

# Chapter 6

## Summary and Recommendations

The historical factors of underdevelopment, natural disasters, and war have left the forests and peoples of Nicaragua's Atlantic Coast vulnerable to invasion and exploitation by outsiders. After over 500 years of Spanish influence in Central America, the "Spaniards" are finally colonizing the southeastern part of Nicaragua's Atlantic Coast. To be sure, this colonization is being met with resistance, but in the absence of law, the 'might' of land speculators is overpowering the 'right' of local peoples and the environment. What happens over the next few years will determine whether or not Rama and other ethnic groups of the region can sustain a presence in the area, or whether their relationship to their ancestral territory will become a relic of history.

For those who are interested in protecting Nicaragua's forests and Central America's Biological Corridor, the situation is equally urgent, as the same social, economic, and political factors that are displacing the Rama from their territory also lie at the root of the region's deforestation.

In a sense there are two basic alternatives to approaching the problems discussed in this report. The first is to adopt a hands off approach, and to allow things to take their own course. The predictable result of this course is that uncontrolled land speculation, colonization, and resource use will continue to overwhelm the stability of the region's human communities and natural areas. Those with more money and power (and weapons) will use their advantage to continue to reap benefits. The land will be squared off into lots and sold, the forests will be degraded, and the region's protected natural areas will remain "paper parks". The long-time Rama and Creole inhabitants will increasingly become minorities in their own land, and will be intimidated into giving up their resources, until they are finally pressured to flee from the land to the safety of towns.

The second basic alternative is to try to bring some element of order into the processes that are taking place. The remainder of this report will discuss steps that might be taken toward stabilizing the land tenure situation in southeastern Nicaragua.

### 1. A Land Demarcation and Titling Project

In order to defend indigenous land rights and the natural environment of southeastern Nicaragua, a systematic and comprehensive program of land demarcation and titling is needed. Referred to variously as "property regularization", "property normalization", or "property formalization", projects such as are needed on Nicaragua's Atlantic Coast are being promoted in many places in the developing world, and by a variety of interests. Much of the demand for property formalization is coming from private business interests, who view a secure title as a prerequisite for the commoditization of land, and the incorporation of "underexploited land" into the global economy. Yet advocates for sustainable development and indigenous rights also understand the need for secure land titles that are respected by governments, and upheld by the law. In the case of southeastern Nicaragua, for example, a functioning land administration system would discourage people from selling land that does not belong to them, and prevent land speculation.

Land demarcation is only the first step to a functioning land administration system. Other components include a well-organized land registry office, policies regarding the transfer of land



titles (or in the case of indigenous community lands, inalienability), cadastral (property) maps that are keyed in with land registry, and physical boundary markers (*mojones*) on the ground. The type of land titling program that is needed in southeastern Nicaragua will require a coordinated effort between government agencies, non-governmental organizations, and local peoples. While a land titling process for southeastern

Nicaragua should emphasize intact indigenous community lands and conflicts in and around protected natural areas, a comprehensive program is needed that also applies to lands that have been settled by Mestizo colonists. Necessary elements for an effective land titling project in the region will include the following:

- a. **Information gathering:** Although there is a common understanding that uncontrolled land colonization is occurring, none of the organizations operating in the region have good geographical information. The land titling process should begin, therefore, with a more realistic assessment of the situation in the region, preferably based on low altitude aerial photography.
- b. **A participatory process:** Land titling projects elsewhere have indicated that the process used to define which land belongs to who may be as important as the end goal. A participatory process is needed, in which land surveyors work closely with communities, law enforcement officials, and conflict resolution specialists. In addition to respecting and incorporating traditional forms of land tenure and administration among indigenous groups, the process also needs to pay special attention the rights of women, who are often unjustly excluded from titling programs.
- c. **An appropriate institutional setting for information management.** A computer-based geographic information system (GIS) is needed, for the management and analysis of the large amounts of geographic information that would be produced during a land titling project. For these purposes a new organization might be created, or the system may be based in an existing institution such as one of Bluefields' universities.
- d. **Indigenous community resource information systems.** Land demarcation is only a first step toward promoting sustainable development on Nicaragua's Atlantic Coast. Following its use in land demarcation activities, a GIS with property information could serve as the basis for future sustainable resource planning in the region. Models are available from Perú and elsewhere of "indigenous community resource information systems". Such a system begins with base map information, and land ownership information to which can be added various data layers on forest or other resources. An information system such as this can provide, for example, the basis for sustainable timber harvesting, or sustainable wildlife management.

Many of the steps described above are described in an indigenous lands demarcation law that is currently before Nicaragua's National Assembly. The "Ley del Regimen de la Propiedad Comunal de las Pueblos Indígenas y Comunidades Etnicas de la Costa Atlantica, de los Ríos Bocay, Coco e Indio Maiz", was created after much consultation with community leaders and institutions from the Atlantic Coast, and was introduced before the National Assembly in September, 2000. The bill was drafted in response to the October, 1998 "Ley Orgánica que Regula el Régimen de Propiedad Comunal de las Comunidades Indígenas de la Costa Atlántica y BOSAWAS", which was presented to the National Assembly by Nicaragua's President Arnoldo Alemán. This original bill drew strong criticism from the Atlantic Coast for its failure to adequately describe the needed demarcation process.

## **2. Adequate Law Enforcement.**

By itself, even the best planned and implemented land demarcation process would fail to address the needs of southeastern Nicaragua's indigenous peoples and protected natural areas. In order for the formalization of property rights to achieve its goals, the enforcement of those rights must also occur. In the rural parts of southeastern Nicaragua today, the lack of law enforcement is causing the social fabric to unravel. In addition to the threat of losing their land, many of the region's inhabitants also live in fear of robbery and attack from violent criminals. Given the numerous difficulties that the region's rural people must surmount just to make ends meet, the loss of the products of their labor to bandits can make life in frontier regions unbearable. For this reason, many families who tried to return to their land following the war have been forced to abandon their homes once more. In places such as Punta Gorda, Monkey Point, and other spots along the coast south of Bluefields, a census of the region's inhabitants is in large part a tale of who "used to live there".

Due to shortages in resources for personnel, communications, and transportation, the municipal police force in Bluefields is far from being able to adequately patrol the entire municipality. In former days National Guard posts were present at the Punta Gorda Bar, and farther upriver, but were never replaced following the 1980's war. The Nicaraguan Army has a small presence in San Juan del Norte, but is equally unable to respond to the needs of the region. Citizens of the region are calling for a new army or police base to be installed somewhere in the region between Bluefields and San Juan del Norte. Some have suggested that a base be built at Monkey Point, while others have suggested a site along the Río Punta Gorda, such as at Pijibaye. Until something is done to increase the presence of the law, the region's inhabitants will continue to be deprived of the basic rights that they are guaranteed under the Nicaraguan Constitution and international human rights accords.

In response to the failure of national and regional institutions to guarantee their rights, a number of the region's communities have created or would like to create community police forces. In many cases, however, the communities lack the resources to obtain the necessary weapons, transportation and communication equipment. A program is needed to assist communities in obtaining the necessary equipment and training to support community police forces. This program should include participatory workshops involving the entire community, so that the community police force has the support, rather than the resistance, of local people.

A similar proposal has been made by a number of the region's inhabitants to create community-based forces of *guardabosques*, or forest guards. Some Rama, for example, claim that given the failure of the government to enforce the law in the region's protected areas, the Rama should be empowered to do this work. The Rama are familiar with the program in northern Nicaragua in which the Mayangna Indians have been trained as forest guards, and provided with the necessary backing to carry out this task. Given the active land invasion in the region, however, the dangers of such an effort should not be underestimated. Any community based effort at law enforcement must be provided with effective equipment and training. As stated by a Rama man, "I no going to go out in my dory with an old twenty-two, to chase down a criminal

man in his panga with his AK”. Rather than merely creating a vigilante force that will provoke further violence in the region, any effort to create a corps of forest guards or a community police force must be accompanied by community education on the role of the new police force.

### 3. International Support.

Given the nature of the crises currently facing southeastern Nicaragua’s indigenous and ethnic minorities and the region’s protected natural areas, international financial and technical assistance is needed to help implement the land titling and law enforcement programs described above. During the 1990’s southeastern Nicaragua’s Biosphere Reserve received attention from international conservation organizations as a region of the highest priority for nature conservation. Working with the Nicaraguan government to designate protected natural areas was an important first step, but unless the initial effort is followed up on, these protected areas will remain nothing more than “paper parks.” If there is to be any hope of long-term conservation taking place in the region, the sustained attention of international organizations will be needed to help confront the region’s social problems.

In order to meet its goals, any program that strives for sustainable government in southeastern Nicaragua will need a decentralized funding process, to ensure that resources reach the actual areas where they are most needed. Many Atlantic Coast citizens claim that all too often the international funding that enters the nation stays on the Pacific side of the country, rather than reaching the Atlantic Coast.

In addition to international development and funding organizations, international solidarity movements may also have an important role to play in defending southeastern Nicaragua’s indigenous rights and protected natural areas. The regions inhabitants can gain ideas and strength from participation in south-north, south-south, and indigenous-indigenous alliances.

**4. Local Empowerment and Action.** While international organizations can initiate programs to transfer appropriate technologies and build professional capacity among regional and local non-governmental organizations and government agencies, ultimately the solution to the region’s problems lies in the hands of its inhabitants. It would be naive to pretend that indigenous peoples’ rights has ever been achieved without struggle and resistance. Presenting an organized

The work that needs to be done regarding land demarcation and sustainable resource development on Nicaragua’s Atlantic Coast will be a complicated and challenging process. The historical factors that need to be overcome have been accumulating for hundred of years and will not be changed overnight. Only by realistically assessing these challenges and by taking a strategic approach toward overcoming them can the region’s future to be shaped by hope rather than despair.



## **Epilogue: March, 2001 Update**

During the latter part of the year 2000, and in early 2001, the situation has been deteriorating with regard to the Rama and their lands. In different Rama communities and at Monkey Point, a number of violent incidents have taken place that demonstrate the need to defend the human rights of the Rama and their neighbors.

In November, 2000, a group of six masked and armed men arrived at the long-time Rama community of Wiring Cay and began to terrorize the community. The men spoke Spanish, and carried weapons including a pistol, a .22 caliber rifle, and an AK-47 machine gun. The men took whatever they could find from the Rama families that make up the small community, and one Rama man was shot in the hand (As of March, 2001, the man had still not recovered the use of his hand.). The Rama families fled to Rama Cay with only the clothes that they were wearing, and as of March, 2001, none of the Rama families had returned to live at Wiring Cay, out of fear. A Rama man that briefly visited the area that month reported that the house of at least one of the Rama families' had been burned down.

In the second week of January, 2001, a group of approximately 12 armed and masked Mestizo men arrived at the mixed Rama-Creole community of Monkey Point. The bandits stayed for several hours and terrorized the community. A pastor and his family who had been staying in the community in recent months were tied up, and the pastor was beat up by the men. The bandits nearly drowned a woman from the community that they apparently thought had information on the whereabouts of drugs. Many of the community members fled into the forest and stayed there for a number of nights, out of fear. A boat and motor were stolen from the community by the bandits. During the attack by the bandits, a few community members escaped, and were able to eventually reach El Bluff, near Bluefields, where the police were contacted. The police reportedly were able to catch a few of the bandits, but the others escaped. Following the violence, many people left the community, including the pastor and his family, and the school teacher. While some people have returned to the community to resume their lives, others have not returned, and say that the latest violence was the last straw for them.

On February 25, 2001, another group of seven armed and masked Mestizo men showed up at the Rama settlement at Western Hill (Big Hill), 5 km southwest of Rama Cay on the mainland. This group of bandits is suspected to be the same group that attacked the Wiring Cay community a few months earlier. At Western Hill, Rama from Rama Cay have a community farm, where two families at a time go to work on a 2-week rotating basis. When the bandits arrived at Western Hill, they rounded up the nine Rama men who were present, and tied them up with barbed wire. The women were forced at gunpoint to remove their clothes and were raped. One Rama woman was raped in front of her family, including her husband, her parents, and her children. At least one other woman was raped by each of the seven Mestizo men. Afterwards a few of the Rama men were untied, and were forced to kill and butcher one of the farm's cows, so that the bandits could take the meat with them.

During the attack at Western Hill, two Rama men were able to escape and make their way to Rama Cay. On Rama Cay, Sunday mass was being held in the church when the two men arrived from Western Hill with the shocking news of what was taking place. Using the short wave radio in Rama Cay's medical clinic, the Rama were able to contact the police in Bluefields and call for help. According to the Rama, if the police had come when they were notified, they could have easily caught the bandits as they left the Western Hill area. Instead the police did not arrive until the next day, and the bandits all escaped. The Rama who were at Western Hill claim to know the identity of some of the attackers, and say that at least some of the men are local Mestizos from the Torsuani River, just 10 kilometers to the south. The Rama claim that even though they told this to the police, the police did not pursue the bandits.

As is the case with the Rama community at Wiring Cay, as of mid-March, 2001, no Rama families had returned to the farm at Western Hill, out of fear for their safety and their lives.

Many Rama and Monkey Point community members suspect that the violence of recent months is part of a larger effort to drive the Rama from their lands. In the eyes of unscrupulous land speculators, these forested lands are a valuable commodity. A community leader of Monkey Point reported that during the attack, one of the bandits said to a community member, “This is not your land anymore.” Community members also point out that the violent acts are based on racist discrimination. At Monkey Point for example, the attackers were Mestizo men, and Creole community members claim that while all the Creole and Rama people were frightened of the bandits and fled, that the few Mestizo families staying at Monkey Point did not appear to be afraid of the bandits, and did not flee. Rama who use the community farm at Western Hill say that some of the local Mestizos want the land at Western Hill.

Regardless of whether or not land speculators are behind the recent acts of violence, unless the violence against the Rama is halted, the end result will be the same. The Rama will be driven out of their remaining community lands, and the lands will be taken over and deforested by Mestizos. The recent examples of extreme violence highlight the urgency for increasing the police presence in southeastern Nicaragua. This must be conducted in close consultation with local community members. While the Rama and Monkey Point citizens complain that the police is not helping them, the police claim that their resources are limited, and that when they try to help the local people do not cooperate by supplying information. According to some locals, they are afraid to tell the police who the criminals are, because even if the criminals are arrested, they inevitably get released shortly afterward, which leaves the informants in an extremely vulnerable position. At Monkey Point community leaders claim that when the Nicaraguan naval forces sent a patrol boat around the area every two weeks or so, the violence ceased. But since these patrols have become less frequent, the violence has begun to escalate once more.

The area clearly needs a more sustained presence of law enforcement officials. Monkey Point and Rama leaders are currently engaged in a dialog with the police chief in Bluefields and local support organizations, regarding plans to establish an officially recognized volunteer police force. In addition to the presence of law enforcement officials, each of the local communities needs to be linked with authorities in Bluefields via a network of communications radios. A number of organizations are currently working to put this communications network into place.

In yet another case, the Rama community of Punta de Aguila has recently been experiencing a threat to their community lands by a Greek land speculator named Peter Tsokos. Tsokos had already recently gained local and national notoriety for his efforts to take over and sell the Pearl Cays, an offshore island group to the north of Bluefields. In the Pearl Cays case, Tsokos has received strong opposition from the local fishermen and other community members who have traditionally used the cays. The case has received significant publicity that it has driven



Nicaraguan President Arnoldo Alemán to propose declaring Nicaragua’s offshore cays a “public utility”. The case of Punta de Aguila is similar to the Pearl Cays case in that the area has beautiful palm-lined beaches and high potential for tourism.

In late February a number of workmen (armed with an AK47 and other weapons) arrived unannounced at Punta de Aguila and began to clear the forest along the beach and build a house atop Punta de Aguila. The strip of land that is being claimed by Tsokos and has been cleared of its vegetation extends for over three kilometers along the coast, in an area where the Rama hunt and harvest coconuts and other plants. The Rama and their neighbors in Monkey Point also point out that the coastal strip of land is a vital public right-of-way that they rely on for their mobility, especially when the sea is too rough to navigate their small craft.

Tsokos claims to have bought the land, which includes an area called Long Beach, and lies between the Rama community of Punta de Aguila on the south, and the Monkey Point community on the north, from its former owner, Herman Presida. According to Monkey Point community members, several years ago Presida acquired title for the land on behalf of the community members, not as private property. According to an elderly Rama woman, Presida used to transport the Ramas' excess agricultural production to Bluefields to sell for them. At one point the Rama let Presida keep all of the money from the sale of their produce so that he could use the money to get them a legal title to their land. It was not until later that the Rama learned that Presida did indeed obtain a title to the land, but in his own name.

In a small piece of positive news, following a March 7, 2001 investigative visit to the Punta de Aguila site by members of 4DGC and the Center for Legal Assistance to Indigenous Peoples (CALPI), and a follow-up visit a week later by CALPI and representatives of Nicaragua's central government, Tsokos' workers were ordered by government officials to immediately stop work at the site until a full investigation takes place.

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