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Land Conflict Resolution Within an Autonomous Space

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Land Conflict Resolution Within an Autonomous Space

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Spring 2004

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Introduction

The aspect of land has created a very tumultuous atmosphere in the autonomous areas of Eastern Nicaragua. As people in this region struggle to create a space of decentralized and culturally heterogeneous political, economic, and social systems, the issue of power – be it foreign or internal – has brought continual conflict into an area historically riddled with problems of domination. In this paper, I will address the issue of land as being a key factor in how conflict resolution can be aided in and by the idea of autonomy and local level decision-making. The culturally significant and vital aspect of land to indigenous and ethnic groups inhabiting this region has made for conflicts to arise over the process of demarcation of community lands between with the communities themselves, the state, and *terceros* – or third-party peasants entering into indigenous or ethnic communal property. In this paper, I will investigate the history of the area, the autonomy and demarcation processes, and the conflicts at hand and their possible resolutions.

The dominant form of political, economic, and social configuration guiding the policies of nation-states throughout the world today has failed to understand the multiple layers of culture and history that separate groups living within modern political boundaries; a governing body, like that in Nicaragua, cannot adequately govern or administer the human and physical resources that exist in areas where culturally and historically there have been no explicit links of mutual respect and aid. With a limited, and obviously asymmetrical relation, the division between the Pacific Coast and Atlantic Coast of Nicaragua identifies this schism with utmost precision, where the primarily indigenous and ethnic dominated area of the Atlantic has been exploited, subjugated, disregarded, and ignored by British imperial powers and the Pacific Coast since 1641 – the Atlantic Coast's introduction into its identity as a British protectorate – to Nicaragua's initial independence from Spain in 1821, and most

recently since 1894 with the Atlantic Coast's liberation from Great Britain and the corresponding invasion of incorporation by Pacific Coast and United States' forces in the same year.¹ The inability for a government, in the form of a nation-state or any other macro-governing apparatus, to respect and understand all the intricate differences each ethnic and indigenous population possesses brings forth an interesting problem that I will argue, in the case of Nicaragua, is and can continually be alleviated through the idea of autonomy.

As problems of administration and alienation, that which deals with both the physical and cultural proximity of the lawmakers who work in Managua in relation to the populations of the isolated Atlantic Coast, can cover a wide range of topics from democratic participation in Nicaragua, to the intrusion of domestic politics with foreign – meaning, in this paper, outside the Atlantic Coast – interests, and to the social and cultural rifts that explicitly and inexplicitly identify Nicaraguans as Nicaraguans, forgetting the ethnic and indigenous historical foundations that innately reject any such homogeneous and inflexible label. In this paper, I will discuss these themes not as key topics, but as a part of the greater and more important conflict between a central governing authority against a culturally significant group of bodies, like the Atlantic Coast, separated since 1987 by the *Ley 28*, or the *Estatuo de Autonomía de las Regiones de la Costa Atlántica de Nicaragua*, and continually separating as the idea of autonomy slowly becomes reality. I believe that this core concept of separation is best represented by the current conflict over land occurring in the resource rich Atlantic Coast – done so in such a way that the innovative and new spaces that autonomy brings can be seen as testing the waters of separation, acting within the new realm that attempts to understand the potential advantages and disadvantages of local and direct – community led – conflict resolution.

¹ Pamales, Virginia. Personal interview. March 21, 2004.

While this conflict is clearly not the only way one can look at autonomy and the role it plays in changing the political systems currently founded in the national context of the nation-state, I believe that the idea of culture – especially culture that can be sharply contrasted with the culture of a dominating, or power-wielding, agent – holds an incredibly significant weight over the historical and active relations between the two dissimilar actors. Land, in an indigenous context, represents the foundation of any physical or metaphysical condition as it is reflected in a human, a community, or a population.² Indigenous cultures, through generalization, view land as inherently unpossessable; the modernity of the Enclosure Acts of Great Britain and the Lockean philosophers who followed is external, and quite foreign, to the ideologies of indigenous groups even today – the irony of words like modernity is shown in full force in the face of these “pre-modern” conceptions of indigenous traditions. How can the communal land of the Coast mix with the private notions of the Pacific; or furthermore and in a broader sense, how can the indigenous and ethnic traditions and customs of the Coast mix with those of the *mestizo* – those descendents of Spanish and indigenous ancestry – Pacific? I will only tackle the former question’s effects on current day Nicaragua, and how autonomy can be used as a tool for land conflict resolution; the latter is too large and complicated – which is to say, not that I can adequately covered a topic like land, but that a paper of this magnitude is better situated as a reflection of a subsector, not a holistic account of an autonomy only 20 years and growing.

In this manner, I will try to examine how the structure of land, in both private and communal cases, has affected and ultimately brought about conflict between different agents, be them communities, governments, or *terceros* – or third-parties. I find it necessary to declare a truism: that it is absolutely essential to understand not only the conflict at a level of observation, but also define its structure not in the paradigm of the present but in the

² Molina, Avelino Cox. Personal interview. April 20, 2004.

paradigm of the past; the very degree of separation that has existed and will continue to exist between the Pacific and Atlantic Coast is due inseparably to history and the foundations in which ideas, be them the cultural values that were inherited from generations past or the political systems that developed and ingrained themselves after European colonial rule. Only with these historical foundations can one begin to assume the responsibility of outlining the autonomy process that became the Autonomy Law, nor the paradox of autonomy within a nation-state, and the problems at the interface level that has brought, either through intervention or ignorance, conflicts between the central government of the Pacific and the regional political systems of the Atlantic Coast. The buffer between the two actors, therefore, is not clean and smooth – as one could expect. It is riddled with bumps and obstacles that have prohibited a movement towards the idea of autonomy that has been directed by the Autonomy Law of 1987; with this problem at the interface stated, the understanding of “*dice autonomía, pero no la veo*” – or, “they say autonomy, but I do not see it” – a phrase I heard numerous times in my research, comes to show a key component to the obstacles in front of a more successful space for conflict resolution.³

As the Autonomy Law of 1987 did introduce means for separation for the Atlantic and Pacific Coast, the process of autonomy, and of solidifying the procedure in which land would be demarcated in order to maintain and preserve communal land holdings in the Coast, was aided by the *Ley 445*, or the Law of Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and the Rivers Bocay, Coco, Indio, and Maíz, which helped to take the idea of communal land seriously and to deal with it clearly, utilizing the community and local levels as key agents in the decision-making process – as was declared by the 1987 Autonomy Law as well – so as to understand autonomy as based on local, and decentralized, political systems and apparatuses.

³ Welter, Daniel Joseph. Personal interview. April 25, 2004.

This also brings into discussion a second paradox: how communal land and governance can exist and function within a private context, where boundaries are drawn, borders are acknowledged, and titles are documented – all done to ease conflicts that had and may arise again between communities, the state and communities, and between *terceros* and communities. Can the ideas of community and of non-ownership transcend the necessary legalization of land and continue to operate as it had before, or will the demarcation eventually lead the community to incorporate such private ideals into what could lead to collectivization or individual ownership and ultimately to selling and buying of indigenous land?

The arising conflicts that in part caused and in part resulted from the Demarcation Law run the gamut of what have been reasons for why there have been problems with land between indigenous, ethnic, state, and *mesitzo* populations. In this paper, I will separate these reasons into two separate categories, as to indicate the multifaceted problems that always exist in any manner of resolving conflict. The first category, that of reasons dealing with interests – be them economic, political, or cultural – deals with the dominant forces that are at play and are acknowledged by almost everyone I have interviewed as key components to conflicts over land. The second category, of reasons without said interests, fall into the less direct, and inexplicit range of problems inherent in any resolution process, be them conflicts over history, or little to no experience by community leaders or government officials concerning land demarcation. The ways in which the idea of autonomy has realized and dealt these two categories provides interesting insight into how either conflicts isolated from interests will still have short-fallings, and how, with the issue of land involved, there is never an issue of shortage of interests by communities, state, and foreign agents.

The resolution of these conflicts, especially under a lens of autonomy – which is the focus of this paper – is something I have investigated heavily, to which I have had an

unanimous consensus amongst those I have interviewed who believe that more autonomy, and more decentralization, are the key components that need to be strengthened and augmented in order to improve the ability to resolve conflicts. Separation from the central government, and the ability to rectify problems and resolve conflicts within one's own culture or community, finds foundation in the basic logic of less actors equals less interests, especially foreign interests to the domestic region – the same interests that had manipulated the same region since Nicaragua's independence. Overwhelmingly, my interviewees declared that communities can negotiate and discuss things easier amongst themselves and amongst their neighbors; this is especially prevalent in the municipality of Puerto Cabezas, where there is a heavily Miskito population providing a large and culturally homogeneous body, as agents – of close cultural proximity but far physical proximity – can understand and agree on a final result much easier than introducing a government actor and having to appeal to a higher authority, most likely culturally and physically distant from the community and its conflicts.⁴ This basic idea of local resolution is the theme that I will focus my attention and my argument toward: that the increase of local power and decentralization away from structures relying and obeying the central government, in the Pacific Coast and in the Atlantic Coast, will lead to a space of flexibility and nonviolence that will aid conflicts of all shapes and sizes, though my paper will follow the persuasion of land conflict – as already discussed in the previous pages.

Methodology

This project has been developing ever since the initial Independent Study Project proposal required for my application into the SIT program. My original proposal, aimed broadly at studying the land reform measures in indigenous areas on Nicaragua's Atlantic

⁴ Patterson, Selsmann. Personal interview. April 24, 2004.

Coast during the 1980s, was hemmed and focused as I continued to learn more about the history of land and culture preservation that eventually led up to the Autonomy Law of 1987. With an already vague idea of how autonomy had worked and was working in Nicaragua, I coupled an already shaky amalgamation of land, plus indigenous territory, now multiplied by autonomy – the math analogy shouldn't be looked at further than at face value as cleverness has run dry and is now quite one-dimensional. This entire process was cemented as I learned about the case of conflict in the area of Layasiksa, an indigenous Miskito community in the *Regional Autónoma del Atlántico Norte*, or RAAN; this example has provided me with a great deal of sudden clairvoyance, as the key themes I wanted to incorporate into my project were grouped together so well in a conflict that was recent, historically founded, and politically significant. As I will discuss later in this paper, the case of Layasiksa was originally misinterpreted by me as a violently erupting head over a violently brooding body; in hindsight, the violently erupting head was really the tip of a mostly peaceful and calm, yet still brooding, body.

In order to study the conflict at Layasiksa and the indigenous areas that surrounded the regional capital of Bilwi better, I traveled to the municipality of Puerto Cabezas and stayed in the city of Bilwi for two weeks. My original attention was focused on making contacts and understanding the situation by observation; the former easier than the latter in an urban setting with limited access to conflict areas and a blurry picture of the events that were unfolding in front of me. I was fortunate to find that the city still had a small-town persuasion to it, where a normal conversation with strangers in the central park would yield invaluable contact information or insight into the conflicts that were affecting all people, either directly – as the city of Bilwi itself was first-handedly experiencing a land struggle over the territory inside city limits – or indirectly, through family members or friends who lived in communities where land was in conflict. The contact for my most knowledgeable and helpful interviewee

and adviser resulted from a short conversation on the street, who directed me to the house of his brother, only two blocks from where we were, who was the political leader of the community neighboring Layasiksa. Save a couple of hard to reach people with little to no time, the balance of my interviews brought me quality information that seemed to all be backed up by an interview later that day or the day after; I experienced little to no problems in finding people who were either directly involved in conflicts, like those community leaders who were living in Bilwi or those who lived outside in the three communities I visited: Lamlaya, Kamla, and Tuapí, or directly involved in the resolution of said conflicts, like those government and institutional agents and workers who were based in Bilwi.

My investigation went quite smoothly, as I accumulated more and more information either through interviews or independent research of the actual laws – 28 and 445 – or journal articles that discussed conflict resolution, autonomy, and demarcation in a very thorough manner. I am heavily indebted to the people at CIDCA – the Centro de Investigación y Documentación de la Costa Atlántica – and their resources for providing me with a library where I could cross-check information acquired through interviews and investigate new possibilities in my always developing thesis that only found the issue of “conflict resolution” after much research and thinking after my original focus – on the cultural results of land conflict – fell flat on its face as the calm brooding body of Layasiksa was finally realized. After about a week and some days in Bilwi, I fell sick after drinking some bad water; my project, while it fell to a sudden halt, managed to crawl as I refined my main argument either through independent journaling or through editing and revising scattered thoughts concerning my project while I was immobilized and prohibited from interviewing more than one person a day.

In my paper, I will use both the information I gathered via interviews as well as the information I found utilizing the resources at the CIDCA; the use of both methods will

hopefully act as to provide a reciprocal structure, where oral history can be checked against written accounts, and where the published – and sometimes heady works – can be brought down from their theoretical cloud and applied into a praxis, or an actual application of theoretical principles, directed by a single interviewee or by a collection of interviews. Throughout my investigation, I have wanted my own ideas to follow the stories and recollections of those living the reality that seemed so abstract and external to me as I landed in Bilwi on my first day. While it is completely worthless to claim objectivity, as some sort of predisposition can never be ignored, I do believe that the ideas I held before have been manipulated and modified as I read and listened more and more about the actuality of autonomy and decentralization; while admittedly I was quite sympathetic to most ideas of separation from a national government, I have grown to become quite critical at most methods towards autonomy through a national political medium, which I can attribute to either a radicalization and/or a rationalization of my own ideas as they interacted in the discourse that I encountered in my two weeks in Puerto Cabezas. My analysis of the situation of land conflict remains at this current state of distrust and second-guessing, an inherited paradigm of those I talked to, for sure, as well as a nod to history and to the nature of modern power that I grazed previously in this paper.

Autonomy and the Ley 28

The history of the Atlantic Coast, as outlined briefly in the introduction of this paragraph, begins in the 1641 introduction of the region into the hands of Great Britain as a protectorate. During the period that led up to 1894, the land of the Atlantic Coast was exploited for its natural resources – being mainly timber and gold – as well as the possibility to construct an inter-oceanic canal along the Rio San Juan at the southeastern corner of

Nicaragua.⁵ During this period of more than 250 years, the British government developed a different form of imperialistic rule over the Atlantic Coast, most notably and most poignantly exemplified through the 1850 creation of Mosquitia, an area created as a semi-colony of the British with an established local rule of a Miskito king, as well as two adjoining councils that held nominal power: a General Council and an Executive Council; the king reigned as a puppet of British foreign rule, as he signed over titles and access to resources to the British and allowed the inhabitants of Mosquitia to become the workers for the English gold and lumber companies that were already operating in the area since the 17th century.⁶

In 1894, the Mosquitia Kingdom reserve was completely dissolved and forcefully incorporated into the Pacific Coast of Nicaragua by General Jose Santos Zelaya, the president of Nicaragua at the time. With aid of the United States militarily and materially, Zelaya managed to persuade the Miskito governing body to recognize the Constitution of Nicaragua, its laws, and the Pacific Coast's government; after numerous clashes between indigenous and ethnic communities and the Nicaraguan army, the Zelaya government was forced to a series of concessions, which can be seen today as the continuing of the historical spirit of autonomy and decentralization of the Coast: exemption from military conscription, community self-government, and the reinvestment of the wealth of the region back into the region.⁷ The reality of the concessions, especially the last item noted, has not manifested itself into practice even up to today past the 1987 autonomy law.⁸ The current taxes within the RAAN and *Regional Autónomo del Atlántico Sur* – or RAAS – are still giving 50% of all taxable goods back to the central government, despite the legal declaration of 2003 that provides only 25% outside the Atlantic Coast.⁹

⁵ Pamales, Virginia. Personal interview. March 21, 2004.

⁶ Vargas, Rufino Heslup. Personal interview. April 20, 2004.

⁷ Sinclair, Freddy Fritz. Personal interview. April 25, 2004.

⁸ Hobbington, Marcos. Personal interview. April 22, 2004.

⁹ Sinclair, Freddy Fritz. Personal interview. April 25, 2004.

Despite the incorporation of the Atlantic Coast into the nation-state of Nicaragua by the Zelaya government, the area remained isolated and exploited by the central government; social benefits reached neither the interior of the newly incorporated land nor the distant Coast. The constitutionally invisible but existent cash flow to the Pacific defines the asymmetrical relationship that have existed since 1641, only with different agents at the receiving end. Throughout the 20th century, in a period highlighted by the dictatorship of the Somoza family, the lands and economy of the Atlantic Coast was subordinated to the United States, moving capital created through coffee, livestock, lumber, and fishing production northward, either through direct ownership by US companies of Nicaraguan land or through price manipulation and US monopolies throughout Central America. The absence of royalties, or compensation for the exploitation of resources and land, was accepted by the Nicaraguan government led by the Somoza family, as any opposition was immediately censored.¹⁰ This overt ignorance to indigenous history and culture by Zelaya up to the last Somoza – which, as noted, places great importance on land and natural resources – was continued throughout the revolutionary period that began in 1979 by the FSLN.

Up to 1990, the FSLN did not respect, nor negotiate, indigenous or ethnic groups' rights. The literacy campaign so championed by FSLN advocates in the 1980s began without taking into consideration the cultural complicities of language, traditions, and social structure that existed in the Atlantic Coast but not on the Pacific. Claims by indigenous community leaders today of mistreatment echo concerns of the subjugated people of the Coast of the past, either of stealing land titles on occasion, to nationalizing and collectivizing communal land. Rufino Heslup Vargas, the *sindico* – or political chief – of Laguna de Kukalaya, commented that the reallocation projects and land reform of the Sandinistas, especially by the APP, or Area Propiedad de Pueblo, was like a “political communism”, where resources – natural and

¹⁰ Molina, Avelino Cox. Personal interview. April 20, 2004.

human – were misused and misled. It was something along this line, Vargas says, that led to the eventual indigenous uprising against Sandinista forces in the 1980s and the alignment of the Yamata and other indigenous guerrilla groups with the Contras. As the Contra war drained the resources and spirit of the Nicaraguan state and people, the resolution the Coast problem was rectified in 1986 with the processes that led up to the 1987 Autonomy Law; Vargas concludes that because the FSLN could not dominate militarily the Atlantic Coast, they instead created the Autonomy Law to bring peace and to correct the mistakes that they had made in the past.¹¹ The FSLN secretary of Bilwi, Francisco Sanchez, acknowledged the mistakes Vargas had commented on, but never claimed that the Autonomy Law was a direct result of the inability to dominate or hold power in the region; it was, in turn, an effort at reconciliation the innumerable conflicts that had existed ever since the British.¹² According to Feris Watson – another FSLN official in Bilwi – the conversations for peace and autonomy between the FSLN and the Miskito people, represented by the famous Miskito leader Misurisata, were dedicated to the creation of peace, stability, harmony with others, and the mobilization of medicine and social services.¹³ The relation between both Heslup’s and the FSLN’s accounts thus appears quite similar, only with the latter attributing more to the possibility of how the FSLN could aid the Coast by cushioning the aspect of peace and the end to armed conflict with social programs and services.

It is with this suggestion that I will detail the idea of separation, which I have utilized several times in the previous pages, against the idea of unification. The autonomy process, and the eventual Autonomy Law of 1987, came out of an appeasement effort, more or less, as exemplified by the above testimonies; as an area that has experienced exploitation and mistreatment by external powers for almost 400 years, the idea of unification with the same state power, whether politically liberal or political conservative, that had repressed the people

¹¹ Vargas, Rufino Heslup. Personal interview. April 20, 2004.

¹² Sanchez, Francisco. Personal interview. April 15, 2004.

of the Coast since 1894 seems foolish; the movement towards decentralization, towards autonomy, and as directly caused by the need for peace between a faction fighting against what they believed to be a dominating force, appears to me to be a sound example of separation rather than unification. Even the idea of unification seems contradictory to the ideals of autonomy, as the basic tenants of decentralization, local decision-making, and community control over resources, physically and theoretically represent a movement away from any kind of unification effort for any sort of national authenticity. I will argue that the reason to even introduce of the word unification, on both sides, follows a political ploy for legal digestion of autonomy and ultimately, separation – meaning that the political and economic loss that would incur on the side of the Pacific Coast, as the exploitation of resources would eventually come to an end, being understood as a sacrifice for peace and for reconciliation between the two areas.

On October 30th, 1987, *Ley 28* was passed by the National Assembly and two administration regions were created: the RAAN and the RAAS. By passing this law, Nicaragua became the first country in Latin America to have an autonomous zone like the RAAN and RAAS, and the only constitution that has the rights of indigenous groups explicitly detailed. Molded after the Catalanian autonomy experience in Spain, the hefty project of autonomy – especially in an area almost half the size of the country itself – is “*una palabra tan grande*”, or “a word that is so big”, that a sizeable amount of time and resources are needed to even get the process started.¹⁴ A constitution can declare that “the people of Nicaragua are by nature multi-ethnic”, that “the communities of the Atlantic Coast have the right to live and develop themselves under forms of social organization that correspond to their historical and cultural traditions”, and that “the State guarantees these communities enjoyment of their natural resources, effectiveness in their forms of communal property and

¹³ Feris, Watson. Personal interview. April 15, 2004.

¹⁴ Sanchez, Gerhu. Personal interview. April 15, 2004.

free election of their authorities and legislative representatives”; but while the autonomy legislation overtly recognizes the special political, economic, social, and cultural status for the people of the Atlantic Coast, the implementation of such an idea into a refined praxis is what has identified the continual struggle for autonomy in the RAAN and RAAS for the past 17 years.¹⁵

In the attempt to develop a sense of reality and praxis, the Autonomy Law established Regional Autonomous Councils to serve as local authorities in charge of the political, economic, and social development of both the RAAN and the RAAS in addition to the administration of its natural resources on a macro-level. Local communities elect their own leaders – be them *síndicos*, *consejos de ancianos* – or elders, *jueces* – or judges, who act as political representatives and authorities; assemblies operate as communities, where proposals are presented, voted on, and given to said leaders – who advise and organize much of the proceedings – who in turn present such proposals to the regional or municipal governments.¹⁶ However, the regulations that were necessary for the full enactment and enforcement of the Autonomy Law were delayed, postponed due to both conflicts associated with the Contra War in the 1980s, the economic problems in the 1980s, and sudden political shift with the election of Violeta Chamorro in 1990. A sizable portion of this necessary implementation, which initially fell into the hands of the Chamorro government and the Arnaldo Alemán government after, was finally passed in January of 2003 by the government of Enrique Bolaños: the Demarcation Law, which focuses on the demarcation of communal indigenous and ethnic land that had been ignored or avoided since the onset of the Autonomy process.¹⁷

After the Autonomy Law of 1987, the central government in Managua appointed its own representatives in both the RAAN and the RAAS without approval by a higher governing

¹⁵ "Estatuto de Autonomía de las Dos Regiones de la Costa Atlántica de Nicaragua y su Reglamento." Managua: Oficina de Desarrollo de la Autonomía de la Costa Atlántica de Nicaragua, 2003.

¹⁶ Hobbington, Marcos. Personal interview. April 22, 2004.

¹⁷ Ganales, Jorge. Personal interview. April 19, 2004.

council; there have been cases where illegally authorized timber, mining, and fishing licenses have been given to foreign corporations. During the period of President Arnaldo Alemán, for example, the ignorance of the Autonomy Law, and the lack of space for which any sort of autonomy can operate in, presented clear and difficult barriers that prevent the beginning of the long process of developing autonomous zones, councils, economies, and societies. The phrase noted before, “*dice autonomia, pero no la veo*”, resonates loudly when one takes into account the problems that have existed and will continue to exist as the Atlantic Coast – problems mostly attributed to the interference of the central government, in particular.¹⁸ This brings up the paradox of autonomy within the confines of a nation-state, where the transregional and transnational interests of governments, companies, and foreign institutions interfere in the “Platonic idea” of autonomy as a functioning system outside reigns of national or state control. How can an autonomous region, like the RAAN and RAAS, operate under the Nicaraguan Civil Code that declares that all resources – land and natural – in the area confined by the boundaries of the state are owned by the state itself?¹⁹ The contradiction of such legislation against the Autonomy Law of 1987 proves just a small portion of this paradox, and ultimately how many of the difficulties that are encountered in the process of autonomy can be attributed to such a complication. Domestic problems with the current political system in the RAAN and RAAS, coupled with the foreign interests that play the part of everything external to the autonomous space, have prevented the legalization of communal land and riddled the process of demarcation with external and domestic problems.²⁰ The disjunction between the central government and the Atlantic Coast, in terms of funding to alleviate poverty, to invest in the economic development of the region, and also – and most importantly concerning this project – the funding for the demarcation of land, has become reminiscent of the historical eras of Somoza and the British; the idea of autonomy, and the

¹⁸ Peres, Gene Vecco. Personal interview. April 24, 2004.

¹⁹ Law, Hazel. Personal interview. April 20, 2004.

new step towards a new, untread territory, is the separation that is so vital in the resolution of conflicts to everything from poverty, to development, and to land demarcation.

Demarcation and the *Ley 445*

In January of 2003, the National Assembly, like it did in 1987, passed a seminal law outlining the process for which land in the autonomous regions would be demarcated, autonomously, so as to resolve and avoid the quelling conflicts that were arising between communities, between the state and communities, and between *terceros* and communities. This law, the Law of Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Rivers Bocay, Coco, Indio, and Maíz, or *Ley 445*, was created and passed after an almost 10 year struggle between indigenous and ethnic group leaders with the central government and authorities. This struggle, beginning in 1994, was initially a proposal for money to help demarcate land; this was a process that, theoretically, was already – through the language and legal necessities – included in the Autonomy Law of 1987; the process described in the Autonomy Law was only that communities should resolve boundary differences within participating communities in each respective region - an immature version of autodemarcation, or the local demarcation of land by participating communities, that led to the need of a law like *Ley 445*.²¹ The money at the time was not available for such a project, said President Chamorro; this produced a standstill between those communities attempting to delineate the boundaries to their land in the demarcation process.²²

²⁰ Hobbington, Marcos. Personal interview. April 22, 2004.

²¹ "Estatuto de Autonomía de las Dos Regiones de la Costa Atlántica de Nicaragua y su Reglamento." Managua: Oficina de Desarrollo de la Autonomía de la Costa Atlántica de Nicaragua, 2003.

²² Molina, Avelino Cox. Personal interview. April 20, 2004.

Ley 445 was created as a augmentation for *Ley 28*, aimed not at rectification but at accompanying the broad language of the Autonomy Law to create a new, refined, and procedural document that could aid communities and the central government in the demarcation process.²³ Technically, the law gave several new stipulations and mediums to which communities would negotiate agreements, which ultimately decided land titles, and how conflicts that arose between feuding communities – where the medium of autodemarcation did not permit a clear resolution – could find conclusion in bodies like the Regional Councils of each autonomous region. In the *Ley 445*, a solid foundation of general provisions offers the full recognition of communal property ownership rights and administration of natural resources on traditional lands, as Article 2 states, full recognition of local traditional leaders as legal representatives of indigenous and ethnic communities, as Article 5 states, and full protection of land rights for all communities – including authorization for exploitation – as stated in Article 10.²⁴ The law itself brings a clear and definitive position to land conflicts where terms and roles of property and actors are explained, which outlines not only the responsibilities of the communities but the responsibilities of those participants at the municipal, regional, and central government levels, the procedures to follow at every stage of potential conflict, the measures and processes for land and resources, and the methods of financing such a project – as will be discussed in depth later.²⁵

Nominally, or physically, the law provided a tangible step towards viewing communal land at the same legal level as private or collective property, authorizing community and local bodies to be the key agents in the conflict resolution process, ultimately acknowledging the

²³ Moreno, Eda. Personal interview. April 26, 2004.

²⁴ "Ley del Régimen de Propiedad Comunal de los Pueblos Indígenas y Comunidades Étnicas de las Regiones Autónomas de la Costa Atlántica de Nicaragua y de los Ríos Bocay, Coco, Indio, y Maíz." Managua: Programa de Ordenamiento de la Propiedad, 2003.

²⁵ Ibid.

basic tenants of autonomy and the importance of local political systems and apparatuses.²⁶

This idea, which is echoed by the majority of my interviewees, is a basic point in my thesis for this paper: that the movement towards local levels of decision-making, through autodemarcation and community councils and assemblies participating in the demarcation process, presents a better and more fitting picture that reflects the decentralization, indigenous traditions, and autonomous spaces that both *Ley 28* and *Ley 445* were designed to create.

The politicization of *Ley 445* is another topic that was reoccurring as I interviewed more and more people. The similarity of the development to the development of the demarcation process finds itself as common sense, if one accepts the reasons noted above at to why autonomy has not yet been seen, only said; like the Autonomy Law of 1987, the capacity of *Ley 445* is innate in the legislation, and that the law is a good-natured law – but, in practice it has not functioned correctly, due to the emergence of interests into the conflict either on the side of the central government or on the side of the community.²⁷ Roberto Spear, the *síndico* of Karatá – a block that represents four communities: Lamlaya, Karatá, Dagba, and Bilwi – has told me that neither he nor his community has seen any movement in the process of demarcation. After finding fault in the government, first, he reiterated something I had heard several times by different groups of varying political affiliation – that of blaming the *mestizos*, claiming that the political power in Nicaragua lay on the Pacific, and the inhabitants of the Pacific were predominately *mestizo*. He moved to argue that because of this, the influx of *terceros* in indigenous territory, like in the case of Layasiksa, and the inflexible central government have in turn caused the local systems in the autonomous areas to lose power; all the power has been transferred to the authorities in Managua.²⁸ While the racial separation seemed too broad and confrontational for me to be comfortable accepting, the division of

²⁶ Ganales, Jorge. Personal interview. April 19, 2004.

²⁷ Córdoba, Mario. Personal interview. April 21, 2004.

²⁸ Spear, Robert. Personal interview. April 21, 2004.

power between the indigenous and non-indigenous – understandably a euphemism for *mestizo* – has broken into two asymmetrical halves.

The issue of funding of the demarcation process has been a continual problem that appeared in several interviews; the government has been withholding funds, as it did in the case of Violeta Chamorro's refusal to provide capital for a local demarcation effort in 1994. While the government, assumedly because it is not advantageous to provide further autonomy for the Atlantic Coast, is not providing money for demarcation projects, several international organizations and multilateral lending institutions like the World Bank have stepped in to undertake funding responsibilities. While this is helpful, as acknowledged by Ronald Wittingham of Karatá, it still does not provide for a prospect for the future – which is what the *Ley 445* was created to be. The conflicts of today, where resources are divided and where strategy and political power are held in the balance, reflect the temporary and ephemeral struggles that need to be transcended so as to honor the institution of land as a long lasting and permanent ideal.²⁹ Bringing the future into the present, as is so hard in many collective decisions, would necessitate the financial and political support of the Nicaraguan central government; the barriers between such a reconciliation and partnership is shown through the historic power struggles between the two actors, but appears to be the strongest medium to which a decentralized and autonomous system can function.

The second paradox that I would like to introduce that brings – and I assume will bring – contradiction and confusion into the demarcation process and to the cultural identity of many of the indigenous and ethnic groups demarcating their land, is: the idea of communal land and governance moving into a private context, that is, where titles create ownership, boundaries are drawn, and the possibility for land selling or renting – while still protected legally – becomes easier to imagine. While demarcation does present itself as a necessity, as

²⁹ Wittingham, Ronald. Personal interview. April 21, 2004.

to ease the current and future conflicts that erupt between the three actors noted above – community, state, and *terceros* – the possibility of future problems that are brought up become even more prevalent. With the politicization of the demarcation process, and the current interests that are at play in the autonomous areas as of now, the idea of communal rights – which is so protected in the Constitution and through the reality of autonomy – has been subjected to the private domain; the conflicts that are arising now, due mainly to the construction of this paradox, presents a great possibility for future conflicts, outside that of demarcation. It is with this look into the future that I will discuss the present.

Rising Land Conflicts

My paper now will move from the historic and legal perspective of autonomy and demarcation and into dealing with the practical issues at hand concerning the rising conflicts over land and titles. It is with this section that the thesis of my paper, where the theme of conflict resolution is key, will the insight of my interviewees and the discourse that emerges around autonomy provide the specific information that a project like this necessitates. To gain a solid foundation, though, I will turn toward the work of researcher Dennis Williamson Cuthbert whose article “Tipología de Conflicts sobre la Propiedad Comunal en el Municipio de Puerto Cabezas” declares seven principle causes of conflict over land in the municipality of Puerto Cabezas. While it would be against the focus of such a qualitative project that I am undertaking, I find it useful to introduce some of these causes as results of qualitative research, done by academic, that I can extend by utilizing my own interviews and experience. I will not, though, cover all seven causes in this paper as thoroughly as others, as many of them are pointed either at specific issues that do not pertain to my general argument.

The initial cause echoes the first paradox I introduced earlier in the paper, of an autonomous space in the boundaries of a nation-state: that there is a glaring conflict when the Civil Code of Nicaragua declares that the goods of the state own all lands inside the territorial limits; this idea is opposed by indigenous leaders and intellectuals who say that the ancestral rights to land existed before the creation of the nation-state, in land of the kingdom of Mosquitia. The second cause, of land recuperation logic, follows that the land that was appropriated by the state after the incorporation of Mosquitia in 1894 has not all been reclaimed for the communities – the eventual ownership of this untitled and unowned land is a point of strong contention. The third cause represents the confusion and even unknown boundaries of communal land between communities; this offers an interesting obstacle that brings hindrance into the autodemarcation process, a process that relies on the historical and cultural significance of land as standards for titling. The fourth cause focuses on the mercantilization of natural resources, by *terceros* or by indigenous and ethnic communities themselves, as Dennis Williamson Cuthbert claims that in the last 10 years a phenomena of revalue and mercantilization of natural resources has occurred because of the influence of Pacific Coast culture, and goes directly against the traditional culture of the indigenous and ethnic communities. This cause reflects the second paradox I introduced, of communal land in a private context: mobilizations of disheartened indigenous claim demands for land titles for territory rich in natural resources; this in turn provides the possibility, if the land titles are granted, of indigenous culture being forced into the frame of a privatization, individualization, and capitalism. The fifth cause presents the issue of different agricultural values for lands, and the idea of quantity of land being deceiving when taking quality into consideration; this can be closely associated with the sixth cause, of the granting of lands that have uncertain ownership and uncertain value.³⁰ The seventh cause – and most important – is the lack of

³⁰ Cuthbert, Dennis Williamson. “Topología de Conflictos sobre la Propiedad Comunal en el Municipio de Puerto Cabezas.” *Wani* 35 (2003): 44-53.

titling of communal indigenous lands and the consequent legal insecurity of communal property; untitled land represents 90% of all the communities in the RAAN and RAAS, and the current process of demarcation, *Ley 445*, is the way that the autonomous areas are trying to deal with such a task.³¹

In my investigation, I would like to divide these very large, meta-causes into two separate categories: those that are driven by interests, and those that are not – interests meaning, those causes that, for example, are economically motivated, and those causes that, for example, are merely resultants of confusion and experience. Beginning with the first category of interests, the case of Layasiksa is a historical example that can help shed light on how conflicts occur and how they develop. In early 2004, the community Layasiksa – located about 40 kilometres outside Bilwi – launched an armed assault on a timber exporting group of *campesinos*, or peasants, that had encroached onto their titled communal land; the *campesinos* had no legal documents permitting them to exploit the natural resources of the region, but did in fact have a piece of paper signed by a regional council authorizing the infringement – a paper with no legal significance.³² The Layasiksa case introduces several different aspects of conflicts that have strong interests tied to them: Selsmann Patterson claims the movement of *terceros* into communal lands, can be either economically motivated to export resources for *campesino* benefit or politically motivated for the benefit of political leaders wanting an increased party presence in an area with very low population density – an accusation that leads up to the hands of the central government.³³

In the case of Layasiksa, the economic benefits for the *campesinos* were based more on sustenance than on greed, as the *frontera agrìcola* – or agricultural frontier – has been pushing poor *campesino* farmers eastward, towards the RAAN and RAAS, as the slash and burn techniques of farming practiced by the *campesinos* are exhausting soil and resources in

³¹ Law, Hazel. Personal interview. April 20, 2004.

³² Martínez, Moisés. “Ante invasión campesina – Miskitos defienden tierras.” *La Prensa* 8 Feb. 2002: A6-A7.

the Pacific Coast.³⁴ The movement of the *campesinos* was directly attributed to elected officials in the PLC – or *Partido Liberal Constitucionalista* – as reported by La Prensa on February 8th, 2004; the paper links such political interests not to vote garnering, as Moisés Martínez, offers, but to the workings of the central government and MARENA – the Ministerio del Ambiente los Recursos Naturales.³⁵ The Layasiksa case also helps point towards problems with the process of demarcation, as the community – especially Layasiksa *sindico* Rufino Johnson – attempted several times to find resolution with the *terceros* through legal means, either through the Regional Councils or the central government. It was this ignorance of issues, and as Rufino Heslup argues, the political and economic interests of the central government, that perpetuated the run-around that ultimately led to the militant action by members of Layasiksa against the year-old timber communities stationed on the outskirts of land included in Layasiksa’s original land title from 1905.³⁶ While most of the people I interviewed viewed the Layasiksa uprising against the *terceros* as being a defensive measure for their own land and culture, one woman – PLC Regional Council member Rufina Centro - who sees a difference between the two sides but also does view the conflict as being based on interests of both sides, as Layasiksa, she claims, has political and economic interests just the same; it is the acceptance of this fact that will help mediators and the progress of resolution, by not understanding *tercero* conflicts as being completely one-sided and aggressive.³⁷

Other less extreme conflicts, dealing mostly between the state and communities, and communities and communities, dominate the majority of problems over land that occur in the regional autonomous areas. Currently, in the city of Bilwi where I did the majority of my research, there are two conflicts that exist, playing into economic and political interests just the same. Firstly, the presence of the first paradox I have discussed appears quite

³³ Patterson, Selsmann. Personal interview. April 24, 2004.

³⁴ Sinclair, Freddy Fritz. Personal interview. April 25, 2004.

³⁵ Martínez, Moisés. “Ante invasión campesina – Miskitos defienden tierras.” *La Prensa* 8 Feb. 2002: A6-A7.

³⁶ Vargas, Rufino Heslup. Personal interview. April 20, 2004.

dramatically in the land conflict between the indigenous block of Karatá – a group that represents four communities: Lamlaya, Karatá, Dagba, and Bilwi – and the central government. The Civil Code of Nicaragua declares that all coastal area 275 meters inland is property of the state.³⁸ For Bilwi, a fishing town located directly on the coast, and hundreds of other communities that rely on fishing for revenue, a striking problem presents itself in the face of autonomy and in the face of the idea of separation that I have previously argued. Does the Autonomy Law of 1987 supersede the Civil Code, or vice-a-versa? The current struggle over land between Karatá, the current possessor of Bilwi, and the central government has gone through all the demarcation processes authorized in the *Ley 445*, and is currently at the stage of the Regional Council; this problem, though, extends past the boundaries of the autonomous areas and thus a favourable decision by the Regional Council towards Karatá could possibly be ignored by Managua.³⁹ Also, unless a statute is defined and put into law, the demarcation process between the state and all other communities geographically located near the coast will have to be repeated for each case, a daunting task for smaller communities with little representation in Bilwi or in Managua.⁴⁰ The inextricable interests that lay on both sides of the conflict can be seen economically, as the state wanting to maintain such rich and valuable land, and as the block of Karatá wanting to possess the same. Politically, the presence of the central government as owning the coast of the RAAS and RAAN does keep the autonomous areas from becoming fully separated; Karatá, if it controlled the coast to Bilwi, would possess the land of the regional capital city and thus, would hold more political clout.

Karatá, in addition to the conflict with the central government, is also in negotiation with the neighbouring Miskito community block of Diez Comunidades for the ownership of

³⁷ Centro, Rufina. Personal interview. April 20, 2004.

³⁸ Spear, Robert. Personal interview. April 21, 2004.

³⁹ Wittingham, Ronald. Personal interview. April 21, 2004.

⁴⁰ Córdoba, Mario. Personal interview. April 21, 2004.

Bilwi. Currently, the Diez Comunidades possesses a title for the land of Bilwi issued in 1905; Karatá's title is historically younger.⁴¹ This conflict, which holds controversy in the fact that both titles of Karatá and Diez Comunidades authorize possession of Bilwi and that both community blocks claim Bilwi as their own, holds interests – political and economic – just the same; the ownership of Bilwi as a city, outside the coastal territory key to the conflict with the central government, receives rent from all its inhabitants. The entire population of the city, as one cannot individually hold land titles for their residential property, pays to the possessor of the land title an annual property tax for the use of land within the boundaries of Bilwi.⁴² Thus, the holder of the land title receives a considerable amount of funds, just for commanding control over the city; also, taxes from industry and resources all are geographically allocated, so that the titleholder would amass a significant amount of money for reinvestment into the region. The political aspects weigh heavily too, as control of the regional capital yields an evident power that could aid in future conflicts, either with neighbouring communities or the central government; the comment of Rufina Centro appears applicable here, as to prove that all conflicts have interests, innate or attached, that take the very important and fragile aspects of culture and tradition and build atop of them interests in money and political strength that most conflicts cannot escape from.

These kinds of conflicts, between communities and local groups, amount to 80% of the existing problems over land in the regional autonomous areas.⁴³ Other conflicts that I researched, between the communities of Tuapí and Krukira, Tuapí and Kamla, and Lamlaya and Karatá, follow a different line as the conflict between Karatá and the Diez Comunidades – while the obvious interests that accompany the possession of a capital city, a key port, and a populated area are absent – in that the contrast between land titles and claims in areas outside Bilwi have less interest possible in them, other than the accessibility to roads and the

⁴¹ Wilson, Roberto. Personal interview. April 22, 2004.

⁴² Córdoba, Mario. Personal interview. April 21, 2004.

command of logging and gold reserves. While we still understand the point of Rufina Centro, the conflicts I witnessed in the three communities I visited could be categorized more as differences than as conflicts, as the demarcation process necessitates conflicts which would be solved through community negotiation.⁴⁴ The interest that I will link, though, to these conflicts – the first of which, between Tuapí and Krukira, has already been resolved – is the lack of funding by the government and by international agencies and institutions. As claimed by Jose Francisco, it is the external interests of the central government, who through *Ley 445* is responsible for producing the capital to begin and continue the demarcation process, that have been either ignoring the process of intentionally underfunding demarcation projects in hopes of maintaining some sort of dominance over the autonomous area and of preventing decentralization efforts across the region.⁴⁵ This underfunding was brought to my attention towards several times by my interviewees, all finding some degree of intent on the government's side at trying to coerce or prevent the demarcation process; allusions to the Violeta Chamorro case in 1994, as noted above, also were very prevalent.

The causes of conflicts that fall on the side of basic, non-interested problems – where either procedures, experience, or history are at fault – also inhabit the realm of conflict development that we are examining. Many problems in the demarcation process begin at the community level, where differences in historical recollection present obstacles that arise at the very first step in the demarcation procedure. History is never static, nor the same for one person to the next; problems then will inevitably arise as forgetfulness or misunderstanding can distort the supposed historical and cultural boundaries that outline a community.⁴⁶ If one community holds an incorrect, in the objective sense, view of how communities have understood land boundaries in the past, the demarcation process in itself encounters severe

⁴³ Hobbington, Marcos. Personal interview. April 22, 2004.

⁴⁴ Ganales, Jorge. Personal interview. April 19, 2004.

⁴⁵ Francisco, Jose. Personal interview. April 15, 2004.

⁴⁶ Molina, Avelino Cox. Personal interview. April 20, 2004.

obstacles that divert the path to conflict resolution; history, at its foundation, is thus an inherent cause of conflict that makes it a difficult medium of negotiation. This problem, in itself, does not fit inside the interest-driven causes of conflicts that were described in the prior paragraph.

Another non-interest-driven problem exists in the knowledge and experience concerning the *Ley 28* and the *Ley 445*. Citizens in the regional autonomous areas, for the most part, are not aware of the laws or processes that are available to them to resolve conflicts.⁴⁷ But, while experience is developed through practice and education and is mostly outside the influence of interest, the knowledge of the laws and processes – while I categorize it as a basic non-interest-directed cause of conflict, as the education of such laws are limited by a great physical and cultural proximity between a government and the inhabitants of the Atlantic Coast – does in fact possess some aspects that appear to be linked directly to political government interest. The legal foundations for autonomy and demarcation, while accessible in many different languages, are not physically distributed to areas outside of the two regional capitals. The reason for the inaction of such a circulation of materials was attributed by many of my interviewees as linked to the hesitancy of the central government to earmark money and resources to such a project, which – as it would develop more autonomy and separation between the two Coasts – would in turn be against their own political and economic interest.⁴⁸

Resolution of Land Conflicts Within an Autonomous Space

The final part of this paper will deal with the resolution of the land conflicts noted above, and how the actuality of autonomy can aid or inhibit such processes. As the thesis that has been concurrent throughout this project, the idea of autonomy and separation helps in the

⁴⁷ Homelis, Daro. Personal interview. April 24, 2004.

⁴⁸ Sinclair, Freddy Fritz. Personal interview. April 25, 2004.

resolution of conflicts when local actors can negotiate and discuss with other local actors. The decentralization that autonomy necessitates, though, is not always present or developed, as the Autonomy Law of 1987 itself is less than 20 years old. The local systems that do exist now have in fact aided the resolution of land conflicts – a consensus my interviewees readily agree with. The methods to which theoretical ideas, such as autonomy, decentralization, and separation, can help will be discussed below.

The historic relationship between the Pacific Coast and the Atlantic Coast begs the idea of separation as necessary for the reduction of obstacles to local decision-making in the RAAN. Separation from the central government of the regional autonomous areas would result in a drastic reduction of interests foreign to the region; as the past has shown, from the British to Zelaya to Alemán, the exploitative practices of those who live outside the boundaries of the Atlantic Coast have been nothing but detrimental to the livelihood and self-sufficiency of a people. As foreign interests leave the realm of conflict – removing the first category I introduced for causes of conflict – the remaining interests would be significantly reduced so as to provide for an autonomous system that works for the system and for the people themselves. The RAAN and the RAAS, claims Gene Vecco Peres, has enough natural resources to live well and independently from the central government; the presence of aspects of power from the Pacific Coast in the Atlantic Coast should be limited to the funding – as declared in the *Ley 445* – for the demarcation process and for social programs that the region so desperately needs. Other influences, whether they be economic or political, can only harm the development of autonomy and the Atlantic Coast's relationship with the central government.⁴⁹ It is with this decentralization, and separation, that the political bodies at work – be them local assemblies, councils, or boards – can fully provide each citizen with the ability to participate in the decision-making of their community. The citizens of each

⁴⁹ Peres, Gene Vecco. Personal interview. April 24, 2004.

community of those I visited during my stay in Puerto Cabezas were adamant about the participation of all community members, be them male or female, old or young; it is this spirit of autonomy, of self-government, and traditional modes of political organization, that was echoed time after time as I talked with people who felt so proud of their participation in demarcation but also so impotent in the process' steps outside the authority of the community – which incorporates funding and land titling issues.⁵⁰ The idea of separation, and not of unification – as was discussed earlier, holds great bearing in the possibility for resolution, so as to prevent violence and further possibilities of conflict bred from the original.⁵¹

On the other side, a radical depolarisation of conflicts would occur after separation, or in proportion to the separation at hand, as the exit of foreign interests would allow for an increased local identity to be developed.⁵² This identity, outside the strong cultural identity that already has been developed and has continued to operate for hundreds of years, deals with the charge of politics in an area that was for so long consumed by a hegemonic force: a force that not only dominated the land and the people, in the most basic sense, but also instituted political, economic, and social constructions that introduced *mestizo* values and ideas into the Coast that only now can begin to be dismantled – by the aid of autonomy.⁵³ While politicisation of conflicts will still exist, as Rufina Centero has stated, the space of autonomy will at least move this new or modified politicisation into a context that is more specific to the Atlantic Coast, and to the people who it will affect.

Within the idea of culture, the ability to communicate with an opposite party holds great importance in the eventual resolution of a conflict. Understandably, people from the same culture, or same community, can recognize the interests of the other, and the ultimate modes of thinking and realization that are common within specific groups. Indigenous

⁵⁰ Homelis, Daro. Personal interview. April 24, 2004.

⁵¹ Patterson, Selsmann. Personal interview. April 24, 2004.

⁵² Spear, Robert. Personal interview. April 21, 2004.

⁵³ Welter, Daniel Joseph. Personal interview. April 25, 2004.

communities, with similar viewpoints concerning communal land, self-government, and history can negotiate and discuss a problem in an easier, and tamer manner than if a third-party external to the conflict could. “Indigenous cultures can understand each other”, claims Rufino Hespup Vargas; this comment, put into the frame of the RAAN and specifically in Puerto Cabezas, finds satisfaction in the fact that the majority of those who inhabit the municipality of Puerto Cabezas are Miskito, who speak Miskito, and who live – or who have family who live – in Miskito communities.⁵⁴ The common mode of communication, be it language, sense of history, or sense of culture, all play into the success of the resolution of conflicts without obstacles, problems, or the continuation of unresolved struggles – be them violent or not. The importance of autonomy in this aspect is quite obvious, as the acceptance of local languages and customs to be taught and practiced in communities not only preserves what is culturally significant to indigenous and ethnic people, but it continues the common outlook and history of groups that aids conflict resolution between two culturally similar groups. The influence and intervention of the central government, for example, ruins such a common balance that has, as the example of Krukira and Tuapí proves, functioned successfully before.

Conclusion

The resolution of land conflicts, as the key theme of this paper, can finally be examined – though only after acknowledging history and the development of the demarcation process that has led up to the events of today, and the conflicts of today. With unanimous consent among my interviewees, I can conclude – in light of my original thesis – that an

⁵⁴ Vargas, Rufino Hespup. Personal interview. April 20, 2004.

increase in autonomy and decentralization in the decision-making process creates a space in which conflicts can be resolved easier, with less associated problems, and without violence.

By taking into consideration the history of the relationship between the Pacific Coast and the Atlantic Coast and the relationships between indigenous and ethnic communities, one can easily see how the tensions and asymmetrical balance of power of the past have affected the conflicts of today. The idea of autonomy, aimed at rectifying the errors of the past by permitting a new space in which the people of the RAAN and RAAS can develop and maintain those relationships that were fruitful, and disregard and change those relationships that caused harm. The openness of autonomy, in a space not completely realized even today, can provide for the perimeters in which conflicts can be negotiated in a civil and fair manner, focusing interests into a solely domestic sphere; interests outside the boundaries of the Atlantic Coast can be almost completely removed from the equation, so that the wealth and cultural identity of the Coast can be preserved so as to benefit those who own it.

The new *Ley 445*, while not realized just the same as *Ley 28*, follows this step of openness, separation, and preservation. By authorizing local forces to resolve conflicts, the utilization of the space of autonomy not only respects community traditions but also utilizes existing forms of self-government to strengthen and maintain the autonomy that does exist – a kind of perpetual autonomy mechanism. The document that is the Demarcation Law, while not perfect in its praxis, currently offers the best solution for using autonomy and traditional structures to rectify situations that have, are, and will cause conflicts in the future. As similar, again, with the *Ley 28*, *Ley 445* has not been realized to the extent that it was envisioned to be; the culprit at this stage, though, was unanimously pointed to be the central government and its resolution not to fund the demarcation process, ignoring Article 62 of *Ley 445*.⁵⁵

⁵⁵ "Ley del Régimen de Propiedad Comunal de los Pueblos Indígenas y Comunidades Étnicas de las Regiones Autónomas de la Costa Atlántica de Nicaragua y de los Ríos Bocay, Coco, Indio, y Maíz." Managua: Programa de Ordenamiento de la Propiedad, 2003.

The resolution of land conflicts, as echoed in the prior two paragraphs, is tied inextricably to the idea of autonomy. The historical, political, and cultural character of the Atlantic Coast region not only begs the presence of autonomy, but has – since the early 1980s – forcefully demanded it.⁵⁶ While the schism between the vision of both actors in this situation, the central government and the Coast, will continue, it is up to the former to acknowledge its presence and its responsibility in the region that for so long has been subjugated underneath it. One cannot understand autonomy without separation, yet the Atlantic Coast desperately needs cross-country funding for demarcation and social projects that it does not have the capital to start or continue; yet another paradox creates itself here, yet will remain unexplained and will be up to the people of the Atlantic Coast to interpret – how an autonomous system can build itself separate, but ever so strongly linked to the economic benefactor of Managua.

⁵⁶ Spear, Robert. Personal interview. April 21, 2004.

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