systemic framework of oppressive historical relations of the Nicaraguan State towards the coastal Indigenous and Afro-descendant peoples, but also towards peasant communities — former residents and new occupants — in the agricultural frontier and in recently demarcated territories.

Two forms of gender violence and exclusion are important to highlight: the different forms of exclusion of women with respect to access to land and livelihoods; and physical violence against women and girls, including femicide, as well as the absence of effective justice mechanisms.

The modalities of land use and the use of natural resources among Indigenous, Afro-descendant and *mestizo* peoples on the Caribbean Coast are diverse because they are mediated by cultural norms, the sexual division of labor and the conditions that natural environments impose on forms of use and exploitation. It is not the objective of this section to provide a detailed description of these realities, but rather to highlight some practices that have had an influence in restricting the access of Indigenous and Afro-descendant women to livelihoods, including land and its resources. These diverse dynamics are, however, mediated by the gradual and cumulative process of dispossession that affects Indigenous and Afro-descendant territories to varying degrees. In this sense, it is important to note the specific conditions of women in territories subjected to forms of illegal occupation and that have resulted in situations of armed confrontations and conflict, such as the case of the Miskitu Wanki Twi Tasba Raya territory in the North Caribbean, which has been the subject of precautionary measures by the IACHR. In this territory, clashes with groups of settlers have created a climate of insecurity, loss of mobility, dispossession and violence that particularly affects Indigenous women (Cedeño et al., 2018; Flores et al., 2017). Cedeño and her collaborators observe that:

In Tasba Raya, the conflict over land is shown in a multidimensional way, causing disorders at the individual level in women and men, and at the collective level, in the lives of families and at the community level. The limitations that young women themselves and their families are experiencing in the use and exploitation of land is a direct effect of dispossession from communities of their rights to land. (Cedeño et al., 2018, p. 12)

Similar reports are registered in the South Caribbean, both in Afro-Indigenous areas such as the Rama-Kriol territory, which has been the object of multiple forms of dispossession both by private companies and by precarious settlers and medium-size livestock producers; as in the areas of *mestizo* peasant population in areas of the community border, threatened by the construction of the Interoceanic Canal. In these communities, both Afro-Indigenous and

peasant women have taken on an important role in mobilizations and activism in the defense of their collective and individual rights.

The complex socioeconomic conditions of the Caribbean regions, with their high levels of political volatility and social conflict, have created an especially violent environment for women and girls. Despite the fact that judicial institutions tend to under-register femicides by applying its definition in a restrictive way, in the last five years this type of extreme gender violence has increased in the country, and especially in rural areas of the Caribbean. In 2016, the civil organization, Catholics for the Right to Decide counted 49 cases nationally, which in the following year increased to 51 (2017), 58 (2018), and 63 (in 2019).¹³ In 2016, data from the National Police indicated 16 homicides of women in both autonomous regions, ten of which were registered in the region of the “mining triangle” made up of Bonanza, Siuna and Rosita (Luna, 2018).

In 2019, 13 femicides were registered in the Caribbean, six in the North and seven in the South, that is, 20% of the total — the highest in the country considering both autonomous regions (Munguía, 2020a). The visual testimony compiled by *Voces Contra la Violencia* (<https://voces.org.ni>) documents the stories of 18 female victims of femicide “or lethal violence” that occurred between 2014 and 2016 in the South Caribbean. Most of the victims, whose ages ranged from 18 to 80 years old ...

died at the hands of her ex-husbands, current partners and close relatives. Others at the hands of strangers or neighbors who aspired to own their goods or properties [...] most of them were mothers at an early age. (*Vivas Nos Queremos*, 2019, p. 4)

The judicial system is also ineffective and delayed in the procurement of justice for victims of gender violence while cases that are not investigated accumulate. Frequently, the resolution mechanism is transferred to customary forms of community justice, which usually have a limited effect in compensating the victims of abuse (Figuroa & Barbeyto, 2014, p. 3; Asociación Red de Mujeres Afrolatinoamericanas, Afrocaribeñas y de la Diáspora, 2014, p. 22).

Conclusions

It is highly unlikely that the people of Alal could have anticipated the attack on their community, especially given the level of organization and the stealthiness and speed with which it was carried out. However, the confusion that followed the massacre was permeated with a sense of anticipation of violence that for more than a decade had accumulated on the borders of the territory, and at its heart, the core area of the Bosawás reserve. After all, the territorial authorities were aware that the population of settlers illegally occupying their territories continued to grow uncontrollably. They knew, for example, that, in a period of only five years, between 2010 and 2015, that the illegal settler population increased by almost 32% (Gobierno Territorial Mayangna Sauni As, 2015, p. 22) and that their constant complaints and requests for institutional support to deal with these occupations and acts of intimidation had been ignored by State authorities. Furthermore, it was not yet three months since the house of the Mayangna Amasau territorial government — a sister territory — had been reduced to ashes by a fire in circumstances that have not yet been clarified by the authorities. And although not all the Mayangnas territories occupy the Bosawás reserve area, their organization, the Mayangna Nation and their leaders, understood very well that without State support, not only would the attacks on their communities grow, but also the viability of the reserve itself would be at risk and with it, their own cultural survival, their autonomy and their livelihoods.

This is how it can be understood, all at the same time and with the obvious contradictions, both the optimism of Eloy Frank in his capacity as president of the Mayangna Nation, the restraint of Arisio Genaro, his secretary, and the frustration of Sebastian Lino, the president of the Mayangna Sauni As territory. Everyone had contrasting feelings regarding the will and responsibility of the Nicaraguan State to protect the human rights of the Mayangna people. However, these leaders shared both the aspiration and determination that autonomy could represent a process of emancipation to achieve their historic rights to land and self-government.

In this chapter the tragedy of Alal, in all its severity, is a metaphor to interpret the origin, evolution and current dilemmas of the autonomy regime in the Caribbean regions of Nicaragua. Part of the reflection presented here concerns the characteristics of the multicultural recognition model that outlined the current institutional design of coastal autonomy: the creation of

multi-ethnic or heterogeneous governance spaces in order to promote the inclusion of different groups under cultural criteria, regardless of their demographic weight and social organization. Some alternative views on multiculturalism theories, as summarized by Hooker:

... tend to argue that indigenous peoples and other minority nations have the right to, and even require, the creation of separate autonomous spaces for the exercise of self-government in order to ensure the preservation of their cultures. (2010, p. 193)

Ten years ago, it was still too early to assess the effect of Law 445 that created exclusive self-government spaces for Indigenous peoples and Afro-descendants and thus establish in practice two modalities in the institutional design of autonomy: regional multi-ethnic governance and Indigenous and Afro-descendant territorial self-governments. However, after almost two decades since its approval, it is possible to identify some trends that this recognition has had in its degree of effectiveness in protecting the rights to self-government and the territory of Indigenous and Afro-descendants in the Caribbean regions.

First, the titled territories and their authorities, through their own means, have not been able to stop the multiple forms of occupation of their lands and the dispossession of their resources that threaten their cultural survival. It is and will be an impossible task to undertake given the magnitude of the demographic change and the *mestizo* migratory displacement to the border areas of agricultural / community colonization, unless Indigenous and Afro-descendant peoples receive the decisive and timely support of the Nicaraguan State and its institutions in the implementation of regional legislation. The lack of implementation has limited the exercise and practice of greater political autonomy capable of allowing Indigenous and Afro-descendant peoples to manage their resources and territories.

Second, the Regional Councils ceased to be spaces for multiethnic communication and effective representation of minority coastal peoples (Sumu-Mayangnas and Ramas) as they were captured by national political parties and thus ended up reproducing forms of structural domination that the Statute of Autonomy aspired to supersede. The Regional Councils and their Coordination Committees are perceived by the coastal peoples today

as spaces of State power (historically centralist and dominant) and not as the representation of their autonomy.

Third, community governments and their inter-communal representation bodies, the territorial authorities, were transformed (to a greater or lesser extent) into a terrain of unequal power conflicts where intense disputes for their autonomy take place — a result of the partisanship of the hierarchical governance model promoted by the Ortega administration. This tendency of the FSLN to undermine community autonomy seems to be more associated with a vision of control in an authoritarian orientation of the country's political regime, and less with the purpose of promoting development or the "restitution of rights" as has been argued by the current Ortega administration. A lesson that emerges from the Nicaraguan experience is that regional autonomy is closely linked to national processes of change, which clearly include: the definition of the economic model, the political orientation of the country, and the nature of the political regime.

Socioeconomic changes, with a tenacious orientation towards neoliberal capitalist integration to which a second FSLN administration has continued, have imposed a model of accumulation that gradually and inescapably violates the rights of autonomy. This model promotes an economically subordinated integration of the Coast and imposes the normalization of a formal political autonomy controlled by the State. That is, the fundamental decisions about the affairs of the Coast, such as concessions to exploit its resources or the State's permissibility of massive illegal occupations are concentrated in Managua and endorsed by State institutions on the Coast: the Regional Councils. Under this hierarchical governance modality, the State has adopted a security policy that has militarized the regions, operating under precarious forms of legality and selectively imposing a regime of impunity, racism and structural violence. In this sense, the multiple types of violence that fracture the coastal social fabric, especially through crimes that have a clear gender orientation, do not seem to be disconnected from a sub-national dynamic that brings with it an oppressive historical legacy, and that reproduce perpetrating agents — individuals, groups or institutions — and that are embodied in the socioeconomic and sociocultural dynamics that generate inequalities.

Overall, the evolution of the autonomy regime has reached its limits in the field of collective rights and the exercise of autonomy, configuring a scenario of threats to cultural survival, particularly in areas of extractive colonization. Despite all this, the Nicaraguan experience of autonomy was and

continues to be an important reference for other autonomy processes in Latin America, especially due to its early inauguration (on the eve of the multicultural paradigm) and more recently due to institutional innovation, such as a regime that is simultaneously regional-multiethnic and autonomic-territorial. Regarding its territorial configuration, many open questions remain, for example, about how to ensure that its modalities of recognition (regional and territorial self-government) can intertwine and operate organically to avoid overlaps and conflicts between different orders of authority, and thus strengthen Indigenous and Afro-descendant rights in regions with large *mestizo* majorities. However, a condition for this to happen is the existence of positive political will on the part of the State and the capacity for coastal action to drive and promote these changes.

NOTES

- 1 This narrative reconstructs the events through a series of public materials, including press articles, interviews, police communiques and journalistic analyzes. The attack received considerable national and international media attention. See especially the following: Munguía (2020b); Richards (2020); The Guardian (2020); Volckhausen (2020); and 100 Nicaragua News (2020).
- 2 Interview with Sebastián Lino (100 Noticias Nicaragua, 2020).
- 3 MISURASATA (Miskitu, Sumu, Rama and Sandinistas United), founded in November 1979 is the heir organization of ALPROMISU. According to García (1996, p. 103) this new organization was created in the context of the revolutionary changes in the country and its demands were ethnocultural in nature “from the beginning”. A treatment of the political complexities of this transition is found in Frühling et al. (2007).
- 4 Yapti Tasba Masrika Nani Asla Takanka (The Organization of the Peoples of Mother Earth) was created in Rus-Rus (Honduran Moskitia) in 1987. This organization at the time brought together different Miskitu groups in armed resistance against the Sandinista revolution.
- 5 The term of the Regional Councils was initially established for four years. However, a reform of the Statute approved in 2016 extended this period to five years (National Assembly of Nicaragua, 2016).
- 6 A military unit of the Nicaraguan army — the Ecological Battalion — has been operating in the Bosawás reserve since 2012, commissioned to protect the natural area against environmental crimes, including deforestation and illegal occupations of Indigenous lands. Complaints from the communities about the inaction of this military unit have accumulated in the last five years.
- 7 In April 2018, social protests led by young people, women’s organizations and the elderly took place to oppose changes in the pension system. The protests were violently repressed by the police and paramilitary groups. The Inter-American Commission on

Human Rights (IACHR) estimates that 212 people were killed and 1,337 wounded. As a result of the effects of this crisis, the country is in a process of economic recession and restriction of political freedoms. The IACHR report (IACHR Gross Human Rights Violations in the Context of the Social Protests in Nicaragua. 2018, Washington: OAS), available at: <https://bit.ly/2KCE0fH>

- 8 The nine territories are distributed in the two autonomous regions and include three sociolinguistic groups: *Twahkas*, *Panamakas* and *Ulwas*. The total Sumu-Mayangna population is approximately 20,000 people (5% of the population of the Coast) of which a third live in the territories of the Bosawás Reserve (Mayangna Sauni As, Territorial Government, 2015, p. 12).
- 9 A report by CEJIL-CEJUDHCAN makes this observation very clearly: “In the context of crisis that Nicaragua has been facing since April 2018, the marginality of the communities has worsened and the attacks against their members have increased, impacting in a serious and differentiated way the indigenous communities that for years have been demanding justice” (2019, p. 2).
- 10 Post-electoral conflicts, while important due to their significance and collective action, tend to be less systemic and of short duration. The discussion therefore focuses on lasting violence.
- 11 The data available on murders in property conflicts on the Coast should be viewed with caution. In general, local and national human rights organizations tend to report murders committed against Indigenous people, but they do not provide the same level of attention to murders or crimes committed against non-Indigenous people in situations of armed conflict. Nor does the National Police record homicides disaggregated by ethnic identity.
- 12 Between 2005 and 2006, killings and threats in property disputes — particularly in the Northern Caribbean - began to attract the attention of national newspapers and to be reported by human rights organizations. According to Mairena et al. (2015, p. 52): “On September 19, 2006, a group of twelve community members from Wasakín was ambushed in San José de Banacruz when they were preparing to clear the community lane. That day, the 32-year-old community member Warner Lockwood Benlys, was wounded in the left leg by a 22 caliber bullet”(citing a report in *El Nuevo Diario*, 13 September 2006, by Moisés Centeno). On 27 March 2011, in Wasakin, Rosita municipality, Denny Penn, 19, and Webster MacKensy, 12, were murdered when they were heading in a boat to the Moravian church (El Nuevo Diario, 15 April 2011, Edgard Barberena report). In the Mayangna Sauni Bu territory, in the Bosawás Biosphere Reserve, Jinotega department, four Mayangnas: Pascual Delgado Pérez, Orlando Cardenal Hernández, Vicente Chévez Hernández and Arsenio Hernández Torres who had been threatened by invaders of the territory, were killed by men hooded with weapons of war (*El Nuevo Diario*, 10 September 2011, report by Francisco Mendoza).
- 13 UNOC recognizes that there is no global consensus on how to define femicide, how to register it, especially in situations where associating it with gender relations is difficult to demonstrate or is not properly recorded. This makes global or sub-national comparisons difficult. UNOC instead collects and compares data on homicides against women globally by intimate partners (UNOC, 2019a, p. 21)

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