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Land conflict and Mayangna territorial rights in Nicaragua's Bosawás reserve

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Abstract—This paper examines conflicts over land and resources in Nicaragua's Bosawás rainforest reserve between Mestizos and Mayangna Indian people. Mestizos are people of mixed Indian and European descent who speak Spanish and do not consider themselves to be Indians. Bosawás is one of the last refuges of the Mayangna indigenous group and is also the largest area of protected tropical rainforest in Central America. The Mayangna village of Sikilta, in the North Atlantic Autonomous Region, is used to illustrate the nature of land conflicts in the region. Such conflicts—between economic development and conservation, between livelihoods and conservation, and between peasant livelihoods and indigenous territorial rights—are symptomatic of rainforest areas in other parts of the world. Land conflicts in Bosawás are examined within the broader economic, political and institutional context. Potential solutions to land conflict in Sikilta are explored. The paper illustrates the complexities surrounding the demarcation and upholding of indigenous land rights. It highlights the institutional complexities and weaknesses which have allowed Sikilta's land problem to go unresolved. It is argued that until national problems of unequal access to land and unsustainable forms of forest use are addressed, communities like Sikilta will continue to suffer invasion of their land. © 1997 Society for Latin American Studies. Published by Elsevier Science Ltd

Key words—Bosawás, Mayangna, Mestizo, indigenous territory, rainforest

INTRODUCTION

The Bosawás National Natural Resource Reserve, designated by the Nicaraguan government in 1991, is the largest area of protected tropical humid rainforest in Central America, covering 8000 square kilometres (Fig. 1). Bosawás is home to around 90 per cent of Nicaragua's remaining Mayangna (Sumu) Indians (8000–10,000 people), some 4000 Miskitu Indians¹ (CEPAD, 1992: 1 Valenzuela, 1993: 14) and at least 30,000 Mestizos (Spanish speakers of mixed indigenous and European descent) (CEPAD, 1993: 10). The Mestizo population of Bosawás has increased dramatically since the end of the 10-year civil war in 1990, when the original inhabitants of the area returned from exile, and there has been an influx of settlers from elsewhere in Nicaragua.

This paper examines conflicts over land and resources in Bosawás between Mestizos and Mayangna within the broader economic and political context and with respect to the institutional structures through which mobilisation over land and resource rights occurs. The paper focuses on the eastern part of Bosawás which is under the jurisdiction

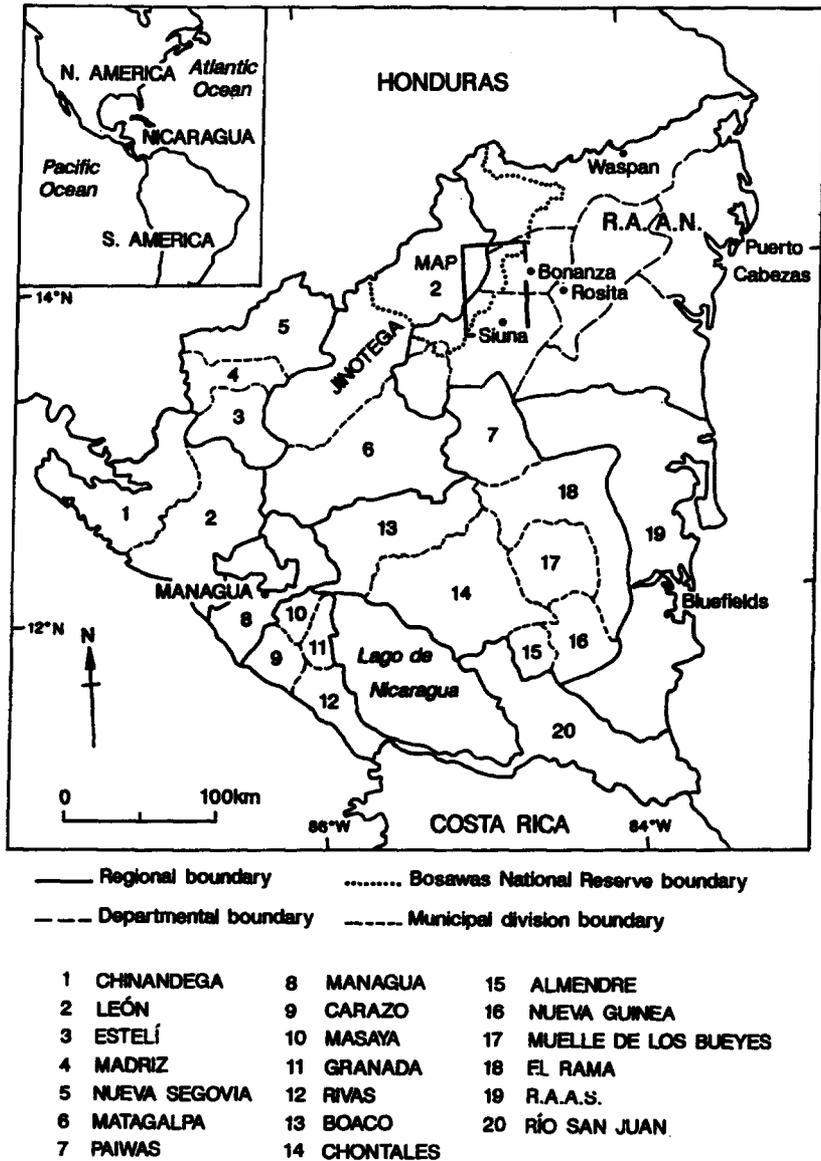


Fig. 1 Map of Nicaragua Showing Regions and Departments

of the North Atlantic Autonomous Region (RAAN). In 1990, the RAAN elected its first Autonomous Regional government, under the provisions of the Autonomy Statute, designed to meet the aspirations for autonomy (self-government), cultural self-determination and land rights of its multi-ethnic population.

Land disputes between Mayangna and Mestizos in Bosawás are illustrated with reference to the village of Sikilta, in the *municipio* (municipal division) of Siuna (Fig. 2). Although Sikilta has title to its land dating from 1989 (Title No. 764 820), its history of

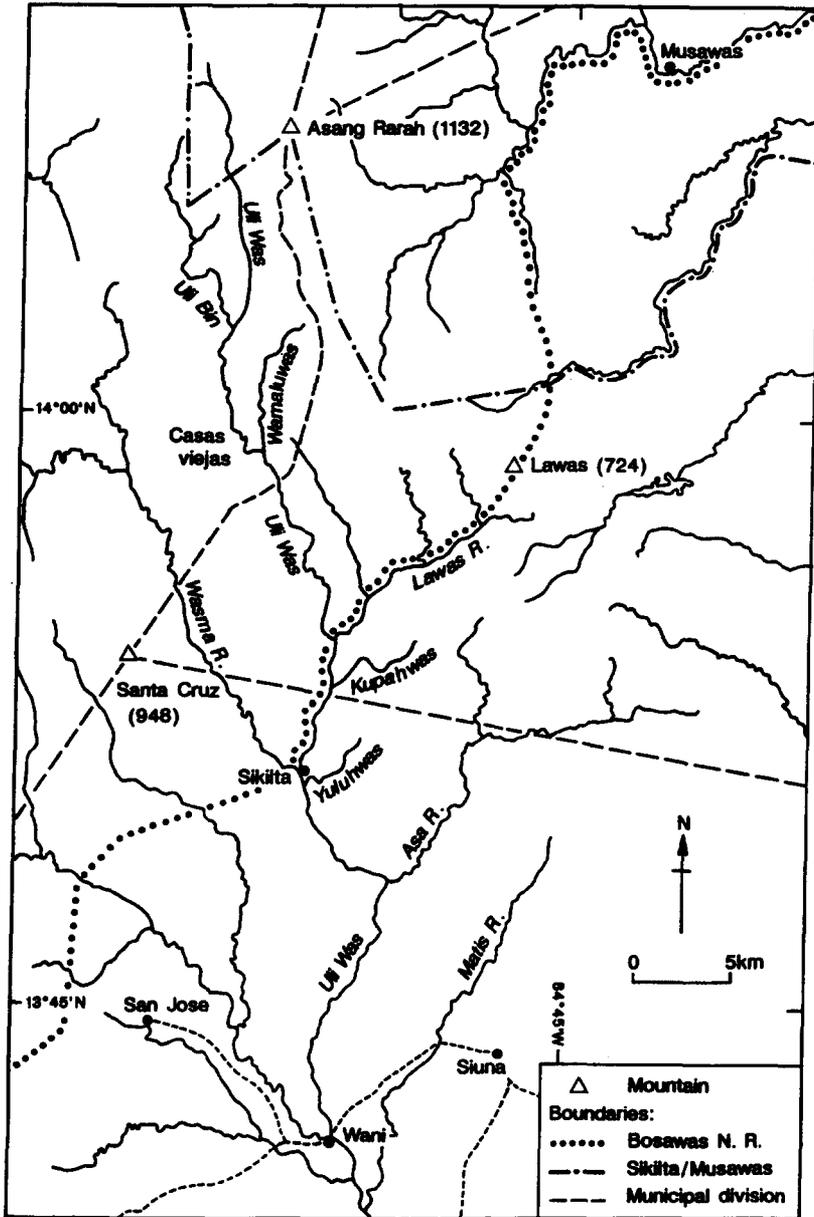


Fig. 2 Map of Research Area

land conflict makes it a valuable case study through which to investigate the complexity of land claims in the area, and the capacity of the Mayangna to mobilise institutions to defend their land. The final part of the paper evaluates potential solutions to land conflict in Sikilta. The research for this paper was conducted during two visits to Nicaragua between July 1994 and February 1995.

INSTITUTIONAL CONTEXT

Land rights

Conflicts over land and resources in Bosawás, as elsewhere in the world, are underpinned by land laws and discriminatory attitudes to indigenous peoples first imposed under colonialism and by the incorporation of the economies of formerly colonised nations into the world market (Ramos, 1984; Monbiot, 1993; Colchester, 1993; Utting, 1993). Common among national governments is the failure to demarcate indigenous territories, the tendency to draw inappropriate boundaries which undermine indigenous livelihoods, the failure to develop procedures to defend indigenous lands, and the disregard of indigenous land boundaries in favour of more lucrative land uses. The chaotic situation of competing land claims, widespread in frontier areas (de Souza, 1980; Hecht, 1993) is exacerbated by the conferral of individual property rights upon those who clear and cultivate so-called state land (often indigenous land) (Ramos, 1984; Colchester, 1993; Monbiot, 1993). In Bosawás, confusion is compounded by the superimposition of different property systems by successive governments.

The signing of the Harrison–Altamirano Treaty in 1905 (under the terms of which Britain finally relinquished its influence over the Atlantic Coast), enabled some Atlantic Coast indigenous communities to gain communal land titles. However, few Mayangna communities received titles, and land which was not allocated to indigenous communities was classified as National Land-state property. During the 1960s and 1970s, this so-called National Land (often indigenous land) was colonised by Mestizos from western Nicaragua, whose land had been expropriated for export agriculture by the Somoza family and their associates. Some settlers' land claims were recognised by the Nicaraguan Institute for Agriculture (IAN) (Taylor, 1969).

During the 1980s, some indigenous communities, co-operatives and individual peasants received land titles from the revolutionary Sandinista government's Ministry for Agricultural Development and Agrarian Reform (MIDINRA).² In many cases, MIDINRA titled land to individual peasants without surveying it. Some peasants acquired title to land belonging to people who were out of the country and unable to contest the titles. Many land titles were never registered (Personal Communication, INRA staff). The electoral defeat of the Sandinistas, their replacement by the centre-right government of Violeta Barrios de Chamorro, and the end of the civil war brought the return of former landowners and renewed conflict over land.

Other forms of property rights are widely recognised among the people and these may form the basis of legally valid land titles if they have been verified by a lawyer. These include: the *supletorio* title—granted in recognition of the existence of *mejoras* (improvements), through clearance and cultivation, and the *promesa de venta* which attests to the sale of a property. The *promesa de venta* is only valid if the person who sold the property was registered as its owner. Land rights may also be recognised on the basis of long-standing occupation of an area—known as right of possession. However, land titles are not legally valid unless they are registered.

Lack of documentation of land titles is a major cause of confusion and conflicts over land in the RAAN. There is no land registry in the RAAN and the costs of registration and travel to the nearest registry prevent most people from registering their land titles. Meanwhile, although sale of land in Bosawás was outlawed in 1991, illegal transactions

continue, while the popular perception that state lands are free for the taking encourages invasion of Bosawás.

Inter-institutional relations and environmental policy

In 1992 the Nicaraguan government commissioned a team of technical specialists to elaborate a strategy of Conservation for Sustainable Development, Environmental and Territorial Ordering and Forest Action (ECOT-PAF). This was an important step towards the institutionalisation of resource management within Nicaragua (GTZ, 1992: 159; SIMAS-CICUTEC, 1995: 19). ECOT-PAF emphasises the need for greater inter-institutional co-operation, clarification and reconciliation of the various regulations governing natural resources, the creation of new legislation for protected area management, stopping the distribution of forest land for agricultural use, and the resolution of indigenous communal land claims (IRENA/ECOT-PAF, 1994). However, Bosawás continues to be affected by decisions made by a plethora of international, national, regional and municipal governmental and non-governmental organisations with overlapping roles and, at times, contradictory policies.

Management of natural resources and protected areas in Nicaragua is the responsibility of MARENA (the Ministry for Natural Resources and the Environment). Within MARENA, the National Forest Service regulates forest use on state and private land. National forest development policy is formulated in conjunction with the National Forest Commission, incorporating representatives of the Ministry for Economic Development (MEDE), the Ministry of Agriculture and Cattle-raising (MAG), the Nicaraguan Institute for Agrarian Reform (INRA), the private sector and the National Association of Foresters (IRENA, 1993: 9–12, 14, 15). Some ambiguity over regulation of Bosawás arises from the lack of clear guidelines for the management of protected areas in Nicaragua. Moreover, Bosawás is defined in Presidential Decree 44-91 as a Natural Resource Reserve, suggesting its function is to provide resources for development, rather than a National Park, wherein conservation would be the priority (International Union for Conservation of Nature, Guidelines for Protected Area Management, 1985, cited in Colchester, 1994). However, Decree 44-91 clearly states that Bosawás was designated for conservation of rainforest, biodiversity and water resources and, although it recognises the livelihood rights of the indigenous communities of Bosawás, commercial exploitation of forest resources is explicitly prohibited (Presidence de la Republica, 1991, Articles 3 and 4).

Although the management of Bosawás is the responsibility of MARENA, other ministries concerned with land rights and economic development make decisions affecting the reserve which are not necessarily consistent with its conservation role. During 1994 and 1995, while MARENA was undergoing reorganisation and clarifying its policy towards the reserve, INRA was legalising peasant land claims within Bosawás (Valenzuela, 1993: 16; INRA representative, personal communication). The MEDE has been particularly criticised for flouting MARENA's authority by granting concessions for economic development within Bosawás (SIMAS-CICUTEC, 1995: 23). MARENA's relative ineffectiveness is compounded by the fact that it has less power and resources than other ministries (MARENA personnel, personal communication; Wieberdink and Van Ketel, 1988).

Within MARENA there is also some degree of overlapping responsibility for Bosawás. Theoretically, protected areas such as Bosawás are under the jurisdiction of MARENA's

Service of Forest Areas and Fauna (SASYF) (SIMAS-CICUTEC, 1995). In fact, the Technical Secretariat of Bosawás (SETAB) (part of MARENA) is responsible for managing the Bosawás conservation project, with an office in the national capital and staff working in the *municipios* within Bosawás. However, aspects of natural resource extraction within Bosawás are the preserve of MARENA's Forest Service.

A number of other organisations are working within Bosawás, but the most influential in terms of policy development toward the reserve seem to be the German Society for Technical Co-operation (GTZ) and the Nature Conservancy (TNC), a US-based conservation organisation funded by US Aid for International Development. The original intention of MARENA was to prevent in-migration to Bosawás, but by the time Decree 44-91 could be applied, colonisation of the reserve was already under way. In conjunction with donor agencies such as TNC and GTZ, the Bosawás project is attempting to create a buffer zone within which to stabilise the existing population and prevent further incursion into the core of the reserve. The Bosawás project is trying to extend its network of local, voluntary forest rangers who educate people living in and around Bosawás about forest conservation, try to persuade them to minimise forest felling, and report back to the Bosawás office on illegal lumber extraction and colonisation. Bosawás staff hope that in exchange for being allowed to stay in the reserve, existing settlers will help to reduce further in-migration by ceasing to sell land to outsiders.

Although commercialisation of forest products is banned, indigenous people are allowed to sell one or two forest animals a year, to cut wood for their own use, and to sell only enough wood to purchase materials for house construction, under supervision by MARENA and forest rangers (Bosawás and MARENA staff, Siuna, personal communication).

Unfortunately, corruption has undermined regulation of resource use in Bosawás. During 1991, the regional head of INRA in Puerto Cabezas granted illegal land concessions to his associates in the vicinity of Bosawás (INRA staff, personal communications; Anon, 1993: 5). From late 1994 to early 1995, MARENA experienced a major overhaul, including the replacement of its long-standing director following allegations that he permitted illegal logging in and around Bosawás. Local peasants and indigenous people are angry that MARENA has prohibited them from selling wood to meet basic needs while large companies extract quantities illegally or with permission from MARENA officials (personal communications; CEPAD, 1993: 11).

AUTONOMY AND BOSAWÁS MANAGEMENT

Management of Bosawás has also been hampered by lack of co-ordination between central-, regional- and municipal-level departments of institutions. Although the 1987 Autonomy Statute accords the autonomous regions responsibility for regulation of their natural resources, (Presidence de la Republica, 1987, Title 1, Chapter 2, Article 8; Title 2, Chapter 2, Article 23) and recognises indigenous communities' rights to the lands that they have traditionally occupied (Presidence de la Republica, 1987, Title 4, Chapter 1, Article 36), the Bosawás reserve was decreed without consultation with the regional authorities or local indigenous peoples (GTZ, 1992: 159). Government ministries in the RAAN remain controlled from Managua, regional delegates are centrally appointed, and the Managua office reserves powers to grant concessions for large-scale timber extraction.

Lack of political experience on the part of the Autonomous Regional Council, and the fact that (because of internal differences) it has yet to secure the passing of the legislation necessary for the enactment of the Autonomy Statute, makes it easily marginalised by central government in decision making concerning Bosawás. The Autonomous Regional Council is not represented on the National Bosawás Commission, which is supposed to co-ordinate management of Bosawás at national, regional and municipal levels. However, the Nicaraguan Institute for the Development of the Autonomous Regions (INDERA), whose creation by central government in 1990 was widely regarded as a violation of the Autonomy statute, is included (Presidencia de la Republica, 1991, Article 5). In fact, the Bosawás Commission did not meet during the first four years of its existence. The organisation and administration of the Bosawás project have tended to be strongly centralised in Managua, and at the conclusion of my research (February 1995) Siuna was the only *municipio* within Bosawás with a project office. This municipal office has been starved of sufficient resources, equipment and personnel to monitor activities within Bosawás.

While the municipal and regional authorities demand greater participation in the management of Bosawás, community leaders claim the Mayangna's right to manage the reserve themselves. Mayangna leaders, particularly representatives of SUKAWALA (the National Association of Sumu Communities), argue that the designation of Bosawás as a National reserve violates their historic land rights and enables the state to usurp resources on indigenous lands (SUKAWALA, 1993; personal communications). However, there has been some convergence of the positions of the indigenous peoples and staff of MARENA/Bosawás. The latter generally acknowledge that the Mayangna have traditionally lived in harmony with the forest and are the appropriate custodians of the reserve, and some Mayangna recognise that they share with the Bosawás project the goal of preventing invasion of the reserve. Some Mayangna perceive the Bosawás project as legitimising their claims not only to communal lands, but to an indigenous territory corresponding to the park.

Clearly lack of institutional co-ordination, struggles for control of the reserve, corruption and lack of resources prevent effective management of Bosawás. Many of these institutional problems reflect the tendency for the Nicaraguan government, despite the Autonomy Statute and the ECOT-PAF plan, to de-prioritise indigenous rights, regional autonomy and environmental conservation in the interests of economic development. This partly reflects the government's neo-liberal, free-market policies, and its tendency to favour powerful economic groups rather than the poor and marginalised, but is also a response to pressure to repay Nicaragua's huge foreign debt—currently around \$9 billion (IHCA, 1995: 9)—under conditions imposed by the World Bank and International Monetary Fund.

SIKILTA AND THE STRUGGLE FOR LAND

The study area lies between Nicaragua's central mountains and the Caribbean coastal plain. It has a humid tropical climate, with high annual rainfall and temperatures. Sikilta, with a population of approximately 320 people, is located at the confluence of the rivers Uli and Wasma (Fig. 2). Although the village is just outside Bosawás, most of its land is within the reserve and is covered by primary tropical humid forest. Sikilta is the only Mayangna community in the *municipio* of Siuna, over two days' walk from its nearest neighbours. This relative geographical isolation from other Mayangna contributes to Sikilta's sense of political isolation, exacerbating the feeling of being besieged by encroaching Mestizos.

During the recent civil war, Sikilta's inhabitants were evacuated to Honduras by the armed indigenous resistance, where they spent four years. After their return in 1989, the community received legal title to 64,800 *manzanas* of communal land under the Sandinista agrarian reform (one *manzana* is equivalent to 1.75 acres). The title was registered in Bluefields in 1992. Customarily, the *sindico* is responsible for communal land, but in Sikilta he is supported by a committee of forest rangers. Sikilta's group of forest rangers was formed in 1993, composed of young men who hold most of the positions of responsibility within the village. They take their job seriously and regard defence of the forest as bound up with defence of their land against outsiders.

As in the case of other Atlantic Coast indigenous communities, Sikilta's inhabitants justify their rights to land not only in terms of their legal title, but in terms of historic occupation of their territory. Their struggle for land is also riven with inter-ethnic rivalry. The older people of Sikilta recount stories about the times when the Mayangna had much more land than today, and how they were dispossessed by the Miskitu, the Americans and the 'Spanish' (Mestizos from western Nicaragua). These stories are full of references to places where Mayangna used to live, hunt and plant, and serve to reinforce Sikilta's territorial claims.

A frequently recounted story is of the Battle of Wasma Arriba, which occurred in 1978, following rising tension with some 15 Mestizo families who had moved into the upper Wasma River area (Fig. 2). During the ensuing machete fight, a Mayangna was killed and a Mestizo settler was seriously injured. Subsequently, Sikilta's leaders, supported by SUKAWALA, persuaded MIDINRA to compensate and relocate the settlers. In 1990 Pedro Guillen, a former member of the Contras (counter-revolutionary forces which fought against the Sandinistas), seized between 21,000 and 35,000 hectares of Sikilta's land at a place called Casas Viejas (Fig. 2). Guillen claimed to have inherited the land from his father (Ortega, 1992: 32; CEPAD, 1992: 2; GTZ, 1992: 72). Guillen brought in 120 workers to fell trees and clear land for cultivation (CEPAD, 1992: 2). After Sikilta's leaders and SUKAWALA publicised the case, central government ministries persuaded Guillen to leave and accept land elsewhere (GTZ, 1992: 72).

The current conflict over land involves 25 peasant households living in the vicinity of Kupahwas and neighbouring tributaries of the Uli River (Fig. 2). They have built a church and are clearing primary forest to plant crops and cattle pasture. Sikilta's inhabitants are anxious about the presence of outsiders on their land and many feel threatened. They are particularly worried about the Mestizos clearing primary forest and creating large areas of pasture.³

According to the people of Sikilta, prior to the civil war of the 1980s, only four peasant families lived on their land in Kupahwas. Former MIDINRA employees confirm that very few families lived in the Kupahwas area at that time. However, 14 of the 25 families living in and around Kupahwas claim they were living there before the war, the earliest since 1969 (Table 1). From interviews with settlers and indigenous leaders, there appear to be around 15 households living and working on land claimed by Sikilta (the absence of physically demarcated boundaries makes it difficult to determine precisely which households are within Sikilta's land). A further two households work some of Sikilta's land, and three families claim that they used to live in the area and wish to return. Another five households live in the area, but not on Sikilta's land (Table 1).

While Sikilta's villagers were in Honduras, four of the early settlers documented their land claims, and in 1984 they received land titles under the Sandinista Agrarian Reform.

However, the land was not surveyed and the titles were not registered. In 1994, one of the original families left and sold their land to five young men (brothers and friends) and their families, from outside the area (households 8–12). Three of the families who received titles remain (numbers 1, 7 and 13 and, along with the households of their now adult children (numbers 2–5) they comprise seven households. One of these second-generation households (number 4) is headed by a young man from outside the area who bought land but has no documentation.

None of the remainder who live or work on land claimed by Sikilta have legal land titles. One resident was given land by a former landowner for whom he worked prior to the war, and two bought land from another landowner. Of the two households who farm some of Sikilta's land, one was given land by a friend who demarcated it during the Somoza period and one inherited land from his father, who also demarcated it at that time (Table 1). Only one of the Mestizos who wish to return to the Kupahwas area (household 25) has a land title. His grandfather demarcated land in the Somoza period, and his father received title to land in 1984. One of the other people who wishes to return claims that his father delimited land during Somoza's rule, and another wants to work land purchased by his uncle. Of the remainder who live in Kupahwas but not on Sikilta's land, three bought land, one claims rights to land on the basis of long-term occupancy, and one staked claim to land in the Somoza era. None of these have titles.

The largest land holding involved is 500 *manzanas*, shared between the group of five recently arrived families (Table 1). Over half of the remaining respondents hold 100 *manzanas* or less, and only one other respondent holds more than 200 *manzanas*. According to the categories established by the Agrarian Reform (MIDINRA, nd), most of the settlers in Kupahwas can be described as small-scale, peasant cultivators (MIDINRA recognised that agriculturalists in eastern Nicaragua needed larger holdings owing to the generally lower fertility of soils in this part of the country).

One of the household heads within the land claimed by Sikilta who has a title from the Agrarian Reform (household 1) is also listed as a neighbouring landowner on Sikilta's original communal title of 1989. It seems strange that Sikilta's leaders permitted this oversight, effectively negating their claims to this part of their land. One of the younger leaders explained that the elders who helped MIDINRA draw up the title had been misunderstood and had intended the claimant to be recorded as living on their land without land rights. This explanation is plausible, given that negotiations would have been carried out in Spanish, which is not the first language of the Mayangna. Nevertheless, if the landowner in question were to register his title, Sikilta's inhabitants would have no legal claim to his land.

THE MESTIZO SETTLERS

None of the Mestizos interviewed was born in the Kupahwas area although seven arrived with their families as young children. The majority are from the neighbouring departments of Jinotega (30.6 per cent) and Matagalpa (47.2 per cent). Only five (sons of established residents or wives of recent arrivals) were born in the *municipio* of Siuna. Excepting the children of older residents, the settlers migrated to the area in a series of stages. All left the area during the war. Few respondents had legal land titles in their places of origin. The majority came to Kupahwas to look for their own land, having been '*posando*' (borrowing

TABLE 1 *Peasants living in and around Kupahwas*

Number of household	Whether personally interviewed	Whether within Sikitla boundary	Date of original arrival	Date of return after war	Amount of land claimed	Details of land acquisition and title
1	y	y	1976	1990	50 mz	Bought land 1976 Originally 200 mz titled in 1984 not registered
2	y	y	1976	1990	50 mz	Land given to him by father (1), title 1984
3	y	y	1976	1990	50 mz + 100 mz	Land of his father (1), title 1984 Wife's— given land by father, no title
4	y	y	n/a	1991	200 mz	Bought <i>mejoras</i> in 1991 from another landowner. No title
5	y	y	1976	1992	50 mz + 50 mz	Land of father (1), Title 1984 Wife's land of ex-husband. Given to husband by his uncle (grandfather of 25). Titled 1984 to husband
6	y	y	1976	1988	300 mz	Given by former employer, who bought <i>mejoras</i> . No title
7	n	y	1978	No data	200 mz	Delimited land in Somoza time. 1984 title

8-12	y	y	-	1994	500 mz	Bought <i>mejoras</i> from previous owner who had title from 1984.
13	y	y	1978	1994	100 mz	Not own title Given by son-in-law, who received land from his father. Titled in 1984 to son-in-law (father of 25)
14	y	n	1969	1990	80 mz	<i>Posando</i> (borrowing land) here 25 years. Claims right of occupation. Never had land of his own
15	y	n	n/a	1993	50 mz	Bought <i>mejoras</i> from another landowner. No title, although former owner claims to have a title
16	y	y part	1977	1990	70 mz	Given land by a friend who demarcated it. No title
17	y	y Part	1978	1989	50 mz	Inherited it from father who demarcated it. No title
18	n	n	1974	No data	160 mz	Demarcated land and had it measured by IAN but no legal title

19	n	n	n/a	1992	100 mz	Bought land from Mestizo landowner. No title
20	n	y	n/a	1992	30 mz	Bought land from Mestizo landowner. No title
21	n	y	n/a	1991	100 mz	Bought land from Mestizo landowner. No title
22	n	n	n/a	1992	50 mz	Bought land from Mestizo landowner. No title
23	y	y not now	1978	n/a	80 mz	Lived in Kupahwas before war. Father demarcated land there in 1978. Currently <i>posando</i> elsewhere but want to go back to Kupahwas. No title
24	y	y not now	1974	n/a	200 mz	Lives in Yuhuhwas but wants to return to Kupahwas and work land which belonged to his uncle. Uncle (now dead) bought the land 20 years ago. No title
25	y	y not now	1980	n/a	200 mz	Lives elsewhere but wants to return to work land of father. Father received 1984 land title

land) previously, or working family land. Some of the older residents had owned land elsewhere and sold up to move in search of larger or more fertile areas to work.

The exhaustion of the land in their places of origin (in western and central Nicaragua) is a major factor in the continued migration of peasants into rainforest areas in search of land. In Nicaragua, as elsewhere in the humid tropics, intensive slash and burn agriculture leads to the successive replacement of forest with crops and then pasture as the soil becomes exhausted (Denevan, 1981; CIERA, 1981; Barraclough and Ghimire, 1990; Utting, 1993). Some peasants fell forest to plant pasture and sell the land to ranchers to gain money, hoping eventually to establish themselves as ranchers (CIERA, 1981). This practice is encouraged by the shortage of credit for small farmers resulting from government cuts included in the structural adjustment process. Peasants complain that the areas which they left are too dry and barren for crops, without realising that they are in danger of creating the same conditions in Kupahwas.

The main concern among the Mestizos of Kupahwas, even those who do not live on land claimed by Sikilta, is that the Mayangna have been harassing them and trying to prevent them from working in the area. Rumours are rife that the Mayangna intend to claim a huge territory within Siuna, well beyond the boundaries of their 1989 title, and evict all its Mestizo inhabitants. The Mestizos believe that the Bosawás project encourages the Mayangna to harass them, since both the Bosawás project and the Mayangna wish to reduce forest felling by outsiders. All but two of the Mestizos interviewed (both in their eighties and tired of migrating) said that they would leave if the government were to compensate them for their *mejoras* and give them good land elsewhere. However, most doubted that the government would intervene.

MOBILISATION AND INSTITUTIONAL RESPONSE

Whereas the Mestizo peasants seemed not to have organised themselves and had done little about their land problem, Sikilta has established community representatives. Since 1992, with support from a local non-governmental organisation (NGO), these representatives have attended meetings in Siuna, Bonanza, Puerto Cabezas and Managua with other Mayangna community leaders and governmental institutions to discuss land rights within Bosawás. However, the people of Sikilta have failed to resolve their current land problem. At the time of my research, the governmental and non-governmental organisations working in the area lacked sufficient interest and resources to visit Sikilta or compensate the Mestizos.

Very few of Sikilta's inhabitants are optimistic about the possibility of support from neighbouring Mayangna communities, despite the fact that the area in dispute overlaps land claimed by their neighbours. The nearest Mayangna communities, in the *municipio* of Bonanza, form a geographical and political unit, centring on the village of Musawas (Fig. 2). They are in the process of negotiating for rights to a shared territory, which might explain their apparent reluctance to help Sikilta.

Just over half of villagers interviewed thought that SUKAWALA could help resolve Sikilta's land conflict, almost a third thought it could not help, and the remainder were unsure. Although lack of resources was perceived to prevent SUKAWALA compensating the Mestizos, Sikilta's villagers complained that SUKAWALA was unlikely to help them since its representatives never visited Sikilta. Lack of co-ordination between SUKAWALA's leadership (based in Managua) and the grass-roots is a major

problem for SUKAWALA, which has been undergoing reorganisation in an attempt to remedy this. Nevertheless, the people of Sikilta regard SUKAWALA as the only organisation that represents the Mayangna.

Half of respondents thought that the regional government of the RAAN might be able to resolve the land conflict. However, although Sikilta's leaders have informed the Regional Council of their concerns, to date there has been no action. At the time of my research, the new Regional Council was in the process of establishing a special commission on land rights and natural resources, and was setting up a working group to examine issues relating to Bosawás. However, partly because the previous regional government failed to establish the institutional framework for regional administration, policies for natural resource management and resolving indigenous land claims were still at the stage of diagnostic studies. Moreover, lack of resources has prevented Regional Council representatives from visiting Sikilta. Consequently, Sikilta's problems have yet to be addressed.

The Bosawás office has also failed to act effectively on Sikilta's behalf, despite numerous representations being made to the office by Sikilta's leaders. Owing to lack of resources, the large number of settlers in Bosawás and unwillingness to provoke conflict with established settlers, the Bosawás office is limited to trying to prevent further immigration and persuading recent arrivals to leave. However, the project's forest rangers have created resentment among settlers and it seems unlikely that persuasion alone will be sufficient to make them leave. Moreover, at the time of the research there were no provisions for offering established settlers credit, nor training to encourage them to adopt more sustainable agricultural techniques, or for offering newly arrived settlers alternative land, and no funds to compensate people such as those at Kupahwas. Sikilta's inhabitants are sceptical of the Bosawás project resolving their land dispute.

Arguably INRA has the greatest responsibility for resolving the land problem, given that its predecessor, MIDINRA, granted the conflicting titles to settlers in 1984. However, INRA only has jurisdiction over cases where the land in question was titled by itself, or one of its predecessors, but not where land was demarcated independently or bought, as is the case for much of the disputed land. Cases of invasion or illegal purchase of titled land need to be brought before a lawyer rather than INRA. In 1992 a meeting was held in Siuna between the Sikilta leaders, INRA, SUKAWALA, Bosawás, and the 15 peasant families then living on Sikilta's land. At that meeting, the peasants said that they would be prepared to leave if they were reimbursed for their *mejoras*. Sikilta's leaders inventoried the peasants' crops and pasture and gave a copy to INRA. However, nothing was done. The local representative claims that lack of resources prevents any follow-up, and the documents seem to have gone missing.

At the time of my research, there was no policy on the titling of indigenous lands in Nicaragua, although INRA was about to embark upon a study of indigenous land claims with a view to developing such a policy, and no procedure for defending indigenous land claims. While INRA is undoubtedly busy trying to unravel the many conflicting claims to land titled during the Agrarian Reform, it would appear that the indigenous communities are last on the agenda when it comes to resolving such claims.

Support from an NGO for marking Sikilta's land boundaries could help prevent unwitting invasion by outsiders, although it might exacerbate existing tensions in the area under dispute. TNC supported indigenous land demarcation in the Musawas area, but marking the boundaries of Sikilta's land is unlikely to be a priority since Sikilta already has a land title.

Municipal government also has a role to play in resolving land disputes within its jurisdiction. In Siuna, the municipal authorities have been organising a multi-sectoral committee to look into issues concerned with Bosawás. The committee includes community leaders, representatives of governmental and non-governmental organisations, and representatives of peasants' and ranchers' organisations. However, the Mayangna of Sikilta feel that the municipality prioritises Mestizo concerns and doubt the effectiveness of the municipal committee to respond to their needs.

POSSIBLE SOLUTIONS

There seem to be five possible approaches to Sikilta's land dispute: firstly, to foster negotiation between Mayangna and Mestizos; secondly, to relocate and compensate the Mestizos; thirdly, to relocate the Mestizos without compensation; fourthly, to take the case to court; and, finally, to evict the Mestizos by force.

The first solution seems to be preferred by the governmental and non-governmental organisations involved, and has the advantage of achieving a peaceful solution at minimum financial cost. It is hoped that the Mayangna will allow the Mestizos to occupy a designated area in return for their agreement to stop selling land to other people, to try to prevent other people coming in, and to minimise damage to the forest. The Mestizos are few in number, and most are poor, living on the Mayangna's land because they have scarce options. With a small number of inhabitants in a large area, it could be argued that the people of Sikilta could easily afford to give up a small part, and it would be churlish to deny their neighbours a plot of land to meet their basic needs.

However, the people of Sikilta do not subscribe to this view. Historical and ethnic factors have a strong bearing on this. The Mayangna emphasise that their present territory is their last remaining stronghold, and they have a responsibility to defend it for future generations. The Mayangna leaders do not trust the Mestizos to abide by an agreement, and they feel that as long as the Mestizo peasants are on their doorstep there will be trouble. The Mestizos regard the Mayangna as wasteful in their use of land, but the Mayangna way of life depends upon extensive areas for hunting and shifting agriculture. With population increase and greater integration into the cash economy, the Mayangna will begin to experience pressure on their resource base. This is likely to be exacerbated by the presence of a growing peasant population, particularly if there is an expansion of cattle ranching. The option of negotiated settlement could only work if the arrival of further settlers was prevented, and if existing inhabitants were actively supported in adopting more sustainable agricultural practices and reducing forest clearance.

The second option is preferred by the Mayangna and seems acceptable to the majority of the Mestizos. However, although INRA has land banks where peasants may be relocated, there are no funds available for compensating them. The longer the situation remains unresolved, the more agricultural work will be carried out and the more expensive compensation will be. Moreover, government institutions believe paying compensation will set a precedent and encourage others to invade the reserve. The Mayangna fear the Mestizos will sell land to others when they leave, perpetuating the problem. Altogether, it seems unlikely that this approach will be adopted.

The third strategy, of relocating the Mestizos without compensation, is not favoured by

government institutions and obviously would be unpopular with the Mestizos. If tensions were to increase, some Mestizos might leave, but they are more likely to try to sell their land to a third party and move elsewhere within the reserve than to accept relocation without compensation.

Taking legal action against the Mestizos (option four) theoretically would enable the eviction of most of the unwanted occupiers of Sikilta's land, probably with the exception of the landowner who is recorded as a neighbour on Sikilta's title. However, even if a court of law were to uphold Sikilta's claim, the problem remains of making the settlers leave. Unless the villagers obtain financial support or the free services of a lawyer they will be unable to employ this strategy. An outside agency such as an NGO might be able to help, but such support was not forthcoming at the time of my research.

While governmental and non-governmental organisations advocate negotiations, the people of Sikilta become increasingly frustrated. At the time of my research, there was talk of taking the matter into their own hands and evicting the Mestizos by force (option five). This is clearly not an ideal solution, especially since some of the settlers are armed. However, the Mayangna feel increasingly that it is their only option. They worry that the longer the situation goes unresolved, the more sale of land will occur, more outsiders will arrive and more forest will be felled. There is no doubt that in such remote areas as Bosawás, actions speak louder than laws.

CONCLUSIONS

The case of Sikilta illustrates some of the conflicts of interest within Bosawás, indeed, within rainforests across the world—between economic development and conservation, between livelihoods and conservation, and between peasant livelihoods and indigenous territorial rights. It illustrates the complexities surrounding the demarcation and upholding of indigenous land rights, which are relevant to other indigenous communities in Nicaragua. If legally recognised indigenous rights are not enforced, the future looks bleak for other indigenous people in Nicaragua, whether or not they have land titles.

The study also highlights the institutional complexities and weaknesses which have allowed Sikilta's land problem to go unresolved. Lack of co-ordination between ministries at regional, municipal and national levels; over-centralisation of political power; and lack of resources and political will at all levels all contribute to the failure to act in the case of Sikilta. However, the weakness of the institutions representing the peoples of the RAAN, and the indigenous peoples in particular, must also be acknowledged.

Since the completion of my research, progress has been made towards consolidation of a policy for the management of Bosawás and the establishment of an institutional framework for this, incorporating representatives of organisations and interest groups at different levels. Endeavours to promote sustainable land use have begun to be promoted by Bosawás and other organisations. However, Nicaragua's economic crisis persists, and as long as the emphasis is placed upon structural adjustment and the repayment of the national debt, the needs of small farmers and concerns for indigenous rights and the environment will be sacrificed. Until national problems of unequal access to land and unsustainable forms of forest use are addressed, communities like Sikilta will continue to suffer invasion of their land.

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NOTES

1. The Sumu comprise the remnants of a number of tribes who were conquered by the Miskitu from the seventeenth century onwards. They were first referred to collectively as Sumu in the mid-nineteenth century (Helms, 1969). Although the Sumu use the term to refer to themselves, it is in fact a derogatory term in the Miskitu language (Hale and Gordon, 1987: 11), and the word 'Mayangna'—meaning 'us'—is preferred.
2. The Sandinistas split MIDINRA into INRA (the Nicaraguan Institute for Agrarian Reform), IRENA (the Nicaraguan Institute for Natural Resources and the Environment) and MAG (the Ministry of Agriculture and Cattle-raising). IRENA later became MARENA—the Ministry for Natural Resources and the Environment).
3. The Mayangna also clear land for agriculture, but traditionally employ long rotations and plant larger areas of perennial crops than Mestizos. In contrast, Mestizo peasants often sell land on, or convert it to pasture once it is cleared. The Mayangna are also less likely to create pasture and keep cattle than Mestizos. However, years in exile as refugees have undermined traditional Mayangna practices.

REFERENCES

- Anon. (1993) Piñata con tierras comunales de la Costa Atlántica. *Autonomía* 1 (7), 5.
- Barracough, S. and Ghimire, K. (1990) The social dynamics of deforestation in developing countries: principles, issues and priorities. UNRISD Discussion Paper No. 16.
- CIERA (Centro de Investigación y Estudio de la Reforma Agraria) (1981) *La Mosquitia en la Revolución*. CIERA, Managua.
- Colchester, M. (1993) Forest peoples and sustainability. In *The Struggle For Land and the Fate of the Forests*, eds M. Colchester and L. Lohmann, pp. 61–95. World Rainforest Movement, Penang.
- Colchester, M. (1994) Salvaging nature: indigenous peoples, protected areas and biodiversity conservation. UNRISD Discussion Paper No. 55.
- CEPAD (Council of Evangelical Churches of Nicaragua) (1992) Will protecting the environment protect the Sumus? *CEPAD Report* May–June, 1–9.
- CEPAD (Council of Evangelical Churches of Nicaragua) (1993) The battle for Bosawás: will anything be left for posterity? *CEPAD Report* July–August, 9–12.
- Denevan, W. (1981) Swiddens and cattle versus forest: the imminent demise of the Amazon Rainforest reexamined. In *Where Have All the Flowers Gone? Deforestation in the Third World: Studies in Third World Societies*, eds V. H. Sutlive, N. Altshuler and M. Zamora, No. 13, pp. 25–44. College of William and Mary, Williamsburg, VA.
- de Souza, J. (1980) Fighting for land: Indians and Possesores in legal Amazonia. In *Land, People and Planning in Contemporary Amazonia*, ed. F. Barbira-Scazzocchio, pp. 95–105. Cambridge University Press, Cambridge.
- GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit); DED (Deutscher Entwicklungsdienst) (1992) *Estudio Básico, Protección de Recursos Naturales y Desarrollo Rural Sostenido en la Zona Rio Wasipuk–Bonanza–Siuna, Region Autónoma Atlántico Norte de Nicaragua*, Vol. 1. Managua.

- Hale, C. and Gordon, E. (1987) Costeño demography: historical and contemporary demography of Nicaragua's Atlantic coast. In *Ethnic Groups and the Nation State*, ed. Centro de Investigación y Documentación de la Costa Atlántica (CIDCA), pp. 7–31. University of Stockholm, Department of Social Anthropology, Stockholm.
- Hecht, S. (1993) Brazil: landlessness, land speculation and pasture-led deforestation. In *The Struggle for Land and the Fate of the Forest*, eds M. Colchester and L. Lohmann, pp. 164–178. World Resources Institute, Penang.
- Helms, M. (1969) The cultural ecology of a colonial tribe. *Ethnology* 8, 76–84.
- INRA (Instituto Nicaraguense de Reforma Agraria) (1993) Posiciones institucional en cuanto a la tenencia de tierras indígenas en Nicaragua. Taller de titulación de tierras indígenas, Managua, 13 and 14 December, 1993 (unpublished).
- Instituto Histórico Centroamericano (IHCA) (1995) Poverty: an incurable epidemic? *Envío* 14(173), 3–11, December 1995. Universidad Centroamericana, Managua.
- IRENA (Instituto Nicaraguense de Recursos Naturales y del Ambiente) (1993) Reglamento Forestal (Decree No. 45–93. First published in *La Gaceta, Diario Oficial*, No. 197, 19 October 1993).
- IRENA/ECOT-PAF (1994) Plan de acción ambiental, Managua.
- MIDINRA (nd) La Ley de Reforma Agraria.
- Monbiot, G. (1993) Brazil: land ownership and the flight to Amazonia. In *The Struggle for Land and the Fate of the Forest*, eds M. Colchester and L. Lohmann, pp. 139–178. World Resources Institute, Penang.
- Ortega, M. (1992) Diagnostico Bosawás: Siuna, Rosita, Bonanza. Centro de Investigación ITZANI (unpublished).
- Presidencia de la Republica (1987), Estatuto de Autonomía de las Regiones de la Costa Atlántica de Nicaragua. Ley número 28. *La Gaceta, Diario Oficial* XCI(238), 30 October, 1987, pp. 2833–2838.
- Presidencia de la Republica (1991) Declaración de la reserva nacional de recursos naturales Bosawás, Decreto no. 44–91. *La Gaceta, Diario Oficial* XCV(208), 5 November, 1991, pp. 2114–2116.
- Ramos, A. (1984) Frontier expansion and Indian peoples in the Brazilian Amazon. In *Frontier Expansion in Amazonia*, eds M. Schmink and C. Wood, pp. 83–104. University of Florida Press, Gainesville.
- SIMAS-CICUTEC (1995) Bosawás—frontera agrícola, frontera institucional? Report Commissioned for The Nature Conservancy, Managua.
- SUKAWALA (1993) Documento de la organización nacional de las comunidades Sumus Sukawala. Taller de titulación de tierras indígenas, Managua, 13 and 14 December 1993 (unpublished).
- Taylor, R. (1969) *Agricultural Settlement and Development in Eastern Nicaragua*. University of Wisconsin, Institute of Agricultural Economics, Madison, Research Paper No. 33.
- Utting, P. (1993) *Trees, People and Power*. Earthscan, London.
- Valenzuela, M. (1993) The Bosawás Nature Reserve and the indigenous communities: an uncertain future. *Barricada Internacional* XIII(362), 14–16.
- Wieberdink, A. and Van Ketel, A. (1988) Institutionalization of an environmental programme in a third world country: the establishment of an environmental institution in Nicaragua. *Development and Change* 19, 139–157.