9-15-2016

Government Leaves Indigenous Residents Unprotected in Northeastern Nicaragua Land Dispute

Benjamin Witte-Lebhar

Follow this and additional works at: https://digitalrepository.unm.edu/noticen

Recommended Citation


This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Government Leaves Indigenous Residents Unprotected in Northeastern Nicaragua Land Dispute

by Benjamin Witte-Lebhar
Category/Department: Nicaragua
Published: 2016-09-15

Headless and half-eaten by scavenger birds, the two mutilated corpses discovered late last month in the Río Coco Arriba sector of Nicaragua’s Región Autónoma de la Costa Caribe Norte (North Caribbean Coast Autonomous Region, RACCN), were nearly unidentifiable. The only giveaway was the tattered clothing the bodies still bore. That, and the fact that friends and family in the nearby Miskito village of La Esperanza had been warned what to expect. Now they knew for sure: Gerardo Chale Allen, 30, and Lenín Pedro Parista, 28, were gone for good.

A search party made the grisly discovery on Aug. 29, a week-and-a-half after the victims, both indigenous men, were abducted, allegedly by people known locally as colonos, mestizo settlers from western Nicaragua who are pushing further and further into the region to exploit its valuable hardwoods, clear forest space for cattle ranching, and in some cases, even set up clandestine drug-trafficking outposts. The abduction occurred while Chale Allen and Pedro Parista were on their way to nearby fields to harvest food for their families, the independent magazine and news site Confidencial reported.

The murders also drew coverage from the opposition paper La Prensa, but otherwise went largely unreported. Residents in La Esperanza, near the Honduran border, say police and military have ignored the case as well.

“We’re worried about this situation because we see that in these isolated indigenous communities, the state is absent,” attorney Lottie Cunningham, president of the rights group Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (Center for Justice and Human Rights of Nicaragua’s Atlantic Region, CEJUDHCAN), told La Prensa. “The state doesn’t resolve the problems, or offer any answers to the communities. They’re not treated as part of the general Nicaraguan population.”

Cunningham and others say the absence of state authorities is all the more glaring given that since October 2015, the Inter-American Commission on Human Rights (IACHR) has three times ordered that precautionary measures be taken to protect La Esperanza and other indigenous communities in the RACCN, previously known as the RAAN (Región Autónoma del Atlántico Norte or Autonomous Region of the North Atlantic). The IACHR, based in Washington, DC, is an autonomous body of the Organization of American States (OAS). Its most recent order for precautionary measures came Aug. 12, less than a week before Chale Allen and Pedro Parista went missing.

Rifles and refugees

The brutal killings are not, unfortunately, an isolated case in the RACCN, where a land conflict that had been stewing for years boiled over in earnest in September 2015 with clashes between colonos and indigenous residents that left several people dead (NotiCen, Oct. 29, 2015). That same month, Mario Leman Müller, a high-ranking member of Yapti Tasba Masraka Nanih Aslatakanka (YATAMA), the political arm of the country’s Atlantic-coast indigenous groups, was killed in
an attack on the group’s headquarters in Waspam, just south of the border with Honduras. The attack was reportedly made by armed militants affiliated with the governing Frente Sandinista de Liberación Nacional (FSLN).

The incident contributed to a lasting split between the once allied parties and prompted the FSLN majority in the Asamblea Nacional, Nicaragua’s unicameral legislature, to oust Deputy Brooklyn Rivera, a lawmaker and a high-profile leader within YATAMA.

“My ouster was televised on the national news to publicly humiliate me and create a distraction from the FSLN government’s own culpability and involvement in the much larger invasion and confiscation of indigenous lands,” Rivera said last year in an interview with Laura Hobson Herlihy, a lecturer at the University of Kansas Center for Latin American & Caribbean Studies.

Since then, the violence has continued. CEJUDHCAN estimates that 30 indigenous people have been killed in the past three years. The group has also collected evidence of sexual assaults, arson attacks, abductions, people being maimed, and forced disappearances of indigenous (mostly Miskito) residents. One of the disappeared is Francisco Josep, an Esperanza resident who was seized last December while tending his bean patch, Confidencial journalist Wilfredo Miranda reported in an investigative article published June 7. “Since they kidnapped him, we understand that they’ve got him tied up... they tortured him an entire day,” said Josep’s wife, Amalia Ralf. “Some people say they’ve already killed him.”

Both sides are armed. But as Confidencial and La Prensa report, the pistols and small-caliber hunting rifles carried by some Miskito residents are little match for the military-grade machine guns, including AK-47s and Uzis, used by some colonos.

The situation has prompted many indigenous residents to flee and seek refuge across the border in Honduras. After a recent census, CEJUDHCAN concluded that more than 500 indigenous Nicaraguans have “settled” just across the border, typically in makeshift housing. Of those, approximately 200 are children under 12, the organization determined. “It’s clear that they’re in a critical situation,” Cunningham, the CEJUDHCAN head, told La Prensa. “There’s hunger, malnutrition, illnesses. And they can’t go back to their homes. Not just because there’s nothing left, but because they’re afraid.”

Cunningham suspects that many indigenous Nicaraguans have migrated further into the interior of Honduras, making it impossible to know for sure how many refugees the land conflict has produced. Others are migrating internally in Nicaragua, seeking safety in larger towns and cities such as Puerto Cabezas, the RACCN capital. The city’s mayor, Reynaldo Francis, told Hobson Herlihy that more than 400 displaced Miskito have moved there as a result of the conflict. Often they’re forced to go door to door, begging for work, he said.

‘Wet paper’

Legislation introduced in 2003—before the Sandinistas, under President Daniel Ortega, returned to power—was supposed to have settled the land question in eastern Nicaragua’s indigenous territories. The legislation, know as Ley 445, granted the Miskito and other indigenous group communal property rights to the land in question. Settlers who had already encroached on the land, however, refused to leave. Others made their way onto communal lands despite the law, which Brooklyn Rivera described in a recent interview with La Prensa as papel mojado (wet paper), meaning it has little real-world value.
Ley 445 spelled out a number of steps the government needed to take to implement and enforce the land regulations. One of those was to grant indigenous communities official titles to the land. In that regard, Ortega—who began his current tenure as president in 2007—made significant progress, granting more than 35,000 sq. km of land titles. “That’s a whole country! An expanse of land that’s larger than El Salvador,” Ortega said in September 2015, just days before YATAMA’s Leman Müller was killed.

Ortega’s government failed, however, to carry out the next and final step in the land regulation process: saneamiento, as it’s called—a “cleaning up” of the situation with regards to encroachment and illegal tenancy by outside settlers. The task is by no means an easy one, especially since, in many cases, colonos have used roundabout ways to secure land titles. So far, though, there’s little evidence the government has even tried to tackle problem, critics argue.

Indigenous residents and their defenders want land deals involving colonos to be investigated and exposed as inherently illegal. They also want authorities to remove settlers, protect indigenous lands from further encroachment, and protect indigenous residents from violence and harassment. To date, say observers, none of that has happened. “The state is acting like an accomplice,” Cunningham said. “It is ignoring its responsibility and commitment, and in that sense, we see it as an accomplice.”

Whether by design or accident, the government’s silence on the issue acts as an encouragement for more land encroachment and more violence, the CEJUDHCAN president and other pro-indigenous activists argue. And since violence tends to beget more violence, the worst, they fear, may be yet to come.

“This thing isn’t going to be the end of it,” Lamberto Chow, a human rights defender in Waspam, the municipality in RACCN, told La Prensa on Aug. 30, hours after the decapitated bodies of Chale Allen and Pedro Parista were discovered. “The people are organizing. By that, I mean they’re looking for weapons wherever they can get them. This thing is going to get worse.”

-- End --