Liberalization of ownership versus indigenous territories in the North of Nicaragua: The case of the Chorotegas
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**Our Vision**
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January 2011
Acknowledgements

The research project of the Commercial Pressures on Land Initiative was coordinated in the ILC secretariat by Michael Taylor, with the support of Andrea Fiorenza. Ward Anseeuw of CIRAD provided technical support to all studies and the project was based on a conceptual framework developed by Michel Merlet and Clara Jamart of Agter. A large number of members and partners of ILC and independent specialists have contributed to the research, analysis and documentation of the project.

ILC wishes to thank the following donors, whose support made possible the research under the Commercial Pressures on Land Initiative:

Canadian International Development Agency  
Agence canadienne de développement international  
Ministry of Foreign Affairs  
IFAD  
Swiss Agency for Development and Cooperation SDC

The views expressed herein can in no way be taken to reflect the official opinion of these donors. ILC Secretariat would appreciate receiving copies of any publication using this study as a source at info@landcoalition.org.
Foreword

The International Land Coalition (ILC) was established by civil society and multilateral organisations who were convinced that secure access to land and natural resources is central to the ability of women and men to get out of, and stay out of, hunger and poverty.

In 2008, at the same time as the food price crisis pushed the number of hungry over the one billion mark, members of ILC launched a global research project to better understand the implications of the growing wave of international large-scale investments in land. Small-scale producers have always faced competition for the land on which their livelihoods depend. It is evident, however, that changes in demand for food, energy and natural resources, alongside liberalisation of trade regimes, are making the competition for land increasingly global and increasingly unequal.

Starting with a scoping study by ILC member Agter, the Commercial Pressures on Land research project has brought together more than 30 partners, ranging from NGOs in affected regions whose perspectives and voices are closest to most affected land users, to international research institutes whose contribution provides a global analysis on selected key themes. The study process enabled organisations with little previous experience in undertaking such research projects, but with much to contribute, to participate in the global study and have their voices heard. Support to the planning and writing of each study was provided by ILC member CIRAD.

ILC believes that in an era of increasingly globalised land use and governance, it is more important than ever that the voices and interests of all stakeholders – and in particular local land users – are represented in the search for solutions to achieve equitable and secure access to land.

This report is one of the 28 being published as a part of the global study. The full list of studies, and information on other initiatives by ILC relating to Commercial Pressures on Land, is available for download on the International Land Coalition website at www.landcoalition.org/cplstudies.

I extend my thanks to all organisations that have been a part of this unique research project. We will continue to work for opportunities for these studies, and the diverse perspectives they represent, to contribute to informed decision-making. The implications of choices on how land and natural resources should be used, and for whom, are stark. In an increasingly resource-constrained and polarised world, choices made today on land tenure and ownership will shape the economies, societies and opportunities of tomorrow’s generations, and thus need to be carefully considered.

Madiodio Niasse
Director, International Land Coalition Secretariat
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<td>PRODEP</td>
<td>Project of Ownership Ordinances</td>
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Executive summary

In Central America, as in the rest of the American continent, the expansion of the land market at the expense of campesino communities does not only change the structure of agrarian ownership, but also the logic of natural resource use and, with it, the socio-cultural patterns of indigenous populations. That is what has happened in the Chorotega people’s territory in northern Nicaragua.

This report examines this case, emphasizing that in the Chorotega community, a process of “ethno-genesis” or rebirth of more rational communal practices is under way in order to better use the natural resource base. However, these practices have still not been articulated into the legal sphere.

In order to develop this hypothesis, the authors review the history of the Chorotega territories, their forms of communal resource management, and the contradictions that arise between the conception of the land as a use value and the consideration of it as an exchange value.

The history of the Chorotega people is, according to this case study, a history of the "invisibilization" of their existence and ignorance of their ownership rights, including in the midst of the social transformation and recognition process that has occurred in Nicaragua. This has happened in parallel with the degradation of the environment, due above all to the change in land use arising from the appropriation of lands formerly used for subsistence agriculture and their indiscriminate utilization for large-scale industrial exploitation.

In contrast with that trajectory, in the territories retained by the communities, despite an excessive degree of fragmentation and low levels of technology, a consensus-based conception of ownership harmonizing individual and collective interests has been maintained, which advocates for a harmonious relationship with the environment. This conception retains traditional forms of organization (such as Monéxico or the Council of Elders) which govern resource management.

However, the clash of perspectives has introduced changes into the community, such as the appearance of wire fencing in land parcels, and has endangered sustainable natural resource management.

In this context, the authors express their conviction that the vitality of community organization and the world view that sustains it should be recognized by new national legislation for indigenous peoples in the central, northern, and Pacific regions of Nicaragua, as a way towards achieving the sustainable development of those regions.
Introduction

Nicaraguan society is historically and intrinsically multicultural. However, only since the Constitution of 1987 have this reality and the special rights of indigenous people been recognized by “… maintaining and developing their identity and culture, having their own forms of social organization, administering their local issues, maintaining their communal forms of land ownership and the possession, use, and enjoyment of them” (Article 5).

Even so, nowadays on Chorotega territory in northern Nicaragua, it has not been possible to exercise these rights, despite the active participation of indigenous communities in local development decisions, which should favor the creation of a more democratic society with sustainable stewardship over the land and natural resource base as instruments in the fight against poverty.

Since 2000, with the support of a number of international organizations, the Coordinating Committee of Indigenous Communities of Northern Nicaragua (CPICH) has been established, bringing together five indigenous communities in the departments of Nueva Segovia and Madriz (Annex 2). This region covers an area of 990 sq km and has a population of 57,764 people, of whom 51% identify themselves as indigenous (National Institute of Statistics and Censuses [INEC] 2005). On a related note, according to this census, more than half of the population in four of these five territories live in a state of deep poverty (Totogalpa, Telpaneca, San Lucas, and Mozonte) and in one in extreme poverty (San José de Cusmapa), compared with a national average of 36%. This population, which has very little or no land, practices subsistence-level terrace agriculture in a territory that has been degraded by the unsustainable exploitation of forest resources. Additionally, one or two members of each indigenous family are forced to migrate temporarily or permanently to ensure that the family is fed.

These territories are facing two kinds of problem: firstly, social pressure on natural resources (land, water, and forest); and secondly, inadequate recognition by the State and the existence of legal vacuums that exclude indigenous peoples from investment plans, territorial development, and the management and control of their territories.

This is because the majority of Chorotega territories and the best lands therein belong to outsiders, not to indigenous farmers. These outsiders live in Ocotal and Managua and grow coffee and supply wood to timber companies. Additionally, the lands containing the water sources (the heights of the Mozonte territory) are located in a zone bordering Honduras and are coveted by companies that hope to build water-treatment plants, leaving the communities without that resource.
In this context, indigenous Chorotega communities have begun to demand recognition of their existence and rights and to set out their need to control the natural resource base in order to ensure their cultural survival and their ability to stay in these regions and improve their standard of living, threatened as it is by the covetousness of a particular economic model. The objective of the present research is to study the existing land dynamics in indigenous Chorotega territories and the local natural resource management practices in a context of strong commercial pressure. It also aims to offer practical and other elements for reflection in order to achieve harmonious management of land and natural resources, contributing to making these indigenous territories viable in the process of ethnic revival.

The fieldwork upon which this report is based was carried out in 2009 in 19 communities in the territories of Telpaneca, Mozonte, Totogalpa, San Lucas, and San José de Cusnapa (Annex 1). It was conducted by means of social surveys with a particular focus on land management and markets (Le Meur 2002); three types of focus: observations, interviews, and analysis of documents (Le Meur 2002); case studies of individual farmers’ strategies (Le Meur 2002); surveys of institutions involved in the dynamics of land on Chorotega territories; a systemic focus to cover the spatial organization of Chorotega territories and farmers’ strategies (Jouve 1992); and participatory map-making to cover the spatial organization of the Chorotega territories and farmers’ strategies (Merlet 2002).

Two hundred interviews were held with various members and leaders of the indigenous communities and strategic groups: representatives of the board of directors and members of the Council of Elders, or Monéxico Council, of the indigenous communities; also local leaders, community directors, municipal workers, representatives of the Ministry of Environment and Natural Resources (MARENA) and the administrative division regarding ownership, and representatives of the Project of Ownership Ordinances (PRODEP).

We began from the following premise, which formed the base of our research: small-scale Chorotega indigenous and campesino agriculture generates more wealth for the nation and better represents the general interest than does the extensive agriculture practised by large, foreign capitalist farmers. Likewise, we feel that local Chorotega land and natural resource management practices are more sustainable than those employed by extensive ranches and timber companies, as long as these practices are adapted to changing contexts.

The fieldwork period ended with the organization in Mozonte of the Central American Conference on the Local and National Strategies of Indigenous Movements to Make Viable Indigenous Agriculture and Territories that are in Crisis, which held a series of exchanges among indigenous peoples of Central and South America (Guatemala, Honduras, Nicaragua, Bolivia, and Colombia). This conference provided the opportunity to present in a more general fashion the terms of the current debate on the focus of common-law land tenure and the common challenges faced by the various indigenous peoples in Latin America.
The Chorotega indigenous people, as well as other indigenous peoples from the central, northern, and Pacific zones of Nicaragua, have been involved in a recent process of constituting/reconstituting their identity, which historically had been ignored by the institutional entities of the State. In the context of this process, respect for their ancestral territory and making it viable ("viabilización") are central to their concerns.

The consequence of the diversity of actors and views that exist in these territories is the overlapping of rights and multiplication of land and natural resource conflicts. Understanding the various existing territorial logics is fundamental in this search for a future for indigenous Chorotega territories.
1 The Chorotega indigenous communities and territories

Since the arrival of the Spanish some 500 years ago and up to the present day, Nicaragua has experienced a number of processes of change that have produced the current situation: the imposition of private property, disorganization of the country’s indigenous peoples, and an increase in conflicts regarding land and natural resource tenure.

The population of the communities researched is characterized by having little land surface area and by the employment of agricultural subsistence practices through family land use. According to a study conducted by Agronomists and Veterinarians without Borders (AVSF 2006), in the case of the Telpaneca and Mozonte territories, there is an average of 0–2.5 manzanas (a manzana is equivalent to 0.7 hectares) of arable land per family. The strong demographic growth experienced accentuates pressure on the resource base (land, water, and forest) and compromises the future and viability of the territory.

Agricultural practices are essentially based on the cultivation of basic grains; that is, corn, beans, and sorghum. Vegetable gardens and fruit trees are not common in the farming systems of the families studied, due to the difficulty of accessing irrigation water and local food customs.

The state of poverty, limited opportunities for accessing means of production, and the chronic nature of adverse climatic events in these rural regions are the causes of a significant phenomenon of temporary migration, especially during the coffee-cutting and dry seasons. Hurricane Mitch heavily impacted the northern zone of Nicaragua in 1998: its violence left landscapes irretrievably modified, carrying away fertile land from the milpas1 and leaving fields and streams buried under tons of earth and rocks. More recently, in winter 2009 there was a severe drought in the same zone, and as a result the majority of the populations in the study area lost their harvest due to the lack of water.

Because of all of this, it is essential to begin the analysis with an overview of the context.

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1 The milpa is both a physical space – the land, the plot, as well as the crops, the productive diversity grown there – and a reflection of the agricultural knowledge, technology, and practices and the work of farmers needed to satisfy the basic needs of campesino families.
A history of domination and “invisibilization” of indigenous rights

The Chorotega indigenous people experienced a long history of domination from the conquest by the Spanish Crown until independence in 1821 which left power in the hands of large landowners, the old Spanish settlers. They preserved their supremacy by means of the privatization of virgin lands. Until the 18th century, the people were subjected to a system of encomiendas (a feudal system imposed by the Spanish for the purposes of subjugating the indigenous peoples, converting them to Catholicism, and extracting taxes for the land from Spanish colonists who were granted these lands) dominated by the Spanish conquistadors. During colonial times, communities were organized around a settler landowner.

After this stage, the indigenous peoples obtained concessions to collectively owned land surrounding the “new communities” (Moallic 2005). Later on, indigenous communities bought lands by means of the acquisition of Royal Property Titles (Mechri Adler 2000). This was the case in five of the indigenous communities in this study. However, since national independence, the existence of these titles has been ignored by successive republican governments.

With the introduction and development of coffee cultivation from 1881 onwards, the land’s value increased and the best parcels began to be concentrated in foreign hands with the support of the government. Many of these lands had belonged to indigenous peoples. In 1893, under the administration of President José Santos Zelaya, who defended the interests of the nascent exporting bourgeoisie, a property registry was created in order to legalize the appropriation of land (Mechri Adler 2000). The selling of communal and ejido lands was encouraged, traditional governments were not recognized, and the creation of boards of directors for indigenous communities was promoted, with the goal of privatizing communal lands.

Under the regime of Anastasio Somoza in the 1950s, the government granted forest exploitation rights to foreign companies such as Empresa Maderera Gonzo (EMAGON) [Gonzo Timber Company] of Honduras, which left behind devastated territory in Totogalpa. When the Sandinista National Liberation Front (FSLN) took power in 1979, the People’s Forest Corporation (CORFOP) was created under the direct control of the government, in charge of the felling, processing, and sale of wood from public lands. That measure caused wood exports to fall significantly: from USD 70 million in 1976 to less than USD 3 million in 1980.2

2 Unasylva 1993.
During the decade of the Sandinista government (1979–1989), politics was geared towards an ethnic homogenization in the western part of Nicaragua. The plan for a mestizo (a mix of indigenous and Spanish descendants) country was the result of a Ladino (similar to mestizo) elite that headed the State institutions and had enough legal resources to silence the indigenous peoples in this region, making them practically invisible ("invisibilization").

During that decade, the revolutionary government had no indigenous peoples policy in the various regions of the country. On the contrary, the indigenous authorities were ignored by the economic development programs formulated by the State. The exception was the Atlantic coast, which focused on the “ethnic question”, but the communities of the center, north, and Pacific coast did not have any opportunity to benefit from development programs other than to present themselves as "campesinos without land" or "members of cooperatives."

When Violeta Chamorro took power in 1990, her new politics favored private sector development. CORFOP was abolished and international private investors returned to the country to obtain new forest concessions. The public companies that the State enterprise controlled, such as MADECASA, PLYNIC, COREXSA, and YODECO, among others, were privatized (Agriculture and Forest Ministry [MAGFOR] 2005).
The overlapping of land-related rights

Nicaragua's turbulent agrarian history – after the dictatorship of the Somoza dynasty came the Sandinista revolution, and the period of liberalization of the national economy and its methods of capitalist exploitation during the 1990s – has left as an inheritance “… a mess in terms of land tenure.”

Currently, it is common to find plots of land claimed by several "owners," who guarantee that they are the legitimate owners by showing an agrarian reform title, private deed, public deed, or supplementary title, or they claim to have been demobilized from the Sandinista army or the "contras," who appropriated lands because of a lack of response by the State to their demands. There are also those who purchase land without documents, illegal documents of land buying, selling, or transference, and the forcible settling of individuals known as "land-takers" on indigenous territories.

International bodies such as the World Bank, the International Monetary Fund (IMF), the United States Agency for International Development (USAID), and other institutions prioritize the issuing of private property titles for improving the security of land tenure and access to credit and thus increasing State resources.

PRODEP, which works in the department of Madriz and as such in four of the five Chorotega territories, is currently promoted by the Nicaraguan government and supported by the World Bank and the Nordic Development Fund, and is a project of land registry and individual titling. The indigenous communities who are demanding collective ownership of their territory bought from the Spanish Crown were not consulted before this land registry project was carried out and are excluded from participating in it.

The indigenous community of Telsaneca filed an appeal for protection against the measurements carried out in the context of the land registry project, because the families who are illegally settled on their territories (the "land-takers") can take advantage of these measurements in order to legalize the lands they are occupying, which is rejected by the indigenous government of Telsaneca.

A proposal made by the Law on Indigenous Peoples in Nicaragua’s Center, North, and Pacific (Republic of Nicaragua 2006), which would permit the Chorotegas to exercise their rights over the land and natural resources, has been stalled in the National Assembly by political interests. The confusion generated represents an open door for foreign compa-

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4 Armed movement of “counter-revolutionary” guerrillas based in Honduras and supported by the United States.

5 “Hay más reclamos que tierras” [There are More Land Claims than Land]. La Prensa [Managua], July 24, 2003.
ties and farmers, who can continue to accumulate lands and to speculate on Chorotega territory.

The extreme degradation of the natural resource base

The history of the Chorotega territories is a testament to the process of gradual environmental destruction caused by the granting of land concessions for the exploitation of forest resources to foreign companies since the 19th century. There were then no conservation policies in existence and the population participated in generalized tree-felling. Today there is a widespread shortage of both trees and water in Chorotega territories, as many natural sources have disappeared due to over-exploitation.

Land sales and the development of private property also permitted “owners” to appropriate the territory’s resources. On occasion, they would close off access to neighboring communities, producing situations of severe conflict resulting from the subjection of the people. In opposition to this situation, the indigenous Chorotega organizations currently defend their collective land tenure and its inalienable character.

Law 559, or the Special Law on Environmental Crimes, was approved in November 2005 and in principle it could help to stop the deforestation of the territory, since it prohibits all felling of green wood without the permission of MARENA; but applying it is difficult and the felling and transport of illegal wood are still quite common.
2 Land dynamics and natural resource management practices on indigenous Chorotega territories

Land, territory, and ownership: different views

In the Chorotega “cosmovision” (world view), the indigenous territory itself is the “collective patrimony” that the people’s ancestors left them for the production of food, reproduction, and to guarantee a future for their descendants:

“Our ancestors struggled to buy the right to live on lands which did not belong to any other owner but God – who can appropriate Mother Earth? Foreigners don’t have more rights to the land than we do, but they fence in a plot of land and they pay a lawyer, and now they prohibit our access to a plot that used to always be freely accessible by everyone. What will be left for our children?” [M.G., female community leader of Telpaneca]

The relationship with the land is essentially a social relationship: the set of rights that people exercise over the land and the natural resources it contains. These rights concern the relationships between people and resources (Cotlear 1981 and Barrière 1996 in Aubron 2006: 1). What is involved when speaking of guaranteeing access to land is, above all, the social rather than legal aspect.

Rights to land and the resource base have, among other aspects, direct influence over practices and strategies related to access, exploitation, transfer, and exchange of land and its resources. Capitalist economic systems associate a market value with land, permitting it to be exchanged for money. Thus, if land is seen as merchandise, what is it that gives it this value and how is the price of land determined?

Land is not the purpose of these social relationships, but rather it guarantees that the fruits of work undertaken on the land return to the social group in question and not to another (Gutelman 1974: 36). Since land is not in and of itself a product of work, it cannot have value, not even a price, because all value that is attributed to it is the fruit of work
that has been realized. For this reason, when a “property” is sold, the “value” and “price” of the land are the “improvements” that it possesses at the point of sale.

The commercial perception of “land” is a foreign concept to the indigenous Chorotega “cosmovision.” They see the land as a collective patrimony that must be conserved and protected for the good of future generations. By contrast, according to the current definition utilized by geographers, territory is “a portion of the Earth’s surface appropriated by a social group to guarantee its reproduction and the satisfaction of its vital needs” (Le Berre 1992). This implies a will to appropriate that is more or less exclusive on the part of a social, ethnic, or religious group, or by a family or an individual. The population occupying the territory conceives of it as part of its integrity (personal or social) which it is willing to defend. Thus, in Chorotega territory, the development of private property contradicts the communal management of indigenous communities.

Private property versus communal territory

Private property, as it is understood in Western cultures, was brought to the indigenous Chorotega territories with colonization and after Independence in 1821. The old Spanish settlers extended their domination by appropriating the best lands and forcing populations to migrate to areas that were not as suitable for agricultural practices.

However, the Spanish Crown recognized the indigenous peoples’ ancestral lands, starting in the 17th century, through the granting of royal titles. These titles were given after demarcation, territorial designation (boundary marking), and payment in gold coin by the indigenous people to the King of Spain. Despite this, and the abolition of the encomiendas that brought together the indigenous people around a property-owning settler, what modified the indigenous communities’ mode of organization from what it had been prior to the arrival of the Spanish was the continuation, by the Spanish settled in the area, of the mistreatment of the indigenous people and their payment of taxes (Rizo 2009).

Not all of the indigenous Chorotega communities currently hold royal titles, as some were lost, stolen, or hidden during the various periods of repression that the country and its indigenous populations have suffered. Thus, the royal titles of San Lucas and San José de Cusmapa, which originally was part of San Lucas, are in the process of being restored. Monzonte also has a royal title; the president of the current board of directors is the same person who took it to Honduras to hide it during the Sandinista revolution. In Telpaneca, the municipal mayorality seized the title during the Somoza dictatorship; the indigenous community asked later mayoralties to return the royal title to them (as their patrimony), but the document “has been lost,” according to the current mayoralty. Totogalpa lost its royal title (“It had been buried in order to protect it, but no one remembers where”); but, after anthropological research carried out in 2009, it was found in Guatemala and a copy was recently handed over to the indigenous community.

All of the indigenous territories nonetheless preserve their boundary stones as vestiges of the process of demarcation carried out in the colonial period. The royal titles are the patrimony that the indigenous people use to defend their rights to the land left them by
their ancestors. Respect for their territory is the first demand shared by all the indigenous peoples of Nicaragua.

Claude Lévi-Strauss and Roger Brunet (in Brunet et al. 2001) view territory as having both a spatial focus and a social focus. Essentially, in addition to lines, points, and surface areas that are representative of the spatial component, there are also actors united in a social component. There are different types of actor and the difficulty arises in differentiating them and understanding their logics.

The indigenous inhabitants of community spaces identify themselves by means of territorial belonging, because in their memory they have always lived in this territory:

“I was born here, my grandfather already worked this land, he divided it among his children before dying and my father gave me a plot to build my house. My wife is not indigenous, she is from Palacaguina [a municipality of Madriz not considered to be indigenous territory], but she did not have any land; I settled here with her. My children are indigenous, they were born here and when they are of an age to make their own homes, I will give them a piece of land so they can settle on it and live in this same community.” [P.T., community member of Telpaneca]

When notions of identity and territory are juxtaposed, a specific, functional, and symbolic community space is generally evoked, in which the practices and a collective memory developed over time enable the definition of a differentiated “we” and a sense of belonging.

“This guy Concho isn’t from here, he came to settle here when my father was a little boy. He bought land from Mr. Antonio’s grandfather. But from his last name you can see right away that he is not from here ….. He does not farm the way we do, he has a lot of land and does not participate in community activities.” [M.C., member of the Technical Assistance Network of Telpaneca]

“We have lived in this community for years, I don’t even know how old this community is, but my father was from here and my mother was from a neighboring community. There are no foreigners here, we are all indigenous, we are of the same race; we have very little land, but it is what our grandparents left to us to pass on to our grandchildren.” [I.M., old man from the community of Cujilica, Totogalpa]

The construction of spatial limits, through the determination of an interior and an exterior, accompanies the process of defining the “we” and the “other.” Continuity of occupation of the same space permits the transmission of locally referenced values and meanings, ensuring the perennial nature of the collective representation of itself and the identification of place.
The social disruption that the indigenous Chorotega people have experienced throughout history, in addition to contributing to the disintegration of social structures, has caused that sense of identity to be lost or at least to become unrecognizable. As a result, one can find in the community members’ own imagery the identification of indigenous people as something rooted in the past and, at the same time, the opposition can be seen between tradition and modernity.

“The indigenous people were the people from before, they dressed in deerskin and wore ‘caites’ [strips of leather used as shoes] or worse, barefoot; they ate uncooked meat. It is said that the indigenous people, that we were like that before the arrival of the Spanish. They say that the indigenous people themselves lived here, but we don’t have anything to do with that, we aren’t indigenous.” [A.C., youth from the community of Totogalpa]

“For certain people, reclaiming their indigenousness entails going back 500 years in time.” [J.C., representative of the board of directors of the indigenous community of Telpaneca]

This situation confirms that the construction of an identity and a territory are dynamic processes, in constant evolution and depending on internal interactions (in the minds of the indigenous people), but also on external entities that influence the determination and adaptation of that identity in continuous movement.

**Indigenous, municipal, and national territory**

The representatives of the indigenous Chorotega communities, in order to justify their rights to the free use and enjoyment of their ancestral territories to municipal authorities (mayoralties), base their arguments on the fact that their population had previously occupied the territory.

“The entity that we call the mayoralty has existed since 1893, while we were already here in 1613; in addition, the mayor committed to ensuring respect for the indigenous territory.” [P.V., legal assistance mediator in Totogalpa]

Everyone agrees that problems exist regarding the issue of ownership, be they national, municipal, or indigenous authorities; but each one has a different, and at times incompatible, perspective of its territory and its jurisdiction, which makes coordination among these various spheres of power difficult.

A first disagreement between indigenous peoples and national authorities is a result of ignorance regarding the identity claims of indigenous people. The northern, central, and Pacific regions of Nicaragua are considered to be assimilated mestizo territories, with strong acculturation of indigenous communities but ignorance regarding their specific characteristics.
“I do not know about that law on indigenous people, but there are no indigenous people here; we work with the communities, but the actual indigenous people are the blacks of the Atlantic, who don’t speak like us, have their own culture, here we have never seen that.” [T.B., representative of the Cabinet of Citizen Power (GPC), department of Madriz]

At the local level, the position of the mayoralty differs according to the municipality. Although tension persists between indigenous people and local municipal authorities, certain achievements of the indigenous communities in terms of recognition of their territorial rights can be observed; the problem occurs when they want to consolidate these achievements. If laws that support indigenous communities are not applied, then each change in local government represents a risk.

“… All of the land, water, forest, all of the natural resources, the owner is the State. Someone who has a farm, what he buys is the right to use those resources, nothing more. Telpanca is an indigenous territory, from what I’ve gathered; they have a title from the 1500s, but that is a problem between the State and the indigenous communities.” [A.J., representative of the Environment Commission, Telpanca]

In San José de Cusmapa, the prominent female mayor had been the first president of the indigenous community at the start of the 2000s. That the Sandinista party put her candidacy forward was the result of political will and of a strategic alliance with the population. At the same time, it was the first opportunity for indigenous representatives to participate in municipal decision-making. Today, the female municipal vice mayor, elected in 2008, is also an indigenous person and a historic representative of the San José de Cusmapa indigenous community. The indigenous community of San Lucas also had its own representatives in the municipal mayoralty in the previous term, including the son of the current Monéxico (Council of Elders) coordinator.

“If this mayor is in power today, it’s because the indigenous community supported him. The territory here is indigenous. If we do not like a candidate for the mayoralty, that person will never be the municipal representative. We, as indigenous people, decide who will be our representatives.” [Representative of the indigenous community of San José de Cusmapa]

The Municipal Development Committee (CDM) or Local Development Committee (CDL), depending on the municipality, was created with the goal of serving as a space for communication between the various municipal actors and inter-institutional coordination for the development and execution of municipal development policies, as well as a way to channel citizen demands through the entities present therein.

“Now there is more communication with the new mayor, because before the mayor did not want to hear from the indigenous people at all. It was hard for us to achieve some degree of coordination with the mayoralty, but
now we participate in the CDL, which is the time when we can present our proposals, as well as make sure we are recognized in the territory.” [J.B., representative of the indigenous community of Telpana]

“There is a local development committee of which the indigenous community is a member, but we have very little power in it. In order to assert our participation in the decision-making, we had to turn to the Law on Citizen Participation, putting our specific nature as indigenous people on the back burner.” [J.C., representative of the indigenous community of Telpana]

Citizen participation is defined by the law of the same name as:

“… a process of involvement of social actors individually or collectively, with the objective and goal of influencing and participating in the decision-making, management, and designs of public policies at the different levels and modalities of the administration of the national territory and public institutions.”

In brief, this law seeks to promote the interaction of the State and its institutions with “organized citizens.” But, against that formal participatory purpose, the formalization of land ownership has taken another path, producing a significant mobilization of the indigenous peoples in the department of Madriz. Firstly, due to a particular disagreement between the representatives of the GPC and the indigenous leadership, PRODEP is implemented in the municipalities of the departments of Estelí, Chinandega, León, and Madriz, and in nine indigenous territories in the autonomous regions of the South Atlantic and North Atlantic, with the goal of legally guaranteeing land tenure though the establishment of a land registry in a process of titling and documentation of ownership. This initiative was presented as a pilot project that could be expanded in the future.

“The entrance of the measurements,” as community members put it, in the indigenous territories of Madriz was not well received. PRODEP did not consider the need to take indigenous agencies into account in this process. Information was given to representatives of the indigenous community only in exceptional situations. However, a representative of the indigenous community was present in the mayoralty, which permitted her to intercept information and to learn about the activities planned and meetings to which only the municipal mayor was invited.

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6 The selection of the local coordinators of the GPC did not respect “the traditional mechanisms, nor even a procedure that was legally consolidated” (Wessendorf 2008).

7 Since 1987, the Atlantic coast of Nicaragua has had two autonomous regions: the South Atlantic and the North Atlantic regions. The government recognized in Nicaragua’s political Constitution the specific quality of being indigenous of the Miskito, Sumo-Mayagna, and Rama peoples who live in those regions. PRODEP was also in charge of demarcation, titling, and registration of nine indigenous territories, and of providing support for the titling of six indigenous territories in the Bosawas nature preserve.
“Traditional indigenous authorities, as well as the municipal mayoralty, we should speak the same language. Before, there was no coordination with the indigenous community, now each one’s space is respected. The only little problem that we find currently is with PRODEP. We survive on cooperation because the central government’s [financial] transfers are practically nil: even with the little that we receive from the citizenry, the government provides us with even fewer funds. If we are interested in carrying out that land registry it is to be able to apply the real estate tax (IBI) and reinvest that money in the territory.” [C.P., representative of the mayoralty of San Lucas]

Although the concession of individual ownership titles is perceived by indigenous communities as a violation of their rights and as ignorance regarding the royal documents that already exist, they view as favorable the measuring of the perimeters of their territory, so that a universal measurement of community space is established that takes into account the ancestral boundaries of the territory. However, the government plans to individually measure each farm and to carry out a perimeter measurement, taking into account the boundaries of the municipality and not the indigenous territory.

“The objective of PRODEP is that everyone would have his/her ownership in order and, based on that, they would pay a property tax. The State works mainly through the municipality. If the State comes here, to the community of Totogalpa, it first goes to the municipal government; it does not come to the indigenous community. But the indigenous community is the owner of the territory. What happens is that, often, the government doesn’t use, or doesn’t know about this concept, that law. When PRODEP comes to the mayoralty, it is already violating our rights, and neither does the mayoralty realize what the implications are of this project. Violations occur because they go directly to the municipal government and do not recognize the indigenous community, the Council of Elders, or the board of directors, which administrate the territory. If they provide titles, another violation occurs because the indigenous territory already has a title, a royal title. But the royal title of the indigenous community is also not recognized, they say it “has no value” when we present it. … Here there is competition between the local authorities. The State tries ever harder, by means of titles, to take territory away from the indigenous community. They do not take into account our specific quality as an indigenous community. Because of that, we do not want titling, but we do want our territory to be georeferenced.” [W.G., representative of the board of directors of the indigenous community of Totogalpa]

The government uses maps from the Nicaraguan Institute of Territorial Studies (INETER) to carry out this land registry exercise, but these ignore the real boundaries of the indigenous territory. The case of Totogalpa is a good example: the territory’s boundary marking was not respected during the development of the territory’s cartography by INETER.”
[T]hey went straight and did not respect the boundary stones.” Comparing the map utilized by PRODEP with the royal title, the integrity of the indigenous territory was compromised in several zones.

In conclusion, varying conceptions of territory are found at the intersection of historic, economic, and spatial interpretations of identity. Each indigenous community has its own community ownership registry; but this registry of indigenous rights contradicts the public ownership registry, which is the only one considered valid by financial institutions. It should be noted that the indigenous community of Cusmapa systematically rejected PRODEP’s “measurements” in their territory.

Rights to the natural resource base

People have always interacted with the natural resources present in their environment; their survival is conditioned by the existence or lack of these resources and their capacity to exploit them. In this case, we are interested in the three resources that are fundamental to the lives of the inhabitants of the research communities: land, water, and forest. Water and wood are essential elements for the survival of these populations, but control over these resources depends on control over land.

Land is at the center of concerns for the residents of the territory, but it is important to consider the variety of actors present and try to understand each one’s logic, as each protagonist has differing rights to the land based on their position in the territorial context and the type of ownership they have.

Types of resource

A typology can be established in indigenous Chorotega territories regarding land use:

° Lands which initially were collective and today are divided into production cooperatives, an inheritance of the agrarian reform processes of the 1980s. The cooperatives consist of a group of members that sometimes corresponds to the community members as a whole. The cooperatives present in the Chorotega territories are mainly coffee-producing (with or without organic production), and this leaves little space for basic grain agriculture.
° Community lands under the authority of the indigenous community, which grants deeds of land use and possession to indigenous and non-indigenous families settled in its territory.
° Lands that are public property, declared to be for public use, bought by the municipal mayoralty so that their use and possession will be communal, and in which users must abide by certain conditions.
° Lands with private deeds in which there is extensive cattle ranching owned by foreign landowners.
Coffee cultivation lands with private deeds, mostly located in the mountainous regions in the north.

People in the indigenous Chorotega territories have profound difficulties in accessing potable water and water for irrigation, in particular during the dry season:

- The majority of the streams dry up in summer, but it is common to use small “inlets” made by hand on the edge of the stream for water for consumption.
- Natural pools are the sources that provide water for consumption.
- The “flows” of water, or springs, are natural sources of subterranean water that come to the surface.
- Wells excavated by hand have in general been built on the initiative of one or a group of community members; with the support of aid organizations, contiguous infrastructure has been built and strengthened under the condition that it will be for community use.
- Very few wells have been drilled, due to the difficulty of access to drilling machinery and the high cost of this type of work.
- In some zones, there is a system of individual or sectoral pipes that supplies the community as a whole or some sectors.
- There are also individual water retrieval and storage systems implemented by aid projects; however, in some cases these have been abandoned.

Deforestation in Nicaragua has permanently transformed the landscapes of the Chorotega territories. We identified different uses of forest resources by the communities here:

- Firewood as a basic element for the family’s survival. "Without firewood we can’t prepare our food. If we can’t find any on our plot, and no one gives us any, we have to buy it." What the community members call "firewood" is the dry wood that is found on the ground or that is left over after they "clean" their milpas (cutting down old/dead growth and burning it) in order to plant them.
- Wood that is used for construction or is suitable for processing. For many years, this was the object of uncontrolled exploitation and is at the center of economic and commercial challenges.
- Trees for reforestation, for holding water, for providing shade, for diversified production (fruit trees), or for use as fence posts.

The forests, as sources of water, are in different states of maintenance and have been assigned different valuations depending on who holds the rights to those lands.
Social actors

The actors who appropriate natural resources on the Chorotega territories are small-scale indigenous farmers, landowners, cooperatives, and “land-takers.”

The small farmers work with their families on plots that become ever smaller as a result of successive inheritances and a growing population. Coffee, beans, and corn are the alimentary staples of rural populations on these territories. The production of coffee in the farmer’s backyards or in a small plot of forest is considered to be a way of saving, or at least reducing, the cost of buying “black gold.”

“That way, we won’t buy coffee, which is expensive, we already produce it on that quarter [of a manzana] and we won’t have to sell our beans to be able to buy coffee beans. But we don’t have more land to plant more and sell a part of our harvest.” [E.C., a farmer in the community of Buena Vista, an indigenous community of Totogalpa]

The surplus, if there is any, is sold to allow the family to purchase products that it greatly needs. The lack of financial resources and land does not permit larger-scale farming for a considerable number of community members. Due to the lack of arable land, many end up as day laborers for other farmers or they go to Costa Rica or El Salvador as seasonal workers.

In the category of small farmers there are also non-indigenous people who have bought small plots of land on Chorotega territory and who, in general, utilize the same farming practices as indigenous farmers do. Some recognize the indigenous authorities in the zone and support them, except that they do not pay their rental tax.

“I support the indigenous community, I have lived here for more than 25 years, I’m from Río San Juan. I bought here during the war. It has now been two years that I have not paid taxes to the mayoralty. I would like to support the indigenous community with my [rental] tax, but I don’t want to hurt it or get it in trouble with the mayoralty.” [J.M., private landowner and treasurer of the Cujilica Water Committee, indigenous community of Totogalpa]

The landowners and other foreign farmers are essentially cattle ranchers, who accumulated land during the time of Somoza. In general, community members tend their property and cattle for them in exchange for the use of firewood on their farms and a plot to cultivate. These “third party” owners (new owners of foreign extraction in the territory) must, according to the statutes of the indigenous communities, pay a rental tax to the indigenous community in exchange for the free use and possession of these lands. However, few of the large landowners recognize the indigenous authorities.

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8 Foreign families settled on indigenous territories demanding their ownership rights as “demobilized” members of the Sandinista army or of the “contras.”
“I have been working here for 50 years and the indigenous race already existed. I am from Estelí; I have several properties here in Telpaneca. I bought these lands legally, a contract was signed, certified by a lawyer. It would be convenient for me to pay my tax to the indigenous community, because they charge less than the mayoralty; now I pay 5,000 córdobas of tax [5 córdobas per manzana]. But I am not going to pay two taxes for the same land. If I pay the indigenous community and not the mayoralty, they will not give me the bills of sale for my cattle [municipal clearance]. And so what do I do with my cows?” [C.R., owner of several farms in Telpaneca and San Juan de Río Coco]

In the mountains to the north, coffee cultivation is helped by a very humid climate and the presence of significant water sources. These very fertile lands were appropriated by non-indigenous people from outside the zone, and the indigenous populations were left with zones that were not suitable for agricultural activities.

In the indigenous community of Mozonte, technicians responsible for the environment had to go to the Ministry of Environment and Natural Resources (MARENA) several times to confirm the existence of irregular change processes in land use. For example, in the northern part of the territory, pine forests, protected by Law 559, were felled in order to plant coffee and guineos (small plantains).

The lots of large landowners, who are generally not from the indigenous community, cover in some cases more than half of the viable surface area of a community, while the majority of nuclear families have no more than one manzana each for cultivation. This is the case, for example, in Telpaneca, where landowners with more than 100 manzanas each settled in three of the communities in the study. Fifty years ago in Cerro Grande, a landowner from San Juan de Río Coco took 150 manzanas of land and today has a supplementary title. In the same community, a neighbor appropriated more than 100 manzanas in the same fashion.

The coffee cooperatives in the territory work with the organization Cooperative Development Promoter of Las Segovias (PRODECOOP), a union of cooperatives that produces organic coffee and sells it in the fair trade or quality trade market in a number of Western countries.

“I don’t know if we are indigenous, but here the cooperative is registered in the public registry and in the name of the group of members. We operate as a collective because the land belongs to those who work it in an organized fashion. We aren’t interested in registering the cooperative in the indigenous community’s registry: what benefit would that give us?” [C.P., member of the administration council of the Luis Alberto Vásquez Cooperative of San Lucas]

The “land-takers” settled on Telpaneca territory have been the subject of complaint by the indigenous community. They arrived when the previous owner of the lands, the extreme-
ly powerful Centeno Roque family, caused Interbank to go bankrupt. The plot of land stayed in the hands of the bank and finally of the State. Demobilized people settled there, taking advantage of the legal vacuum and the existing conflicts regarding those lands.

“We took that land by force because the government did not keep its promise, they [President Violeta Chamorro] had promised to give us lands to work and they never came. But when we arrived here there wasn’t anyone here, the government had taken it away from the indigenous people and we settled here right then.” [C.J., coordinator of the GPC of the “land-takers” settlement]

Now they are demanding a right to the land, based on having held it for a period of time. Those who have been there longest settled almost 10 years ago. Since their arrival, they have built infrastructure such as water wells and latrines, above all with the support of the GPC. Today the departure of these people appears difficult, as entire families currently live on these lands.

We should add that the land occupied by the “land-takers” has a long history. Under Somoza it was plundered from the indigenous people and was once again owned by Ucho Portillio. During the revolution, he fled and his properties were confiscated by the State to be redistributed to a group of “retired” members of the army. Centeno Roque bought or appropriated the lands that later ended up in the hands of Interbank and, finally, another wave of demobilized people arrived. The indigenous community of Telpaneca tried to retake possession of their lands, but their attempt was unsuccessful: the army was sent to jail three leaders of the indigenous community, promising to free them only if they abandoned the idea of settling on those lands, which, they maintained in any event belonged to the State.
Management practices

Management of registered lands

The indigenous communities as a whole have their own registry of communal property and the capacity to grant deeds for the use and possession of these community lands. In the words of Le Roy (1996) regarding the different types of control over natural resources, the indigenous communities' boards of directors permit the awarding of “exclusive control” over a parcel of land that is listed in the registry. Thus, the deed-holder has free access to it and the rights to work and freely harvest the fruits of the land, and to manage it (with certain restrictions). Also, the deed is for one individual only (a son, a daughter, or other member of the family who inherits the land must obtain a new deed).

The indigenous rights of use, possession, or usufruct of the land are for life and can be transmitted via inheritance. By contrast, in the case of outsiders (foreigners), the indigenous community grants use rights for a maximum period of 10 years, through the payment of a rental tax. This is an annual payment paid to the indigenous community, which also permits the person to be registered and for the community to recognize the renter's use rights. The rate of this tax depends on the indigenous community: the board of directors of each community establishes its own rates, but always based on the number of manzanas the renter has. Few foreigners pay the tax to the indigenous community because of ignorance, involuntary or otherwise, or other reasons.

To be able to draft the deed, the highest authority of the indigenous communities – the Monéxico for San Lucas and the Council of Elders for the other territories – must endorse the rental and, before anything else is done, demarcate the plot and establish the various adjacent areas. The representatives of the Council of Elders in the communities are the individuals most suited, according to the indigenous communities, to knowing the reality of their community and preventing future conflicts over ownership. Once the endorsement has been given, the future rights-holders of these parcels of land have to pick up their deeds at the office of the indigenous community.

Implementation of the indigenous ownership registry is faced with various difficulties. Firstly, the registries are incomplete and currently many community members do not have deeds from the indigenous community. There are recent registrations, such as that of Totogalpa, where it is barely four years since the drafting process began. Many community members are still unaware of the importance of undertaking this registration procedure.

Non-indigenous owners are not very interested in registering themselves, for economic reasons or, in other cases, because they do not accept the existence of the indigenous community. The situation is not the same in every territory and greatly depends on the relationships of the indigenous communities with the mayoralty and other municipal authorities, such as the judge and police. For example, in San José de Cusmapa, the
indigenous community was able to act as an efficient mediation body when each institution respected the prerogatives of the others.

Oral tradition has long played an important role for indigenous people in terms of the transfer of rights (of use and possession); however, today oral agreements are no longer sufficient, because too many land-related conflicts exist to be resolved by the word of persons who now count less in modern society than ever before.

“Before, when a piece of land was transmitted through inheritance or was sold, it was done orally: it was only a relationship between the original owner and the new owner; he would show him the plot and that was it. Sometimes, a written document was drafted [about] how a parcel had been sold to so-and-so, but nothing more. Generally, measurements weren’t taken; the size of the parcel was only evaluated visually. A document wasn’t drafted because the word of an indigenous person was more valuable than anything else, that wasn’t necessary.” [W.G., representative of the board of directors of the indigenous community of Totogalpa]

Management of conflicts
There are many kinds of land conflict that are encouraged by the lack of recognition given to indigenous community ownership and the superimposition of rights on the same piece of land. Indigenous communities, through their own agencies, attempt to mediate those problems they consider to be under their jurisdiction. In order to resolve land conflicts, the Mozonte Mediation Center, founded in 2006, and other communities’ legal assistance networks, are the first to intervene.9

“Mediation is an ancestral mechanism for controlling conflicts. That is the way justice was done by our grandparents; they didn’t grab the person at fault and shut him/her up inside four walls. They would give him/her grief for having tried to take advantage of the entire community. Additionally, this allows us to avoid the high cost of a lawyer and also, in many cases, it permits us to reach agreement in a peaceful manner. …. We do historic research and meet with each party to know how they acquired the land. And we look for witnesses to challenge the various testimonies.” [P.V., legal assistance mediator for the indigenous community of Totogalpa]

If conflict resolution fails, there is still the indigenous community’s board of directors, and the Council of Elders as a last step after the Mediation Center, to avoid the State legal system. It does not matter if a claimant is indigenous or not: all are treated equally.

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9 The Mediation Center is endorsed by the Supreme Court of Justice, the Directorate on Alternative Conflict Resolution (DIRAC), and Law 540.
Management of water resources

In Chorotega territory, water is considered to be a good for all and monopolizing it is not permitted. The existence of private water sources does not contradict this rule where drinking water is concerned. Water sources are the object of “specialized control,” to the degree that the lack of legalization of communal ownership in certain cases can lead to the appropriation of the source for personal use by the owner of the parcel of land.

“No, you can’t be stingy with the water because we all know that he/she who prohibits others from using the water will have his/her source of water dry up. Rationing can be done to ensure that everyone can have water for their consumption, but you can’t tell someone that that water belongs to you and that you don’t want to give away any cans for home consumption.” [F.M., treasurer of the water committee for the indigenous community of Totogalpa]

In order to manage and permit the use of the resource, there are community water committees. Each one of these committees consists of a directorate. The number of members varies but they all follow a hierarchy similar to that of a board of directors: president, vice president, secretary, treasurer, comptroller, and at-large member. These responsibilities are exercised in a voluntary manner, without any honorarium or other financial remuneration. The board of directors must follow rules, as must the beneficiaries of the water service as a whole.

The members of the directorate are named by the community. Traditionally, the community meets in assembly, the people propose the names of community members who could carry out the obligations, and they vote. In general, the first person elected assumes the post of president or coordinator. The tasks that each member of the directorate must fulfill are not always very clear to them, however. In one community, four members out of five presented themselves as coordinators and, as a result, none were active.

The General Water Law (Law 620 of 2007), which grants legal backing to the existence of potable water and sanitation committees, stipulates that each must have and manage its own fund, in order to ensure the sustainability of water services. Nonetheless, there are few committees who have been able to apply this rule to date. There are several reasons for this, including the varying levels of resources families have and the irregularity of water services in certain communities. In general, the problem is due more to a lack of forward planning and the expectation that committees will always receive support from various entities in the projects to finance repairs to water systems.

“When the PVC pipe broke, we didn’t have money. The first time we fixed it with a rag so that not too much water would be wasted, but that was only a temporary solution. But the Fabretto Foundation [an NGO for the education of children and youth] helped us by giving us new pipes and cement.
to fix the storage tank that was in disrepair.” [A.M., coordinator of the water committee of the indigenous community of San José de Cusmapa]

“It is written in our internal regulations that we can cut off anyone’s water who does not pay the fee or other requirement. But we’ve never done this, we can’t; the people will get mad, they’ll say we’re being stingy with the water. Also, we can’t impede anyone’s access to the water because we are not the owners of the water, everyone has a right to use it.” [A.G., comptroller of the water committee of the indigenous community of Mozonte]

It is thus that the “price of water” has remained a foreign concept to local populations; it is rare for a committee to put this aspect into practice. But some water committees have managed to raise the awareness of some beneficiaries and have opened savings accounts in a cooperative to put money aside.

Not all water sources (be they wells or distribution systems via pipes) have the same capacity, above all in the dry season. The water committees have sometimes had to establish a schedule for getting water and a rationing system to permit everyone to have access to this resource. Well cleaning is generally done by women, while men maintain the water systems.

In several cases, illegal appropriation of communal wells by persons who have donated the land on which the wells are located has been observed. These land donors, despite the fact that their property has been declared communal, continue to be considered the owners as long as they take charge of maintenance and repairs. In these cases, community members ask someone else for water.

Generally, problems with transparency can be seen in the management of the water committees. The periodic meetings dictated by their regulations do not occur systematically and few people are aware of the committees’ activities. Sometimes, even the members of a committee do not know, for example, the amounts collected by the treasurer, who does not always maintain a registry of the committee’s incoming and outgoing funds.

Nonetheless, several exceptional cases exist: for example, that of the community of Buena Vista in Totogalpa, which created a community committee consisting of the promoters of various bodies involved in the community, members of the GPC, and of the various water committees set up for different wells and water systems. In all, there were 10 active members. In this community, there are different types of payment, with which the majority of people comply – among others, a monthly fee of 50 córdobas for the maintenance of the solar panels that this “central” committee was able to obtain. While accounts had not been done for 2009, in 2008 more than 13,000 córdobas were collected and saved in the bank.

The case of the community of Apante in San José de Cusmapa is equally interesting. The president of a cooperative on this territory is also the president of the water committee. Some of the members consider him to be a charismatic person and a leader (he has been
in his position for several years). The water committee depends directly on the cooperative, which takes a percentage of each member’s earnings to cover the maintenance of the community’s water distribution system.

Management of burning and forest protection

For a very long time, the preparation of soil for agriculture was carried out by burning all the vegetation on a plot of land. A significant majority of indigenous farmers consider this method to be a traditional practice and still the most productive. However, today it is seen as a method of soil preparation that is harmful in the context of severe environmental degradation. This practice originated at a time when there was much more arable land available and indigenous farmers could burn one year in order to plant and then move to another plot the following year, permitting the burned land to rest and regenerate itself.

Now the situation of heavy concentration of land and smallholdings prevents this annual move. Each parcel of land is demarcated by a wire fence (economic resources permitting) and each person must exploit the same piece of land year after year. “Traditional” practices now do not appear to be appropriate for ensuring the good management of indigenous lands.

The natural resources considered by government entities to be State property are under the control of agencies dealing with the environment, such as MARENA or the National Forest Institute (INAFOR), and under the supervision of the mayoralties, which prohibit burning and tree-felling.

“In order to cut firewood, you need a permit that is granted to the community member under the condition that it is for his/her home, not for selling, not for the transfer of wood, only for a particular need. If someone tells me they have a particular need, I go to have a look at their home to see if it is true, that it is not a lie. If it’s true, I endorse it; with the endorsement he/she can go to the mayoralty because mine has no value. The mayorality or INAFOR issues the permits. But permission is not given for pine, permission is not given for cedar, because they are in danger of extinction in the forest area; around here, more permits are being issued for fallen trees, dry trees – you can’t cut green trees.” [N.M., coordinator of the Environment Commission of the indigenous community of Telpaneca]

However, the prohibition on burning and felling is not well controlled and the possibility remains of being able to buy the right to burn (controlled burns) and to fell trees from the competent institutions. Those who do this are generally farmers who have a certain quantity of disposable financial resources: cattle farmers who burn to plant pasture and coffee farmers who extend their cultivation areas to mountain zones. Many small farmers have abandoned the system of land-burning, but others still persist in these practices because they consider them to be useful for killing pests, saving time, and reducing labor.
However, the prohibition on deforestation likewise represents a barrier to the extension of the agricultural frontier, which for many years played the role of a safety valve for reducing pressure on the land. The only people nowadays who continue to extend the area of their farms are the large landowners (cattle and coffee farmers) in the mountainous zone to the north of Mozonte. As of the second half of 2009, the endorsement of 16 members of the GPC was needed to fell and move trees.

“Before the prohibition on felling trees on our hills, the companies would come and always take away entire truckfuls. They would pay three córdobas per tree to the owners and they would leave. There was no control at all, they would fell without replanting and they built roads to take the wood away. You see that hill over there; now, since felling has been prohibited, it has regrown; but around seven years ago, it was completely bald, while before it had been a very deep forest, the sun’s rays couldn’t get through.” [J.P., representative of the Council of Elders of the indigenous community of San José de Cusmapa]

Not everyone has access to a forest for obtaining firewood. There are many types of arrangement but in most cases people depend on the good will of forest owners. In general, firewood in forest zones is a good under priority control, available for all as long as it is dead, dry wood.

To sum up, the differing visions regarding the Chorotega territories are frequently in contradiction with one another. The lack of clarity and consensus about conflict management bodies and rights and responsibilities causes conflicts to become more acute and never-ending. Finally, this situation prevents the resource base from being sustainably managed.
3 The process of regaining control over Chorotega territory

The Inter-American Indigenist Institute uses the following definition of an indigenous person: “A person is indigenous who considers him/herself as such and who is considered such by the society nearby” (Pacheco de Oliveira 2000: 421). This definition echoes Convention 169 on Indigenous Peoples in Independent Countries of the International Labor Organization (ILO), which adds that the term “indigenous” should be applied to “all peoples who distinguish themselves from the rest of the nation through their social, cultural, and economic conditions and who are governed by their own traditions or special legislation.” The ability of indigenous peoples to complain against a lack of consideration or respect of their rights is protected by this convention. Convention 169 was recently ratified by the Nicaraguan Popular Assembly, on May 6, 2010, after this report was finished.

The mobilization of indigenous people is not limited to externalizing themselves or making themselves visible, but rather it literally “produces” the contemporary expression of indigenous identity and engenders key dimensions, such as the criteria for belonging to a community, the definition of “we” and the “other,” and the objectives and demands of the movement.

The “ethno-genesis” thus considered refers to processes of the emergence of a collective consciousness of groups which are generally minorities, whose key element is the need to differentiate themselves from the dominant group – a differentiation which permits them to enjoy their own means of subsistence and production, i.e. their own relationship with the land to which they are or were linked. This last is exactly the challenge being faced by the Chorotega indigenous people.
The appearance of wire and private property

Nowadays, the majority of lands in Chorotega territory are fenced in with wire, including the lands of indigenous people that originally were communal. This happened because everything that was communal was seen as belonging to "no one" by the foreign farmers who began to establish deeds to these lands and to put up fences; as a result, the indigenous people themselves had to start to fence in the parcels of land they worked.

From the 1950s, foreign farmers introduced the idea of permanent, individual, written spatial occupation recognized by State laws – in opposition to a concept of temporary, communal, common-law, and socially recognized use by indigenous peoples.

No more land available

Today in local communities few people are willing to sell their land. On the contrary, indigenous farmers defend the principle that the land cannot be sold.

"The land, we must conserve it and protect it for our children. What can money earned through the sale of land provide for us? We will eat [with] it one year, two years, and after that? Where will we get the tortilla and beans for our sustenance? No, the land is here for farming, not for selling." [J.L., community member of San José Amucayan, indigenous community of Telpanec.]

Many farmers remember that 15 years ago the land "was cheap" – a manzana was sold for 100 or 200 córdobas. Now, there are no lands available for selling, but there are small pieces of land or unused land in the hands of landowners who in the main carry out large-scale cattle farming.
Other practices of land access for farming

Planting “by going halves” is a common practice among indigenous people. In it, the owner makes available a parcel of land and the means of production and the landless farmer puts in the labor. The harvest is split between the two.

For indigenous people, renting is another way to access land. The price and conditions of rentals depend on the owner and the relationship he/she has with the renter. In the case of family land, we noted that land that was lent without compensation; however, in such cases it is customary to gift a part of the harvest as a way to thank the owner. In some cases, rents can be relatively low: 100 or 200 córdobas per manzana for the entire year. Land rental can be in the economic interest of certain owners: for example, 1,500 córdobas per manzana for a harvest (payment is made again for each harvest cycle), paid in advance. This economic interest is accompanied by a position of domination: lands for sale are scarce and expensive, which results in an increase in rental prices.

In all cases, the agreement is only oral and interpersonal; no documents are signed nor is there any regulation that protects the renter or guarantees him/her occupation of the land for the medium term.

The scarcity of land in communities such as El Guaylo, in San Luca, or El Ángel 2, in Cusmapa, forces farmers to move ever farther away from their own communities (up to four hours to get to the rented milpa).
The cooperative in the indigenous community of San Lucas: why and how to regain control over the territory?

The territory of the community of Apante is owned by the multi-functional cooperative Luis Alberto Vásquez, founded in 1984.

“All of the community lands are under the management of the cooperative. If a community member wishes to cultivate more than he/she has been granted, he/she can be given one *manzana* more based on the availability and the decision of the administrative council.”

This cooperative has limitations in terms of opportunities for managing the territory: it is located in a protected area (it is illegal to fell trees) and demographic growth is exerting pressure on the land. Its members and their children are already looking for other solutions to the space problem; for some, the purchase of land outside the cooperative is a possible solution.

Additionally, concern regarding access to water is emerging as a result of demographic pressure. The distribution of land in the community remains limited, despite the fact that other sources of water exist other than the two current ones, as these sources have been appropriated by community members who make personal use of them.

Furthermore, the cooperative, which is a symbol of achievement for the indigenous community of San Lucas, remains isolated from the indigenous government.
The role of indigenous women in the process of regaining territorial control

It is common to hear that the land can only be managed by a man, because only a man has enough strength to work it:

“Give a parcel of land to my daughter? No, her [male] partner took it; he is the one who should have some land to provide food for his family.” [J.P., male community member of the indigenous community of Telpaneca]

Even today, very few women have the benefit of a parcel of land titled in their own name. In the case of a female-owned property, a heightened awareness can be observed by parents toward their grandchildren. Female inheritance is, in many cases, based on animals, so that the woman will care for them while her husband works the milpa.

Under those conditions, the woman remains in a state of insecurity, dependent on the man, which leaves her defenseless and with few resources in the event that the family situation should change. In many cases, a single mother stays with her parents.

However, recently, the indigenous Chorotega communities have established a regulation favoring women in terms of inheritance. While other rules exist, their application is more difficult and requires work to raise people’s awareness, though this process is already under way. The indigenous community of Mozonte promotes women receiving at least one manzana from their fathers. In the indigenous community of San Lucas, equal distribution is attempted. In the indigenous community of San José de Cusmapa, certificates of rights to indigenous land are drawn up in the names of both members of a couple.

“Re-encountering” traditional know-how: natural medicine

Indigenous communities historically used plants to cure their common ailments; however, much knowledge has been lost and the use of chemical medicines has become widespread. Nowadays, however, knowledge about plants for medicinal use is being recovered from community healers.

The indigenous people claim these ancestral practices as a part of their “cosmovision” and proof of a certain degree of control over the natural resources present and over their environs. With the help of aid organizations and the Ministry of Health (MINSA), the medicinal use of plants is being promoted through the teaching of traditional practices and use to members of health brigades.
As prescribed medication is often beyond the financial reach of these populations, this natural alternative is accompanied by a desire to improve the economic situation of families and in particular of women, through the sale of natural “pharmaceutical” products made by women’s groups.

The role of aid organizations

International aid organizations have been present on Chorotega territory for more than 20 years. The one with the longest presence is Radio Schools of Nicaragua (ERN), which has been there since the Somoza dictatorship and expanded considerably after Hurricane Mitch hit the region in 1998. The presence of aid organizations helped indigenous communities to have their demands heard. In terms of projects, crop diversification, irrigation, product processing, and access to alternative markets are the norm.

Aid organizations have played and continue to play an important role, together with State institutions, in discouraging land burning as well as promoting the use of soil conservation methods. Promoters trained by aid organizations have a central role in reflection and sensitization regarding this issue. In general, they are named by the assembly of their community and are the ones in charge of passing on their knowledge to their “interest group.” The promoters have a central role in the dissemination of knowledge for the purpose of gaining more control over indigenous territory and the approaches of the indigenous Chorotega communities to natural resource management.

On a related note, aid organizations are also responsible for promoting not only consciousness-raising for the approval of the Law on the Indigenous Peoples of the Center, North, and Pacific Areas of Nicaragua, but also for encouraging reflection on the viability of indigenous territories. How to ensure that these territories have a future? How to ensure that the indigenous communities have economically viable projects that accord with their principles and the characteristics of their territories?

As we saw in numerous interviews with indigenous people regarding their identity, in the Chorotega communities there continue to exist difficulties for people in self-defining themselves as such. In order to “redraw” the agrarian landscape and to reorient agricultural practices towards a type of management that is different, there is still a need to construct an economic vision of the future.

The approval of the Law on the Indigenous Peoples of the Center, North, and Pacific Areas of Nicaragua and the ratification of Convention 169 surely represent key steps toward making effective the recognition of the multi-ethnicity of the Nicaraguan nation. But the prime concern should be the definition and dissemination of a project for the Chorotega territories that is economically, culturally, and socially viable.
4 Conclusions

The attempt to develop an appropriate management model for the indigenous Chorotega territories has as its objective that all of the actors present in the territory be able to use the existing resources without harming others, while simultaneously supporting and participating in the sustainable and negotiated management of the territory.

The study’s objective was to explore the dynamics of land and natural resource management practices on the Chorotega territories. It is clear that the representation that a society makes of its territory’s natural resources also defines its culture. The existence of a “land market” in indigenous communal territories significantly influences these representations and the opportunities for taking control of resources. The findings of this research allow us to confirm the existence of different logics of land occupation on Chorotega territories which often are difficult to reconcile.

The assimilation mechanisms implemented by the Nicaraguan State since independence and, more precisely, since the beginning of the 20th century, “invisibilized” the indigenous peoples of Nicaragua. Despite the existence since 1987 of a Constitution backing the identity and self-determination of the indigenous territories of the center, north, and Pacific coast of Nicaragua, the situation has not changed.

Conflicts related to land and the resource base currently ongoing in the Chorotega territories are, in large measure, a result of a lack of linkage between local management practices and legal regulations.

The indigenous Chorotega communities as a whole base their demands on the existence of royal titles which, along with boundary stones, mark the boundaries of their traditional indigenous territory. As has been mentioned, the territory is a spatial and socio-political construction that is shaped by the interaction of the various actors involved in this space through the identification of “us versus them.” The land is a collective patrimony, an inheritance of common interest and an element that, in the Chorotega “cosmovision,” cannot be sold, as it has no value without communal access and use.

The principles of mediation established by the indigenous peoples on their territories are a good alternative to the costly legal proceedings in which officials are not always sensitized about or prepared to judge on indigenous issues.

The indigenous Chorotega communities have developed and are applying some regulatory mechanisms to harmonize the coexistence of indigenous and foreign farmers in the territory. The existence of an indigenous property registry as a tool for managing the rentals and use and possession rights granted by the indigenous community itself is at the heart of the proposal of five Chorotega communities. Despite the fact that these registries are incomplete, the process carried out by the indigenous peoples to register the rights-holders present on their territory is presented as an alternative, by recognizing land use under certain modalities for both indigenous and non-indigenous people (foreigners).
On a related note, the indigenous communities seek sustainability in their use of resources, but the practices of individuals and the private appropriation of lands and resources make it hard to appropriately manage the Chorotega territories.

The introduction of the proposed Law on the Indigenous Peoples of the Center, North, and Pacific Areas of Nicaragua is evidence of the concerns of indigenous peoples as a whole in this region of Nicaragua. Land and its regulation are at the heart of the bill, accompanied by concern about sustainable development in indigenous territories.

The implementation of a national land registry that is superimposed on the local indigenous registry is not viable for indigenous populations because it endangers the existence of a communal organization that can lose its prerogatives vis-à-vis the territory. Private property goes against the indigenous world view which sees the land and its natural resources as essential, unseizable, and inalienable, and which only collective management can preserve.

The process of decentralization has left the power to announce their own local development policies in the hands of mayoralties and municipal agencies; However, strong political polarization in the municipalities does not leave the indigenous communities with many alternatives for negotiating via these institutions.

The term “ethno-genesis” in the case of the Chorotegas refers to a process that is still ongoing and which can be said to be at the start of its path. The grassroots of the indigenous communities, for the most part, do not yet find themselves in the space for negotiation and definition that their leaders are opening up. What is an indigenous person? For many people, this is an “ethical” term, i.e. external, from the outside; it is used by leaders and aid organizations who work with these populations, without giving it a real meaning for the campesinos. The term “indigenous” is, for many people, a symbol of marginalization and of a lack of protection from the State. Consequently, if being indigenous permits people to accumulate resources and external assistance, they will claim to be indigenous, but there are few “indigenous” people who can clearly define their condition as such.

The proposed Law on the Indigenous Peoples of the Center, North, and Pacific Areas of Nicaragua does not take into account the fact that each indigenous community is at a different level of progress and at a different phase of structuring its organization. In the case of the CPICH, it is in an early stage of its institutional strengthening process; most worrying about this coordinating body is the insufficient reflection carried out regarding the economic viability of its territory.

The legitimacy of the indigenous peoples lies in asserting their negotiating capacity before the actors present on their territory as a whole and throughout national territory, beyond political interests or outside influences. This also relates to the generation of technical and economic references which demonstrate the supremacy of small family agriculture as practised by indigenous farmers in the face of the predatory production model applied by foreign farmers.
Annex 1: Communities visited in the context of the fieldwork

**Territory of Telpaneca**
- El Zapote
- Cerro Grande
- San José de Amucayan
- Las Trojas

**Territory of Mozonte**
- La Ceiba
- El Cacao
- San Antonio
- Apamiguel
- El Caracol / El Limón

**Territory of Totogalpa**
- El Chagüite
- Buena Vista
- Cujilica

**Territory of San Lucas**
- El Apante
- El Guaylo
- El Volcán

**Territory of Cusmapa**
- Ángel 1
- Ángel 2
- Ángel 3
- San Francisco de Imirez
Annex 2: Maps

Map 1: Central America

Source: http://www.abc-latina.com/cartecen.htm
Map 2: Departments of Nicaragua

1. Boaco
2. Carazo
3. Chinandega
4. Chontales
5. Estelí
6. Granada
7. Jinotega
8. León
9. Madriz
10. Managua
11. Masaya
12. Matagalpa
13. Nueva Segovia
14. Rivas
15. Río San Juan
16. Atlántico Norte
17. Atlántico Sur

Map 3: Department of Madriz

Source: Nicaraguan Institute of Territorial Studies (INETER)
Map 4: Department of Nueva Segovia

Source: INETER
Map 5: San José de Cusmapa-Sitio El Carizal

Legend: ★ Communities in the study
Map 6: Totogalpa

Map 7: San Lucas
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Agronomes et Vétérinaires Sans Frontières (AVSF) is an NGO that, for 30 years, has been guiding the rural farming families that are the most threatened in terms of exclusion and vulnerability, in Africa, Asia, Central and South America. By providing them with the skills of crop farming, livestock farming and animal health experts, AVSF helps them to:

- obtain better living conditions,
- manage natural resources better,
- gain a better understanding of their role in society,
- take part in the socio-economic development of their region.

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This report is part of a wider initiative on Commercial Pressures on Land (CPL). If you would like further information on the initiative and on the collaborating partners, please contact the Secretariat of the International Land Coalition or visit www.landcoalition.org/cpl

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