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From Conflict to Autonomy in Nicaragua: Lessons Learnt

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It is now 20 years since the granting of autonomy to the Atlantic Coast region of Nicaragua. This study aims to characterize the political and social processes that led to autonomy, and to assess its results, both positive – in the sense of putting a stop to the civil war between the government and the coastal areas – and more mixed, in terms of the practical benefits that autonomy has thus far delivered. This raises the question of what may be learnt from the self-government won by the region – both its content and the process by which it was established.

Background

The Central American state of Nicaragua came to international attention in the 1980s through an insurrection waged by the left-wing Frente Sandinista de Liberación Nacional (FSLN) against the Somoza family's dictatorial regime (1937–79). The Sandinista revolution styled itself 'a popular, democratic, anti-imperialist national liberation struggle', envisaging that the social integration it promised on coming to power would benefit all Nicaraguans.[1] Though its development policies were heavily centralized, the Sandinista government also anticipated driving regional development on the hitherto-neglected Atlantic Coast of Nicaragua.[2]

The FSLN's well-intentioned plans included an educational policy of teaching basic literacy skills in Spanish, together with explicit efforts to open up the Atlantic seaboard to the rest of the country and to exploit its natural resources for the national good.[3] The Sandinistas, though, were hamfisted in working through these changes, proceeding in ignorance of the particular culture and identity of the Costeños (the collective designation for the inhabitants of the Atlantic Coast), a group drawn from a diversity of distinct ethnic groups, including the Mayagna, Rama and Miskitu (with this last indigenous community representing the largest group),[4] Garífuna speakers and English-speaking Creoles. The dominant ethnic group in the region, however, is *Mestizos* (the majority ethnic group of Nicaragua, who are of mixed European, indigenous and African origin). The breakdown of the region's inhabitants works out as 72.54 per cent *Mestizos*; 17.75 per cent Miskitu; 2.95 per cent Creoles; 1.1 per cent Mayagna; 0.19 per cent Garífuna; and 0.23 per cent Rama.[5]

Miskitu Nicaraguans returning home in 1988, after five years in Honduran camps. *Ian Berry/Magnum Photos*

The conflict on the Atlantic Coast

FSLN efforts to impose a homogeneous 'modern' culture onto the Atlantic region soon encountered organized resistance, which quickly took on a political colouring. The indigenous organization MISURASATA (short for Miskitu, Sumu, Rama and Sandinistas Working Together – Sumu being a now obsolete alternative term for Mayagna) was created as a group envisaging cooperation with the government but soon sought independent legitimacy,

building up a power base at regional and community levels. MISURASATA became strong enough to effect changes in the central government's literacy campaign, which had angered residents by its neglect of indigenous cultures and language; following pressure, these became languages of instruction alongside Spanish.

Disagreement soon arose between the government and MISURASATA over the role the organization should adopt. The Sandinistas saw MISURASATA as a conduit to the indigenous community, for example for communicating their political objectives (particularly as few government officers spoke the local languages). MISURASATA, though, soon began to demand progressively more influence; even when it secured a place on the Council of State, MISURASATA demanded further representation on the 'five person ruling junta'.[6] At the same time, it pursued goals specific to its communities, such as staking peoples' right to communally owned land, as developed in the context of its own research on the land rights issue, and promoting Coastal culture as worthy of state funding.[7]

While these demands placed a strain on the parties' relationship, the activist presence of MISURASATA within Miskitu communities also earned the government's distrust. To some degree, the Coast was already suspect in the Sandinistas' eyes as the refuge of the remnants of Somoza's fighting force (one of the first Contra groups, the Fuerza Democrática Nicaragüense [FDN]), backed by US government funding. Alienated by MISURASATA ambitions, it became convenient for the government to view the whole region as harbouring separatist ambitions and operating in concert with various Contra organizations. This drew the FSLN and MISURASATA into armed confrontation in 1981, and at this point MISURASATA itself split into factions.[8] While the Contra organizations proper never enjoyed widespread favour on the Coast, the various forms of indigenous mobilization were backed by a significant part of the Costeños, and some of these included alliances with Contra groups.[9] While Creoles, Mayagna, Rama and *Mestizos* were all involved in armed conflict within the indigenous mobilization, the majority of the mobilization was made up of Miskitu. Nevertheless, some young Miskitu fought with the Sandinista army, which recruited locally to counter militarized splinter groups.[10]

The Miskitu mobilized against the government for a variety of reasons linked to history, identity and marginalization, brought to a head by the literacy campaign's imposition of the Spanish language. Unlike the Contras, their objective was not to overthrow the government. However, the Sandinistas tended to tar all the coastal rebels with the same brush of counter-revolution, failing to understand that some Costeños were mobilizing on the basis of identity.[11] Since the conflict became heavily inflected with ethnic identity issues, it is necessary to consider the historical context.

The 'one-nation' policies of the FSLN may be traced back through the history of Nicaragua, as well as across the fissure that has traditionally separated the Pacific and Atlantic coasts. The Atlantic region is cut off by rainforests, rivers and savannahs from the rest of Nicaragua, and remains isolated, with no year-round road route from the capital to either Atlantic administrative region. In consequence, the Atlantic has been incorporated into a different social formation to the rest of Nicaragua, in the Pacific and the Central regions.[12] The 'autonomy' of the Atlantic region has evolved from a Miskitu kingdom with British backing and economic ties, through a period shaped by various ecclesiastical and US commercial interests in the nineteenth century, to the present national system. In contrast to the Pacific zone – the home of the capital, Managua – during the colonial period, the locals resisted Spanish intrusion, instead forming trading and strategic alliances with the British.[13] 'Whereas the Pacific Coast was dominated by Spain the Atlantic Coast was controlled by the English for 200 years, and then from the mid-19th century onwards by North Americans', in the form of the settlement, initially, of the international Moravian Church, which developed a dominant 'structure of governance'[14] in this area.[15]

At the same time, the Coast attracted a number of US resource companies, drawn by the region's lumber, gold and maritime assets (particularly lobster and turtles), including the banana-growing Standard Fruit Company.[16] Before the Sandinista uprising, the Somozas were broadly allied with American economic interests in supporting the capitalization (or exploitation) of Nicaragua's natural wealth, taking few steps to integrate the Coast into the nation's development. The US has mostly been seen as a positive force in the region by the Miskitu, despite these companies' poor record in caring for the environment. Companies brought employment in industrializing sectors such as agriculture and fisheries, though also contributing to the unemployment of small-scale practitioners.[17] Even before the FSLN insurrection, then, the Miskitu 'did not identify themselves as Nicaraguans', referring 'to mestizo Nicaraguans as Spaniards'.[18]

The Miskitu uprising against the Sandinistas has to be explained in the wider context of the economic changes the Coast was undergoing. At the start of the 1980s, the locals on the Coast were becoming poorer, with price declines for relevant commodities and the departure of US companies.[19] Against this background, the penetration of the Somoza state in local affairs (originating in the 1960s) gained traction, intensifying after 1979. On the one hand, this process was felt culturally as the increasing involvement of 'Spaniards' in coastal life, while in more developmental terms, it entailed 'increasing contact between local inhabitants and state forms of bureaucratic oversight as the state took an active role in the economy'.[20]

Another factor driving indigenous mobilization was the presence of the military on the Coast, especially as the

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army began to commit violations when targeting suspected Contra sympathizers.[21] The people were further radicalized as a result of a call by MISURASATA to refuse 'Spaniards' plans, which precipitated a withdrawal of community participation in government programmes, even when these involved social amelioration.[22] Communication between MISURASATA leaders and government deteriorated.[23]

Paths to autonomy

Significant violent conflict ignited between the Sandinista government and the Costeños with the arrest of MISURASATA's leaders in February 1981. In May, MISURASATA split over whether the party should continue a policy of accommodation with the Sandinistas or should set itself up as an oppositional group.[24] A MISURASATA splinter group left for Honduras to form an army, MISURA, which was supplied and armed by the CIA and fought on the side of the Contras.[25] One part of MISURASATA, operating from Costa Rica, accepted the Sandinistas' revolution, opting to fight for indigenous rights within that context. Between 1982 and 1984 some 4,000 people from these groups fought against the Sandinistas.[26]

The war on the Coast set the Sandinistas at odds with the local civilian population. In response to MISURA border raids in 1981, the government forced the evacuation of thousands of Miskitu from the border hinterlands in

1982. It is estimated that 24,000 fled or were forcibly expelled from their homes in the following three years, finding refuge in Honduras.[27]

The relationship between the government and local communities thawed gradually, with the Sandinista government starting development projects and framing amnesty laws to pardon indigenous combatants. By 1984, the Sandinistas initiated a parallel process of peace talks with local populations, while at the same time holding high-level contacts with MISURASATA leaders and MISURA. This change in Sandinista policy, with regional autonomy being proposed for the region, prompted further dissension and realignments within indigenous political groupings.[28]

Little documentation exists on the reasons for the government's policy reorientation; however, it is believed that the Sandinistas took stock of the intractability of the Miskitu problem, along with the punitive costs of fighting and of defying US economic restrictions. The government also had a clear political motive in the run-up to national elections in which all parties, except those advocating a return of Somoza, had been permitted to field candidates. It is also possible that the Sandinistas accepted that the armed Miskitu revolt did not envisage overthrowing the government, merely establishing local autonomy.[29] Though the Sandinistas initiated the thaw with the Atlantic Coast, they were also careful to prescribe 'the scope of legitimate political expression' so that it did no lasting damage to their political interests.[30]

After 1984 peace negotiations between MISURASATA and the government, on 22 April 1985 the two sides put in place a tentative ceasefire. But a meeting in May collapsed into reciprocal recriminations, leading to suspension of contact. Deadlock then set in over the proper order of any settlement: MISURASATA thought that a ceasefire could only be agreed in response to an unrestricted assurance of indigenous self-determination, while for the government it was the other way round. Politically, meanwhile, MISURASATA had its own peace and autonomy document, which in their eyes was tied into building up credit for themselves as the predominant political expression of Costeño interests. For their part, the Sandinistas were sanguine about MISURASATA's disengagement, as they refused to accept MISURASATA as local inhabitants' only representative. The MISURASATA leaders again held talks with the government in 1988 but by that point the autonomy law was already passed.[31]

Bruised by their first experience of seeking to integrate the Coast into Nicaragua, the Sandinistas' attitude underwent a sea-change, with the party spending the late 1980s promoting local support for autonomy in the context of an initiative brokered without MISURASATA involvement. In this period (1985) the Sandinistas also signed a ceasefire with a faction of MISURA.[32]

The government set up a National Autonomy Commission headed by the deputy interior minister and

further convening five members – representatives of Coastal ethnic groups. This committee's work on devising autonomy arrangements was supplemented by that of two larger Regional Autonomy Commissions in the North and the South that were spontaneously created on the Coast and later officially acknowledged by the government.[33] After a period of study on different autonomy arrangements world-wide, the three commissions produced a rudimentary working document. This was presented to communities through a large-scale house-to-house community effort aimed at winning local approval for a broad-based autonomy package. Hundreds of civil society activists on the Atlantic Coast were trained to carry out door-to-door consultations as part of a major social mobilization involving workshops, community assemblies, workplace meetings and broad participatory meetings with churches and other social organizations. This effort lasted from 1985 to 1987.[34]

Consultation took place against the backdrop of continuing violence between Contra and Miskitu paramilitary groups and the national army. With many men absent, women played a vital role in the peace and autonomy process. They organized themselves into Peace and Autonomy Commissions, contributing to the deliberations on a final political settlement as advancing the repatriation of the fighters. Commissions were set up in many areas in August 1985 to form a link between fighters and the government. By 1988, over 90 per cent of the villages on the coast had developed some form of commission; these commissions took on increasingly greater governance responsibilities, including running local health and education services, and community affairs.[35]

In 1987, as the culmination of the consultative process, a multi-ethnic meeting convened 220 elected delegates from most communities on the coast. This meeting spent three days discussing the terms of the proposed autonomy statute, altering some wordings. The law, as approved by this meeting, codified the basis on which the Atlantic Coast was to be accommodated within a single Nicaraguan state. The same text was in turn endorsed by the National Assembly in Managua and incorporated as part of Nicaragua's new Constitution in 1987.[36]

The Atlantic areas were thus left with a split between those who had participated in the autonomy process and those who had sat it out (chiefly the armed factions). Though various Miskitu fighting groups consolidated themselves in an alliance called YATAMA in 1987, the Miskitu community as a whole was not able to agree on a single body as its external representative.[37] A Conciliation Commission, composed of religious leaders drawn from the Moravian Church and an evangelical Protestant aid organization, mediated in the Sandinista–YATAMA dispute. The coastal areas thus saw the signing of a series of small accords granting former guerrillas amnesty, with three large deals (pardoning 400 fighters) slowly putting the region on a path of peace.[38]

Political developments in the country as a whole have continued to alter the environment in which autonomy is further debated for the Atlantic Coast. Regarding the armed conflict, accords between the liberal government and the fighters were signed in March and June 1990, putting in place a framework for disarmament. The casualty toll for the whole war, including side-conflicts between the army and indigenous factions, stands at some 50,000.

Autonomy arrangements

In 1987, both law 28, the Autonomy statute for the Atlantic Coast of Nicaragua, and the 1987 Amendments to the Constitution, were enacted for the Atlantic Coast region. The Constitution of 1987 (revised in 1995) recognizes the multi-ethnic nature of Nicaragua (Article 8), noting indigenous peoples' existence, their right to development of their identity and culture (Article 5), and the official status of their languages in addition to Spanish on the Coast (Article 11). It also ratifies communities' right to intercultural education in their own language (Article 121) and recognizes collective forms of land ownership (Article 89).[39]

This created two separate autonomous regions, the Northern Atlantic Autonomous Region (RAAN – Spanish abbreviation), and Southern Atlantic Autonomous Region (RAAS); these two areas comprise half of the country's landmass. The region's inhabitants, however, represent less than 10 per cent of the population (there being approximately 620,640 inhabitants in the Atlantic region).[40]

While law 28 (granting autonomy) and its associated Constitutional Amendments passed in 1987, Parliament did not ratify the regulations setting out the terms of the autonomy statute until late 2003. This was also the date of the passing of the Communal Property Regime law no. 445,[41] which addressed indigenous concerns over land demarcation and natural resources.

The regulation implementing the autonomy and law 445 proved harder to settle, because of political conflicts between the regional councils and central government over the scope of the autonomy. In addition, there was conflict, and at times deadlock – just as there was at a national level – between the Sandinista and conservative/liberal parties and alliances that dominated the RAAN and RAAS regional councils,[42] and between the members of the regional council and the regional coordinator.[43] Party loyalties often took precedence over local concerns.[44]

Conflicts also exist between the regional structures and central government, though these have perhaps eased since the Alemán administration (1997–2001), which purportedly 'sought to recentralize power'.[45]

Autonomy regulations in detail

Autonomy law 28 offers a definition of autonomy on the Atlantic Coast as a:

'process … that enriches the national culture, and recognizes and strengthens ethnic identity groups; it respects the specificities of the cultures of the communities of the Atlantic Coast; it redeems the history of the same; it recognizes property rights on communal land and repudiates any type of discrimination; it recognizes religious freedom and, without deepening differences, recognizes distinct identities as coming together to build national unity.' [46]

The recognition of a multi-ethnic, multi-cultural and multi-lingual nation thus acknowledges the political, economic, social and cultural rights of the citizens on the Atlantic Coast.[47] The form of autonomy specifically sets out to respect the cultural specificity of the region while also making clear that 'the communities of the Atlantic Coast are an indissoluble part of the indivisible State of Nicaragua'.[48]

The law entails such cultural rights as the right to religious freedom and the right of inhabitants to be educated in their own language, further extending official status to indigenous languages.[49] A central tenet of the law thus appears to be the preservation of indigenous cultures, a principle with ramifications in other areas of policy. In health, for example, the implication would be for the state to support the development and diffusion of techniques of traditional medicine, and their validation by science.[50] Furthermore, municipalities (or town councils) should be created according to communal traditions.[51]

Under the terms of autonomy, regional authorities are charged with the provision of health, education, cultural, transport and community services in coordination with central government or the respective ministry. Furthermore, national development projects are prepared with the participation of Atlantic administration and implemented in a manner sensitive to the interests of the region's communities.[52] The regions are further free to initiate their own economic, social or cultural projects through regional council action.[53] It becomes the statutory responsibility of the regional councils to ensure that, in the elaboration, evaluation and execution of plans, women's organizations are duly consulted.[54] In addition, regional councils are tasked with promoting the participation of women's groups in all levels of government and administrative functions.[55]

In terms of financial regulation, the law stipulates that councils present an annual budget to central government seeking costed finance for projects and programmes.[56] Regional budgets are evaluated subject to norms proposed jointly by the regional council and respective ministries of central government.[57] The regional councils can also impose regional taxes in order to finance plans, projects and programmes.[58]

The autonomy law also sets out terms regarding the management of natural resources and establishment of communal property, and dictates that such land must be used 'rationally' and the ecosystem protected.[59] These rules state the rights of the indigenous inhabitants of communal land to an equitable share of resources in the event of any exploitation. Agreements between regional and central governments specify the division of the benefits of exploitation between all parties.[60] Law 445 provides for agreed procedures in the demarcation and titling of lands belonging to the community as a whole, applying to indigenous land occupation, usufruct and rights to natural resources.[61] The administrative body, CONADETI (Comisión Nacional de Demarcación y Titulación), comprising both government and Atlantic Coast representatives at board level, is tasked with the demarcation and titling process.[62] This sequence follows five stages: presentation of application; conflict resolution; measurement and marking of boundaries; titling; and, lastly, restitution.[63] The conflict resolution stage is necessary because indigenous land ownership frequently overlaps with the occupation of land by *Mestizo* incomers and other ethnic communities.

Even more important than the allocation of exploitation profits between stakeholders, regional councils retain a veto power over any plans for exploration or concessions of natural resources made by national governments on the territories of the Coast.[64]

The cultural dimension

Autonomy enshrined the right of cultural minorities to a bilingual education and to the official recognition of their language. As noted, this was one of the first demands put forward in the historical process of the regions' bargaining for devolution, with bilingual education being provided through a decree in 1980. Central government's failure to make good on the literacy campaign in the coastal regions was one of the reasons that conflict erupted in the 1980s.

Following the 1987 passing of autonomy legislation, two universities centred on communities, the URACCAN (Universidad de las Regiones Autónomas de la Costa Caribe Nicaragüense) and the BICU (Bluefields Indian Caribbean University), were approved in 1992 by the national higher education council. It was decreed that the necessity for these universities lay in their educational provision answering local community needs.[65] In this way, education and language were officially recognized as identity markers for local minorities, carrying with them the assurance of cultural rights. Further, in increasing Costeño access to higher education, it was envisaged that local administrative capacity would be enhanced, paving the way for locals to take a far greater part in running their own affairs.[66] In these terms, the universities can be viewed as a powerful tool of empowerment for the indigenous and Afro-descendant communities on the Coast, especially since they run specific programmes for these ethnic groups, reaching into remote areas. The main threat on the horizon is that the regional universities, in common with the whole of the country's higher education sector, currently faces spending cuts from central government.[67]

Moreover, projects and plans for the education sector on the coast require annual budgetary approval from central government, and must be administered in coordination with the national Ministry of Education. Though regional government enjoys some limited scope in initiating educational projects, in particular being able to raise taxes for this purpose, this power can be rendered ineffective in practice by the region's weak economy.

The economic dimension

In terms of economic development, the Atlantic area has not picked up significantly after the war; local industries fled the fighting and have yet to be replaced in terms of sources of tax revenue.[68] Inhabitants along the Atlantic Coast are 'among the nation's poorest', according to the Nicaraguan government, while transportation costs mean that the cost of living is higher than in the rest of the country.[69] Further, Atlantic Nicaragua suffers from a high degree of economic underdevelopment (in such parameters as access to safe water, electricity and sanitation), with unemployment running at a higher rate (approximately 50 per cent to 80 per cent) than in the country as a whole (with an official government rate of 12 per cent for the whole country).[70] Joblessness is particularly high among youth and women, precipitating the exodus of young working people from the region.

These data on underdevelopment, however, should be seen in the context of Nicaragua's overall economic situation, with the country among the poorest in the Western hemisphere. After being granted 80 per cent debt relief in 2004, in 2005 Nicaragua presented its development plan to the IMF and World Bank. The plan has been criticized as significantly 'flawed' in failing to address the needs of the country's most marginalized inhabitants, particularly insofar as it declined 'to tackle ... inequality in the country ... [and] prioritis[ed] repaying internal debts [over] spending on education and health'.[71] Nicaragua's framework document also came in for criticism regarding the inadequate provisions for devolution, mainly on account of budgets being drawn up by central government officials unfamiliar with 'reality at the municipal level'.[72] There thus seems to be inadequate provision for including the Atlantic region in Nicaragua's development plan.

Structural concerns in economic development

The economic development of the Atlantic region is a precondition for the area's political autonomy; at the same time, growth is only likely to come about through investment in human resources' productive capacity, and in transport and telecommunications infrastructure.[73] This spending is dependent on central government goodwill. Stronger political powers for regional government are needed if the economy is to be given any sort of kickstart. In the absence of such political provisions, it will be necessary to improve the coordination processes in allocating funds and planning infrastructure projects between regional and central government partners. Infrastructure spending by itself, however, will not be sufficient to lift the region out of poverty without investment in education, training and human resources.

Political under-representation of minorities

Local government needs to propose and deliver financially feasible plans supported by the full ethnic and cultural range of its constituents. This remains difficult, however, because of the democratic deficit from which the RAAS and RAAN still suffer in terms of the under-representation of indigenous peoples, Afro-Caribbeans and women at all levels (municipal, regional and national) of government.

Within the regions, in the March 2006 regional council elections, representatives from indigenous and Afro-Caribbean communities/Creoles won 23 seats (or 47.9 per cent), while *Mestizo* politicians took 25 (or 52.1 per cent) in the RAAN. In RAAS, the indigenous and Afro-Caribbean communities/Creoles and Garífuna took 19 seats (40.4 per cent) as against 28 (59.6 per cent) for the *Mestizo* community members.[74] *Mestizo* representatives make up the majority in both councils. Non-indigenous local demographic strength is only set to grow in light of the continuing migration of *Mestizos* from the Pacific coast to the Atlantic in search of cheap land. This internal migration is likely to lead to further inter-ethnic conflict over property, leading to further under-representation of the regions' original resident communities at local and regional government level.

The situation appears to be one where some consistent formula allowing the greater political representation of the area's more long-standing inhabitants is necessary. In this connection, the autonomy law provides that a person needs to have lived in the autonomous region for a year to be able to vote, and for five years to stand as a candidate for the council.[75] Moreover, in the RAAS, in six of the 15 designated electoral districts, each political party's first list candidate has to be drawn from the ethnic community designated as living locally (respectively Miskitu, Creole, Mayagna, Garífuna, Rama and *Mestizo*). In the RAAN, the same provision applies to four of the 15 electoral districts, where one ethnic group is designated (respectively Miskitu, Creole, Mayagna and *Mestizo*). These provisions are intended to guarantee the representation of minority groups; however, figures show that this regulation is insufficient in itself to prevent *Mestizos* from squeezing out the local population.[76]

At national assembly level, meanwhile, the RAAN and RAAS are represented by three and two elected deputies respectively (by Article 141 of the Election law). This is out of line with population numbers, given that RAAS is in fact one of the most populous departments of Nicaragua, though its inhabitants are thinly distributed (in 2006 there is one deputy for each 95,875 people in RAAS, as against one per 45,104 people in Chinandega).[77] An increase in

representation would be fair, as well as potentially giving the region more bargaining power with central government. Of the five deputies elected to the National Assembly, four are *Mestizo* and one indigenous; all are men except for one of the RAAN deputies.

Further, the Coast suffers as a result of the specific exclusion of regional parties from national politics; this forces local associations to form an alliance with a national body in order to be able to participate in a national election. In the 2000 municipal elections, YATAMA, a political party considered to be the successor organization to MISURASATA, was barred from participating in local elections by a resolution of the Supreme Electoral Council on the grounds that it failed to meet a quota of supporting signatures. The case went to the Inter-American Court of Human Rights, which decided in favour of YATAMA. The Court found that the Nicaraguan state had neglected to incorporate adequate provisions in the electoral law making possible political involvement on the part of the coastal region's indigenous populations.[78]

Within population centres, meanwhile, a majority of the mayors are *Mestizos*.[79] By law (Article 41 of law 445), mayors are also incorporated in CONADETI, the governmental institution responsible for the demarcation and titling of communal land. Since some fiscal responsibilities are vested in municipalities, this level of government can play an important role in soliciting the presence of companies, including those involved in natural resource exploitation, as seen in the pivotal *Awas Tingni* case, which will be described below.

Land issues

Although some ethnic representatives do sit on CONADETI, most are drawn from various levels of central and regional government. These representatives are moved by complex and intersecting political considerations: party loyalty, ethnic group/*Mestizo* loyalty/identification, commercial linkages, patronage relations, electoral expediency and personal ambition. Within minority communities themselves, meanwhile, internal divisions have formed between supposed individual landholders and the majority indigenous population. *Mestizos* living on communal lands, and the occupation by migrating *Mestizos* of properties said to form part of communal territories, complicate the awarding of title still further, giving rise, especially in the RAAN, to lethal disputes.[80] According to Cyril Omeir, Secretary General of CONADETI, six communal properties have so far gone through all five stages of demarcation and titling, while a number of claims for communal property are still in process.[81] This indicates the length and complexity of the titling process.

Before 2004, despite constitutional recognition and the provisions in the autonomy law, indigenous peoples had no standardized means of recourse in their attempts to register and acquire legal title to their traditional land. Law 445 was devised as a response to the *Awas Tingni* case, in which the Nicaraguan government overruled the wishes of the traditional communal occupiers of a territory in granting a land concession to a logging company.[82] The Inter-American Commission for Human Rights ruled the concession invalid as violating the occupant communities' traditional land use patterns and, importantly, territorial definitions. While the ruling ushered in law 445, the Nicaraguan government has yet to implement the 2001 ruling in this particular case.[83]

Natural resources

As the *Awas Tingni* case shows, while regional councils hold an important veto power over concessions, this is not invariably exercised to the advantage of indigenous communities. In this case, the concession was granted by Nicaragua's Ministry of the Environment, with the support of the governing board of the RAAN, despite local resistance. When even the Supreme Court of Justice found against the concession in 1997, the ministry continued to pressure the council to approve it.[84] The overlap of political interests between regional and national party representatives explains this capitulation to national priorities as much as the structural under-representation of ethnic minorities.

Law 445 specifies the division of the benefits of exploitation into 25 per cent each between indigenous landowners, municipalities, regional councils and central government (after external companies' share of profits). This allocation is itself contentious; in practice, the procedure by which the monies are split is not transparent, with communities suspecting that much of the money due to the municipality is not fed back to them.[85]

Possible lessons to be learnt

In thinking beyond the immediate Nicaraguan situation to consider the possible lessons of the Coast's experience more widely, it is important to gain a correct sense of how autonomy took root. It remains a moot question whether autonomy was proposed and won from below or rather enforced from above. The autonomy framework as ultimately implemented derived from plans made by the government, which first assigned the task of devising a workable form of autonomy to its National Autonomy Commission 1984 (rather than resulting from the negotiation of a proposal initiated by the people on the Atlantic Coast itself); this was then adapted and improved in consultation with local people.[86] The process solicited an impressively broad degree of participation; at the same time, such state-led processes will not necessarily carry procedural or other legitimacy in other countries. Nevertheless, the Nicaraguan case shows that state efforts to move towards minorities' demands through engaging broad public participation can have a positive effect. In this instance, government plans helped lead to peace, and there is every reason to suppose that this peace will be more

lasting as a result of the openness of the government in power at the time towards the communities' cultures. Winning the respect of indigenous citizens in this way was a key step in the Sandinistas inducing armed combatants to return home. Autonomy represents one possible political formulation for such respect and recognition.

While it is undeniable that the autonomy and peace processes were simultaneous and interlinked, the literature also stresses other causes for conflict dying out, notably Miskitu responses to CIA-led efforts to streamline the insurgency as a fighting force. Some indigenous factions gave up US funding in refusing to ally themselves with the Contras, while others sought to hold on to their own operations, again choking off funds.[87] It is also possible that local community rivalries hampered the rebels' efforts militarily, though this is no rationale in itself for rebels to lay down arms. The particularity of the Nicaraguan situation should make us hesitate before inferring lessons too readily for other contexts; nevertheless, autonomy arrangements played a clear role in defusing inter-ethnic and inter-regional conflict. It was also important that the government appealed to the population at large through community efforts, rather than simply courting a political elite. Indeed, the straightforwardness with which the Sandinistas were able to appease the most violent indigenous grievances suggests that conflict could have been avoided altogether had some form of autonomy been offered sooner. This lesson of possible pre-emption represents another important finding to be taken from the Nicaraguan case.

Furthermore the autonomy arrangement proposed by the Sandinistas contained substantive provisions addressing one of the main grievances triggering the violent conflict – respect and promotion of coastal peoples' identities.

What further lessons can be drawn from the experience of (partial and contested) devolution in coastal Nicaragua? It appears axiomatic that, in order to meet specific needs and forestall possible conflicts, the form of autonomy devised for ethnically distinct regions must be carefully considered.

In this respect we would be well-advised to consider Nicaragua's autonomy arrangements under two headings: as they exist in law and in terms of their effects on the ground. In legal terms, autonomy provisions are constitutionally guaranteed within specific statutes and corollary laws. The RAAN and RAAS regions enjoy a well-defined legal status. The scope of autonomy is clear, with each region divided into municipalities and governed by a regional council, which is elected by popular franchise every four years. Deputies in turn represent regional interests in the National Assembly. Health, education,

cultural, transport and community services are run in coordination with central government. Further, competencies have been granted to the regions in cultural, social and economic matters. Regarding natural resources, the regional councils retain veto rights over any proposed exploitation project on the Atlantic Coast. Communal rights (e.g. right to education in first language, right to communal land ownership) are granted to indigenous communities. Legally, some measure of cultural autonomy has been recognized, as manifested in the requirement for municipalities to be organized by community traditions. The promotion of the cultures of the various coastal ethnic groups runs like a red line through the law, e.g. support for traditional medicine. Economically, meanwhile, the regions are also free to levy additional taxes to fund plans, projects and programmes, besides presenting an annual budget to central government for the costing of their plans. Thus far these provisions appear worth emulating in other contexts.

However, while the current situation in Nicaragua is one in which the edge has been taken off grievances, many indigenous peoples remain dissatisfied with the practical benefits of autonomy on the ground. Problems prevent the realization of local plans, effectively constraining the legitimacy of local government. Both the overweening centralization of state bureaucracy and skills deficits at local level contribute to this shortfall. Internal political differences and frictions with central government, meanwhile, continue to plague the delivery of local services. While the formal scope of autonomy is impressive, in practice autonomy has not driven the changes one might expect for local inhabitants' quality of life. Too often, coastal issues become tangled with clashes of factional interest between the representatives of national institutions. Furthermore, the law fails to ensure proportionate representation for indigenous communities in the Coast's regional parliaments. The overall situation has tended to alienate Costeños from the government once more, with some former YATAMA members rearming in the late 1990s.[88]

Most groups, though, agree that democratic engagement with the government represents the only means to improve the Coast's status. This most likely represents a positive legacy of the broad participation process engaged in by the Sandinistas when proposing autonomy. Whatever the region's future, it remains the case that the granting of autonomy on paper has yet to succeed in relieving regional underdevelopment and poverty. Political will and better structuring of resources and decision-making will be necessary to make autonomy work. To ensure long-term peace, a political settlement establishing autonomy is not enough; it has to operate to secure a thriving economy and society in peacetime.

Notes

1   Smith, S., Boyer, J. and Diskin, M., 'Central America since 1979, Part II', *Annual Review of Anthropology*, vol. 17, 1988, pp. 347–8 (see further Vilas, C., *The Sandinista Revolution: National Liberation and Social Transformation in Central America*, New York, Monthly Review Press, 1988).

2   Cleary, M., 'Democracy and indigenous rebellion in Latin America', *Comparative Political Studies*, vol. 33, no. 9, 2000, p. 1138.

3   Assies, W., 'Two steps forward, one step back: indigenous peoples and autonomies in Latin America', in M. Weller and S. Wolff (eds) *Autonomy, Self-governance and Conflict Resolution: Innovative Approaches to Institutional Design in Divided Societies*. Abingdon, Routledge, 2005, pp. 194–5.

4   The literature features the spellings Miskito and Miskutu, with the latter spelling representing the fact that the Miskitu language does not have the vowel 'o'. Dennis, P., 'The Miskitu–Sandinista Conflict in Nicaragua in the 1980s', *Latin American Research Review*, vol. 28, no. 3, 1993, p. 215, fn 2).

5   Instituto Nacional de Estadísticas y Censos (INEC), *VIII Censo de población y IV de vivienda*, May 2005, p. 4. Available online: http://www.inec.gob.ni/censos2005/RESUMENCENSAL.pdf

6   Sollis, P., 'The Atlantic coast of Nicaragua: development and autonomy', *Journal of Latin American Studies*, vol. 21, no. 3, 1989, pp. 505–6

7   *Ibid.*

8   Dennis, *op. cit.*, p. 216.

9   Bourgois, P., 'The Miskitu of Nicaragua: politicized ethnicity', *Anthropology Today*, vol. 2, no. 2, 1986, p. 5.

10 Bourgois, *op. cit.*, p. 5.

11 Cleary, M., 'Democracy and indigenous rebellion in Latin America', *Comparative Political Studies*, vol. 33, no. 9, 2000, p. 1138.

12 Bourgois, *op. cit.*, p. 5.

13 Harff, T. and Gurr, B., *Ethnic Conflict in World Politics*. Boulder, CO, Westview, 2004, p. 59.

14 Assies, *op. cit.*, p. 194.

15 Sollis, *op. cit.*, p. 483; Assies, *op. cit.*, p. 194.

16 Cleary, *op. cit.*, p. 1137; Assies, *op. cit.*, p. 194; Sollis, *op. cit.*, p. 492.

17 Bourgois, *op. cit.*, p. 6; Sollis, *op. cit.*, pp. 490–2.

18 Cleary, *op. cit.*, p. 1137.

19 Sollis, *op. cit.*, p. 506.

20 Hale, C.R., *Resistance and Contradiction: Miskitu Indians and the Nicaraguan State, 1894–1987*. Stanford, CA, Stanford University Press, 1994, p. 154.

21 Hale, *op. cit.*, pp. 155–7.

22 Sollis, *op. cit.*, p. 506.

23 Hale, *op. cit.*, pp. 154–5.

24 Harff and Gurr, *op. cit.*, p. 122.

25 *Ibid.*, p. 62.

26 *Ibid.*, p. 62.

27 'The Atlantic Coast: war or peace?', *Revista Envio*, no. 52, Oct. 1985 (Revista Mensual de Analisis de Nicaragua y Centro America), www.envio.org.ni/articulo/3412

28 Hale, *op. cit.*, pp. 174–7; Sollis, *op. cit.*, p. 510.

29 Hale, *op. cit.*, p. 174.

30 *Ibid.*

31 *Ibid.*, p. 174–5.

32 Hale, *op. cit.*, p. 176.

33 Ortiz, R., 'Indigenous rights and regional autonomy in revolutionary Nicaragua', *Latin American Perspectives*, vol. 14, no. 1, p. 54.

34 Cleary, *op. cit.*, p. 1140; Sollis, *op. cit.*, p. 510–11; Hale, *op. cit.* p. 116.

35 'The Atlantic Coast – peace has taken hold', *Revista Envio*, no. 83, May 1988, www.envio.org.ni/articulo/3138; interview, Dorotea Wilson, Managua, 25 September 2006.

36 Sollis, *op. cit.*, p. 514.

37 Harff and Gurr, *op. cit.*, p. 122.

38 'From separatism to autonomy – ten years on the Atlantic Coast', *Revista Envio*, no. 93, April 1989, www.envio.org.ni/articulo/2693

39 Constitution of Nicaragua (1995).

40 The national institute of statistics and data collection gives an approximate number for 2005 of 314,130 inhabitants in RAAN and 306,510 in the RAAS (Instituto Nacional de Estadísticas y Censos, INEC, *op. cit.*, p. 34–5, http://www.inec.gob.ni/censos2005/CifrasO_Tablas.pdf).

41 Law no. 445 on the Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast and the Bocay, Coco, Indio and Maíz Rivers.

42 The RAAN and RAAS regional councils are the governing bodies of the Atlantic region, made up of 45 members elected by popular mandate every four years.

43 The regional coordinator is elected from among the members of the governing board (*junta directiva*) of the regional council; Assies, *op. cit.*, p. 196.

44 *Ibid.*

45 *Ibid.*

46 Preface, section V, in law 28 on the Autonomy of the Region of the Atlantic Coast of Nicaragua (*Official Gazette*, no. 238, 30 October 1987).

47 *Ibid.*, section IV.

48 Law 28, Article 2.

49 *Ibid.*, Article 5 and Article 11.5.

50 Regulation law, Article 14; law 28, Article 11.8.

51 Regulation law, Article 5.e.

52 *Ibid.*, Article 28; law 28, Article 8.

53 Law 28, Article 8.3.

54 Regulation law, Article 28.i.1.

55 *Ibid.*, Article 28.i.2 and 28.i.3.

56 Law 28, Article 32.

57 *Ibid.*, Article 32.1.

58 *Ibid.*, Article 32.

59 *Ibid.*, Article 8.4.

60 *Ibid.*, Article 9.

61 Law 445, *op. cit.*

62 *Ibid.*, Articles 40–42.

63 *Ibid.*, Article 45.

64 Constitution of Nicaragua (1995), Article 181.

65 'Universidad Comunitaria', URACCAN, September 2004, pp. 5–7, available online: http://www.uraccan.edu.ni/spanish//organizacion/archivos/universidad%20comunitaria.pdf

66 In the 1970s, education science courses were initiated on the Atlantic Coast in cooperation with the National Autonomous University of Nicaragua (UNAN – Universidad Nacional Autónoma de Nicaragua) with more measures following in the 1980s. However, these students were denied the option of graduating with a degree until the opening of URACCAN in 1987. In the late 1980s, scholarships at certain universities were made available for Atlantic Coast inhabitants to study elsewhere in Nicaragua (URACCAN, September 2004, *op. cit.*, pp. 3–4).

67 Interview, Alta Hocker, Bilwi, 20 September 2006.

68 Interview, Alberto Espinosa, Bilwi, 20 September 2006.

69 Government of Nicaragua, *A Strengthened Growth and Poverty Reduction Strategy*, paper for the IMF and World Bank, 2001, p. x. Data is taken from the 2005 National Development Plan of the Republic of Nicaragua, November 2005, p. 25, http://siteresources.worldbank.org/INTPRS1/Resources/Nicaragua_PRSP-November2005.pdf

70 The estimated unemployment rate for the Atlantic Coast is from Harff and Gurr, *op. cit.*, p. 63. The 12 per cent figure for the whole country is from a 1998 survey (Government of Nicaragua, *A Strengthened Growth and Poverty Reduction Strategy*, *op. cit.*, p. 9).

71 Braunschweig, T. and Stöckli, B., *Civil Society's Perspective on their Involvement in PRSP Monitoring: Assessing Constraints and Potentials in Nicaragua*, report. Berne, Alliance Sud, 2006, p. 22.

72 *Ibid.*, p. 27.

73 This is influenced by the physical isolation of the Atlantic coast; there is currently no adequate road connection between the regional capital of the RAAN, Bilwi, and Managua, with the track becoming impassable in the rainy season. Meanwhile, Bluefields, the capital city of the RAAS, is connected to Managua by boat and bus. These two cities, further, are only connected by air or by boat. Roadbuilding faces the particular difficulty of the nature of the terrain in the region, which is rainforest and wetland savannah – part of the largest such forest in Central America.

74 Hooker, M., 'Participación política de pueblos indígenas y Afrodescendientes en el proceso electoral', informal paper, CEDEHCA, September 2006, p. 7.

75 Law 28, Articles 21 and 22.

76 Election law of Nicaragua (*Gazette*, no. 331, 9 January 2000), Article 142.

77 Hooker, *op. cit.*, p. 11.

78 *YATAMA v. Nicaragua*, Judgment of 23 June 2005, Inter-Am. Ct. H.R. (Ser. C) No. 127 (2005).

79 Hooker, *op. cit.*, p. 11.

80 Interview, Carlos Sanders, Bluefields, 19 September 2006.

81 Presentation by Cyril Omeir at the workshop 'El proceso de autonomía como instrumento para la prevención de conflictos en Nicaragua', Bluefields, RAAS, Nicaragua, 19 September 2006.

82 *The Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, judgment of 31 August 2001, Inter-Am. Ct. H.R. (Ser. C) No. 79 (2001).

83   Anaya, S.J. and Grossman, C., 'The case of *Awas Tingni v. Nicaragua*: a new step in the international law of indigenous peoples', 19 *Arizona Journal of International and Comparative Law*, 1 (2002), p. 2.

84   Assies, *op. cit.*, p. 197.

85   Interview with several community leaders on the Atlantic Coast, 2006.

86   'Institutionalizing autonomy', *Revista Envio*, no. 100, November 1989, www.envio.org.ni/articulo/2755

87   Hale, *op. cit.*, p. 173.

88   Harff and Gurr, *op. cit.*, p. 64.

working to secure the rights of
minorities and indigenous peoples

minority
rights
group
international

Recommendations

To decision-makers working on managing/resolving violent ethnic/religious conflicts:

1. When working to find solutions to a specific conflict:
- Consultation should be carried out with the broadest possible range of members of communities involved in conflicts, including women; where necessary teams of members of such communities should be trained to carry out door-to-door consultations and run community-level meetings;
- Those who are presented as leaders of communities should not be considered as the sole interlocutors;
- Legitimate civil society representatives, including women, should have a voice in negotiations and consultations;
- Where specific issues are identified as grievances, in particular when they were clearly a trigger for the conflict, these issues should be fully and comprehensively addressed within proposed peace and power-sharing agreements;
- Legitimate local structures that can act as interlocutors or fora for developing proposals should be acknowledged and given a role in negotiations;
- A full and comprehensive study should be carried out of peace and power-sharing agreements from similar situations around the world, in order to be aware of the full range of possibilities.

To the national government of Nicaragua, and the regional RAAN and RAAS governments:

1. The number of seats in the National Assembly for each geographical department should be reformed to make them proportional to the number of inhabitants.
2. Increased central government funding should be provided to universities in the RAAN and RAAS to run public administration and political science courses for representatives of indigenous peoples and Afro-Caribbean communities, including a programme of internships for members of those groups to work with members of similar decentralized authorities abroad, and grants to study on relevant courses run by partner universities abroad.

3. A consultation with representatives of indigenous peoples, Afro-Caribbean communities and Mestizos, including women, should be organized to debate the appropriateness of introducing a system of reserved seats to safeguard the representation of indigenous peoples and Afro-Caribbean communities on regional and municipal councils, and if so to determine the level of respective reserved seats for each community. Reserved seats should not be permanent but be subject to mandatory review after a fixed period of time.
4. At least one of the judges sitting on the Supreme Electoral Council should be a representative of an indigenous or Afro-Caribbean community from the RAAN or RAAS.
5. The ruling of the Inter-American Court of Human Rights in the *YATAMA* case should be fully implemented.
6. Law 445 concerning land demarcation and titling, as well as the ruling of the Inter-American Court of Human Rights in the *Awas Tingni* case, should be implemented fully as a matter of urgency. This should involve funding and organizing an inter-ethnic dialogue on land claims between indigenous peoples, Afro-Caribbean communities and *Mestizos*.
7. Indigenous peoples and Afro-Caribbean communities should participate fully and effectively in the development of regional and national development plans that affect them, such as Poverty Reduction Strategy Plans.
8. In consultation with ethnic communities, an investment plan should be drawn up to strengthen the education system in the autonomous regions, including schooling in Spanish and the mother tongue for children from indigenous and Afro-Caribbean communities.
9. The central government should publish independently audited figures regarding natural resources revenue, including that from resources exploited by foreign companies, and including the proportion of profits accruing to foreign companies, in the interest of ensuring transparency regarding the allocation of revenues to local communities and authorities in accordance with law 445.