Indigenous Peoples’ Conflicts and the Negotiation Process for Autonomy in Nicaragua

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I. Central American conflicts and Indigenous Peoples

It was the decade of the eighties. Military conflicts were taking place in Central America. The world was engulfed in the Cold War. In Nicaragua, a mass revolution had toppled a dictatorship that had been supported by the United States for decades. This revolution would bring about profound changes for peoples who historically had been excluded. For Indigenous Peoples, Afro-descendant communities, and the inhabitants of the Caribbean coast of Nicaragua, this revolution was seen as an opportunity to transform the historical relationships between these communities and the state of Nicaragua.

Initial steps were taken by the Nicaraguan revolutionary government between 1979 and 1981 to define this relationship, with minimum requirements set forth in the Declaration of Principles and Definitions of the Governing Board of National Reconstruction (in Spanish, JGRN) and the Sandinista Front of National Liberation on the Atlantic Coast.

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2. The Indigenous Peoples are found in the Pacific-Central-North and Caribbean coast of Nicaragua: in the Departments of Matagalpa, Jinotega, Madriz and Nueva Segovia inhabited by the Matagalpas and Nahuas; in the Department of Leon, where the Chorotegas are based; and in Rivas and Masaya, inhabited by the Uto Aztecas - Nicarao and Chorotegas. According to the Coordination Council, there are 24 organized communities in the Central and Pacific North of the country. The Autonomous Region of the North Atlantic is inhabited by the Sumu-Mayangna and the Miskitus and the Autonomous Region of the South Atlantic is inhabited by the Miskitus and the Ramas. The Indigenous population of Nicaragua is estimated to be 10%-15% of the total population. The Miskitus, Matagalpa-Chorotegas and Nahuas have the largest numbers. The ethnic community of the Afro-descendants is made up of the Creoles and Garifunas.
(in Spanish, FSLN), issued on August 12, 1981. However, within the global context and, in particular, in the United States, the fact that President Ronald Reagan was elected added another factor to this already complicated situation, namely the involvement of Indigenous armed groups in the “war” of the United States of America against the Sandinista Popular Revolution.

Although the conflicts in the Central American region directly affected Indigenous Peoples in Guatemala, Nicaragua and El Salvador, peace negotiations and accords followed different paths regarding the ethnic-cultural aspects of each country. In Nicaragua, the situation was different precisely because of the presence of several armed Indigenous groups operating from Honduras as well as Costa Rica, cooperating with non-Indigenous groups. As a result, entire communities, especially from the Wangki River, were living in refugee camps in Honduras, while members of the Miskitu and Mayangna communities had been resettled in different camps and communities in Nicaragua, and others had been displaced within the country and abroad. The rupture of the family and the communal social fabric continues in many cases until now.

The national negotiation peace process started in Nicaragua in 1983 with the Grupo Contadora (Mexico, Venezuela, Colombia and Panama), continued in 1985 with the Grupo de Apoyo (Argentina, Brasil, Peru and Uruguay) and concluded with the Esquipulas Process in 1986 and 1987, sponsored by Vinicio Cerezo and led by Oscar Arias with the participation of Guatemala, Costa Rica, Honduras, El Salvador and Nicaragua. This was part of the entire regional peace process. The negotiation process on the Caribbean coast of Nicaragua started before and was developed along this same timeline, however

5. Arely Barbeyto highlighted the Indigenous movement, which was strengthened in Guatemala and Nicaragua in Revista Wani No. 6 (2010). In the case of El Salvador, the lack of recognition of Indigenous Peoples from a legal standpoint lasted until 2014 when the Constitution was changed, but another factor involved in Indigenous recognition in El Salvador was the “self-imposed invisibility” of the Indigenous Peoples themselves after a massacre in 1932, which practically forced them to hide their ethnic identity in order to survive.
it has been scarcely documented due to military conflicts involving Indigenous Peoples and Afro-descendants in this region.

For the Indigenous Peoples’ and Afro-descendants’ communities of the Caribbean coast, the challenge consisted in finding a solution to the two types of conflicts affecting them, namely the long term historic conflict they had been facing since colonial times, and the military conflict they were facing as part of the anti-revolutionary movement. This meant trying to achieve peace while simultaneously promoting the necessary structural transformations for a multi ethnic coexistence with respect for cultural diversity and, within that context, trying to achieve autonomous self-government.

This essay summarizes the conflict resolution process on the Caribbean coast of Nicaragua. It highlights several events that took place between 1984 and 1990, the date when the first elections occurred for both autonomous regional governments. This date coincided with the first national elections after the signing of the peace accords.

II. The legacy of the historic conflicts of the Caribbean Coast of Nicaragua

The historic conflicts between Indigenous Peoples allied with Afro-descendant communities and the Nicaraguan state correspond with the history of colonization and the very establishment of the state. The Caribbean coast has a different colonial history from the rest of the country. A Miskitu Kingdom was established under the auspices of colonial English administration, and later the Moskitia Reserve carried out the duties of a state. Not until the end of the 19th century, when the Moskitia territory was “incorporated” into Nicaragua, did the current state become what it is now. However, this was done at the expense of the rights of the peoples who inhabited that territory. Some hallmarks of that process are described below.

6. There is an abundance of literature about the complaints and appeals that the Caribbean coast authorities made when faced with mistreatment by the central government of Nicaragua. In 1960, through a ruling by the International Court of Justice at The Hague, the last section of the Moskitia territory was divided and it became part of Honduras.
One of the first historic events of the settlement of this area was the establishment of a protectorate system that was controlled by the British. With this system, the British secured their political and economic power over other colonial interests without really having to establish territorial sovereignty. Many remember this period as the first expression of Indigenous autonomy.

Official documents of the Moskitia Reserve between 1883–1891 describe the degree of institutional development achieved. Examples of the ordinances of 1883 include the opening speech of the legislative period by the king of Moskitia; decrees prohibiting the sale of alcoholic products; guidelines for passenger ships; the exoneration of taxes for the Indigenous inhabitants; the regulation of the importing of weapons; the use of coins; rules around contraband; and the celebration of baptisms, among others.

The second historic period on the Caribbean coast of Nicaragua was when Great Britain and Nicaragua signed the Treaty of Managua, through which both countries agreed to dissolve the British protectorate on the Miskitu Coast. Great Britain officially recognized the sovereignty of the Nicaraguan state over the territory for the first time.

Another relevant historic hallmark was the annexation of the Moskitia Reserve under the command of Jose Santos Zelaya, the President of Nicaragua, in 1894. As a result of this, the Nicaraguan mestizos began to "migrate" to the region, especially military personnel, government employees, traders and businessmen, who occupied the “military reserve.” In this context, the government of Managua granted concessions over land and other natural resources to the country's mestizo population and to North American interests.

During this phase, North American companies developed an extractive economic model on the Caribbean Coast over which the Nicaraguan state had no control. This period is characterized by the

7. The period of time between 1747–1786.
8. The Treaty of Managua, also called the Zeledon-Wyke Treaty, referred to the “Miskitu Indians” and was signed in January 1860 between the United Kingdom of Britain and the government of Nicaragua.
presence of a very weak Nicaraguan state. The companies provided the basic services that the state should have offered such as health, education, electricity, and water, among others. Similarly, during the subsequent dictatorship of Somoza García, the churches that were present in the region provided health and education services.

The Indigenous Peoples and Afro-descendant communities perceived the weak or almost absent Nicaraguan state with mistrust and at times demonstrated hostility toward public institutions, political bodies and development programs of the Nicaraguan government. All of this created a situation characterized by the limited development of a national conscience and an almost non-existent sense of nationality among the peoples of the Nicaraguan Caribbean coast.10

III. Conflicts tied to the Popular Sandinista Revolution of the 1980s

Nicaragua was aware of the civil and political rights movements of the decade of the 1970s in North America, as well as how the Indigenous movement had been evolving at the level of the United Nations.11 As a result, Indigenous organizations were established such as the First Indigenous Regional Organization in Central America (CORPI) and the Alliance for Progress of the Miskitu Peoples and Sumus (ALPROMISU). Some of the fundamental demands of the movement included political representation and land rights.12

With the triumph of the Popular Sandinista Revolution in 1979, the Indigenous movement was transformed under the new leadership into MISURASATA—the Alliance among Miskitus, Sumus, Ramas and Sandinistas—which negotiated with the Sandinista government to have political participation in the State Council and other state institutions. One of the greatest victories stemming from this negotiation was

11. In 1971, the United Nations Economic and Social Council authorized a study “On the problem of discrimination against Indigenous populations.” The study was concluded in 1984 and is often referred to as “the Martínez Cobo Study.”
12. This movement negotiated with the Somoza government for alternate representatives and Indigenous city council members.
increased literacy in the Indigenous languages during the National Literacy Crusade.

When tensions began to rise between the communities of the Caribbean coast and the government in August 1981, the Nicaraguan Government adopted the Declaration of Principles of the Popular Sandinista Revolution for the Indigenous Communities of the Atlantic Coast, allying to the need to give a just and revolutionary response to the legitimate claims of Miskitus, Sumus, Ramas and Kriols. The Declaration recognized that the claims were based on the impact of internal colonialism and the legacy of the previous regimes. The Declaration contained the following aspects:

- Reaffirmation of the Nicaraguan Nation as a single entity, territorially and politically;
- The commitment to support the fight against racism;
- Recognition and respect for the diversity of cultures and the commitment to support cultural revitalization including languages;
- Support for political, economic, social, and cultural participation;
- Commitment to the communal and cooperative titling of the lands “where they have lived traditionally”;
- Recognition of the significant benefits of forest resources found on communal lands;
- Support for diverse forms of self-organization; and
- Continuation of economic development projects to improve conditions of life.

However, the political changes in the United States at the beginning of the 1980s, when President Reagan started the war against the Sandinista government as his own personal commitment, facilitated the involvement of some Indigenous persons in the

14. The use of the term Creole or Criollo or Kriol refers to the Afro-descendant population.
15. With the triumph of Ronald Reagan, the government of the United States initiated a period known as a war of low intensity. See: Basterra, supra note 3.
counterrevolutionary war. The military response by the Revolutionary Government exacerbated the contradictions arising from a military conflict that completely impacted the lives of the communities, especially in Rio Coco, due to the destruction of communities and the displacement of their populations.

The vastness of the war in the Caribbean, where the counterrevolutionary non-Indigenous groups also carried out attacks, virtually paralyzed the economic and social activity of the region. The landmines that were placed along the few roads that existed often destroyed the vehicles that were to be used for construction work or supplying food. The sawmills were burned; the fishing boats were attacked when they went out to sea; the teachers and health workers were threatened or murdered and the same thing happened to the construction workers of roads or houses or those who installed electric or telephone lines. The internal commerce of the region was interrupted due to this serious situation, and the entire population suffered to an intense degree.¹⁶

IV. The roads leading to conflict resolution

The conflict started to worsen in 1981 and it was not until 1984 when steps were taken towards conflict resolution. The following strategies were used in that regard:

- Peace negotiations were undertaken with armed Indigenous groups inside and outside of Nicaragua;
- Consultations were held in order to incorporate the rights of Indigenous Peoples and Afro-descendants into the Constitution of Nicaragua;
- A solution to the historic conflict was sought by taking initial steps for the establishment of a multi-ethnic autonomous region, recognizing and respecting an ancestral Indigenous governance system;
- Measures were taken to reduce the impact of the war and to improve living conditions in affected communities.

These measures were the beginning of a new political dynamic in the region and they paved the way for goodwill and internal peace making. At the same time, these strategies created the basic conditions for the development of public consultations concerning the project on autonomy.17

These measures started at the beginning of December 1983, when the government decreed a pardon for all the Miskitus convicted of counterrevolutionary activities in the plan called "Navidad Roja" (which means "Red Christmas" because of the bloody event that took place at the end of 1981). Amnesty was granted for all those who had left Nicaragua and wanted to return, with the exception of counterrevolutionary leaders.

V. Peace negotiations

The peace negotiations in these communities were carried out through various spaces and processes.

a) Peace and autonomy commissions in the communities

One of the most important spaces where the peace negotiations began was within the communities themselves. Within these communities, especially in the Miskitu communities, the women and members of religious organizations were the ones who organized commissions to promote peace, cease-fire, repatriation, respect for human rights, and autonomy. In order to achieve this, letters were written to their families in Honduras, they traveled to the encampments to speak to armed groups, and organized religious and other types of activities to promote peace accords and cease-fires. In many cases, those commissions served as a bridge between the armed groups and the government, which later led to the successful signing of the peace accords. There is no information available on how many such commissions there were, but they signified a vast movement at the grassroots level.

b) Indigenous organizations in the peace process

As mentioned earlier, the revolutionary government had supported the creation of the Indigenous organization MISURASATA (Miskitus, Sumus, and Ramas united with the Sandinistas). As the name indicates, the Sandinistas were combined with three Indigenous Peoples: Miskitus, Sumus and Ramas. It was through this organization that the first agreements with government were made. For example, one of these agreements was the naming of Steadman Fagot as a member of the State Council, which was the first parliamentary council established after the triumph of the revolution.

At the beginning of 1981, disagreement began to take place between MISURASATA and the government. Some leaders of MISURASATA were arrested under the orders of the government in February of 1981 and in May of the same year, this Indigenous organization divided itself into MISURA and MISURASATA. The difference in the names is the syllable SA, which referred to the alliance with the Sandinistas.

The division was maintained during the entire war and the geographic location of the armed groups was also different: the armed groups close to MISURA, headed by Steadman Fagot, were located in Honduras and they established alliances with non-Indigenous armed groups; in contrast, the group identified as MISURASATA was aligned with the Democratic Revolutionary Alliance (in Spanish, ARDE) in Costa Rica and was headed by Brooklyn Rivera, who had been expelled from Honduras.

MISURA aligned itself with Legion 15 de Septiembre, a counterrevolutionary group made up of Somozan ex-guards in Honduras. Honduran and Argentine officials and ex-guards of Somoza were in charge of the military training of the Indigenous armed group, with the help of the Central Intelligence Agency of America (the CIA).

The Miskitu leaders were pressured to "unite" and not accept the negotiations with the Sandinista government throughout the entire

18. The Sumu people subsequently agreed to change their name to Mayangna, a denomination under which there are four linguistic Mayangna communities: Panamaka, Twaska, Ulwa and Yuskus.

negotiation process. There is one account of a case where $300,000 dollars was given by the CIA in exchange for the forces to unite and continue the war while becoming a part of the UNO (in Spanish, Unión Nicaragüense de Oposición). The UNO was the civic-military counterrevolutionary organization, which was created, among other things, to administer the millions of "humanitarian" aid approved by the North American Congress in June of 1985. At an assembly, it was agreed that they would accept all the required conditions in order to receive the $300,000 dollars from the North Americans, including rejecting any dialogue with the Nicaraguan government. At the end of the assembly, it was announced that both MISURA and MISURASATA had been dissolved and a new united organization would be formed called KISAN, the acronym for "Kos Indianka Aslasa Nicaragua" which in the Miskitu language means "United Indigenous of the Nicaraguan Coast."

Brooklyn Rivera, a leader of the MISURASATA, was prevented by Honduran government officials from entering Honduras during the four days of the assembly, because he supported negotiation with the Nicaraguan government. Another organization or alliance was the Southern Indigenous Creole Council (SICC), which signed some public notices with MISURASATA during this period of negotiation. In 1987, after a lot of pressure by groups that supported the counter revolution and alongside the advances of the autonomy process within Nicaragua, another Indigenous organization was formed in Rus Rus called YATAMA, meaning Los hijos de la Madre Tierra (Children of Mother Earth). Its mandate was defined as a civic-political and military organization intended to participate in the process of autonomy.

Within the country, in July of 1984, another Indigenous organization was formed. It was called MISATAN (in Spanish, Organización

20. May 10, 1985, the United States Congress approved a blockade against Nicaragua. In June of that year, U.S. Congress approved $14 million of “humanitarian aid” for the Nicaraguan Contras. In June of 1986, the House and then in August the Senate approved $100 million of aid for the Contras, made up of $70 million for military aid and $30 million for humanitarian aid, which went into effect in October of 1986. In August of 1987, Reagan insisted on approving $270 million for the Contras, which clearly indicated an effort to sabotage the Esquipulas peace negotiations. See http://nuso.org/media/articles/downloads/1716_1.pdf

During that same month, Sukawala, an organization of the Sumus which had been formed in 1974, restarted its activities.

It was within this context that negotiations with various armed groups were carried out almost simultaneously.

c) Peace negotiations with armed indigenous groups

The negotiations between the government of Nicaragua and the various armed Indigenous groups took place between 1984 and 1989, the period during which approximately 400 peace accords were signed in the Nicaraguan Caribbean communities.

i) Negotiations with MISURASATA

MISURASATA responded to the amnesty law at the end of 1983 with a press release signed by MISURASATA-SICC. This communiqué recognized the measure as a positive step and asked for similar action to be taken as proof of goodwill of the FSLN to resolve the situation. Among the six initial proposals included in the document were the following: "recognition of MISURASATA-SICC as the legitimate and sole Indigenous representative" and "a decision to dialogue about territory and autonomy with the authentic Indigenous leaders."

The reason that the government of Nicaragua justified its dialogue with this group was because its spokesperson, Brooklyn Rivera, had declared that they were fighting only for the rights of Indigenous Peoples and did not intend to overthrow the revolutionary government. The first contacts with Rivera were done through groups in Germany and Canada in 1984 that supported the Indigenous movement. At the beginning of October 1984, Senator Edward Kennedy, who developed an interest in the Indigenous issue after having a meeting with Rivera, prepared a conversation between Rivera and Daniel Ortega, who was

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22. When this document refers to the government of Nicaragua, it should be noted that within the negotiation group, at different levels, there were representatives from Indigenous Peoples and Afro-descendants of the region in addition to the representatives from the central government of Nicaragua.
attending the General Assembly of United Nations. During that meeting, Ortega invited Rivera to visit Nicaragua to travel the coast and to meet with other revolutionary leaders. During this meeting, they committed to push forward the negotiations on principal issues such as a cease-fire and the right to land and autonomy.

The conversation between Rivera’s delegation and representatives of the Nicaraguan government started on December 8th in Bogotá, Colombia, under the auspices of the government of Belisario Betancur. Rivera's delegation arrived for this dialogue with a four-page document entitled “Negotiation Process towards a Peace Treaty and the Recognition of Indigenous Territory and Autonomy among the Miskitos, Sumus, Ramas and the State of Nicaragua” (in Spanish, "Proceso de Negociaciones hacía un Tratado de Paz y de Reconocimiento del Territorio y Autonomía Indígena entre los pueblos nativos Miskitos, Sumus y Ramas y el Estado de Nicaragua").

Subsequent conversations took place in December 1984 and in March 1985 in Colombia and later, in April 1985, they were transferred to Mexico at the headquarters of the Mexican Foreign Affairs Secretariat. Among the agreements of this last round was the commitment of the government to facilitate the supply of food and medicines to the communities within the war zones, as well as to give them aid to restart their agricultural and fishing activities. The government also committed to freeing the detained Indigenous persons, and both parties committed to "avoid offensive armed actions."

But simultaneously, the Nicaraguan government was negotiating with other Indigenous armed groups in the communities within Nicaragua. After the internal negotiations with other groups such as MISURA and KISAN were made public, Rivera broke off the dialogue with the government because his central argument was that MISURASATA should be the sole representative organization of the Indigenous Peoples.

24. Some participants in the negotiations were representing the MISURASATA delegation, including Brooklyn Rivera, Armstrong Wiggins, Julian Holmes, ad Centuriano Knight. Also among their advisors was a Native American attorney, James Anaya. Representatives of the Nicaraguan government were Luis Carrion, Omar Cabezas, Augusto Zamora, Lumberto Campbell, William Ramirez, and Mirna Cunningham, among others.
Subsequently, Rivera clandestinely traveled to Nicaragua along with Native Americans of the United States and members of the World Council for Indigenous Peoples (in Spanish, the Consejo Mundial de Pueblos Indígenas or CMPI) to try to reorganize forces. After that experience, which according to his complaints was not a positive experience, a sporadic relationship was maintained between the government and the MISURASATA group, without arriving at any concrete agreement. Rivera returned to Nicaragua to participate in the elections of 1990 on behalf of YATAMA.

After the national elections in 1990, Rivera was named Minister of the INDERA by Violeta Chamorro’s government. Alfonso Smith from YATAMA was elected member of the National Assembly (National Congress), and other members of the organization were given various public offices. The YATAMA organization subsequently took on multiple forms of identity: a "military" organization, an Indigenous political party, and an Indigenous civic organization. In 2006, in order to succeed in the formation of the Regional Government of the Autonomous Region of the Northern Caribbean Coast, the political organizations FSLN and YATAMA established a regional governability agreement, which was maintained until 2014.

ii) Negotiations with MISURA

On the 17th of May, 1985, the first peace accords were signed by the commander of MISURA in Nicaragua, Eduardo Panting. He was also known as "Layan Pauni," the Red Lion, in the Yuli community in southern Bilwi, in Nicaragua. The agreement was basically a cease-fire negotiated between Panting and the regional commanders of the Ministry of the Interior and the Sandinista Army. Other commanders of MISURA began to meet to consider ways to support the agreement. One of the most important aspects of the agreement with Panting was the return of the Miskitu communities in Rio Coco.

Based on that agreement, many local agreements were added as a way to try to solve situations within various communities. Some

Indigenous armed groups agreed to receive ammunition and other supplies from the Sandinista soldiers and cut their supply routes from Honduras. In some cases, the agreement included the commitment of the Indigenous armed group to defend their communities as well as other places against the counterrevolutionary incursions supported by the United States, which led to the organization of "joint armed groups" for the defense of communities made up of Sandinista and Indigenous troops.

In some cases, the withdrawal of the Sandinista army was negotiated on the basis of the agreements with those groups, such as the strategic Sisin Bridge, or the ferry barge over the Rio Wawa, and in communities of Sandi Bay, among other sites.

d) The rights of Indigenous Peoples in the Constitution of Nicaragua

A fundamental, strategic pillar for conflict resolution in this situation was the construction of a legal framework that could show the political will to transform the legal framework that had historically excluded Indigenous Peoples and Afro-descendants in Nicaragua. Within this context, it was necessary to include the rights of these peoples within the Constitution. Starting in 1984, consultations were carried out concerning the content of the new Constitution and several of these activities were carried out in the Caribbean coast of Nicaragua. Some actors determined that one of the most important changes during this time period was the fact that starting in October 1984 and for the first time in the history of Nicaragua, the word "autonomy" started to be mentioned and proclaimed within a positive and constructive context: the context of peace. This was very moving for many Nicaraguans on both coasts of the country.

By using the word “autonomous” in this environment, the Nicaraguan state was taking a giant step forward in seeking to transform their relationship with Indigenous Peoples and ethnic communities who live in the former Moskitia, today known as the Caribbean coast of Nicaragua. The autonomous governance regime—regional

and multi-ethnic—was discussed and approved in the context of the process of the peace negotiations. Ethnic pluralism, or multi-ethnicity, became one the guiding principles for the Nicaraguan state.

The principle of multi-ethnic autonomous governance was established based on three principles that were complementary and continue to be valid: the recognition of individual and collective rights of Indigenous Peoples and Afro-descendants; the principles of the Sandinista Popular Revolution; and the sovereignty of the state of Nicaragua. Thus, multi-ethnicity was conceived as a central element to maintain ties between the Autonomous Regions and the rest of the country, which would contribute to construct a consciousness of national unity while respecting ethnic and cultural diversity as well as creating political, economic, social and cultural conditions to establish an inter-ethnic coexistence.

The recognition of the collective identity of the Indigenous Peoples was included in the Constitution of Nicaragua. Within the Constitution, Indigenous Peoples, Afro-descendants, and mestizo communities on the Atlantic coast were guaranteed autonomous governance. Chapter VI of the Constitution refers to the rights of the communities on the Atlantic coast and defines the following rights:

\begin{quote}
\textit{Article 89. - The communities of the Atlantic Coast are an indissoluble part of the Nicaraguan People and as such they shall enjoy the same rights and have the same obligations.}
\end{quote}

\begin{quote}
The communities of the Atlantic coast have the right to preserve and develop their cultural identity in national unity; provide their own forms of social organization and administer their own local affairs according to their traditions.
\end{quote}

\begin{quote}
The State recognizes the communal types of property within the lands of the Communities of the Atlantic Coast. It also recognizes the usufruct, use and enjoyment of the waters and forests of its communal lands.
\end{quote}

\begin{quote}
\textit{Article 90. - The Communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art, and culture. The development of their culture}
\end{quote}
and values enrich the national culture. The State shall create special programs for the exercise of these rights.

Art. 91. - The State has the obligation to pass laws that promote actions that assure that not one of its citizens be the object of discrimination by reason of their language, culture and origin.”

Article 121 equally recognizes education in one's maternal language when it states that:

“The Communities of the Atlantic Coast shall have access within their region to education in their maternal language at the levels determined, in accordance with the national plans and programs.”

Chapter II, which refers to state organization concerning the Communities of the Atlantic Coast, establishes the following:

“Art. 180. - The Communities of the Atlantic Coast have the right to live and develop according to the types of social organization that correspond to their historical and cultural traditions.

The State guarantees these communities the enjoyment of their natural resources, the efficacy of their types of communal property and the free election of their authorities and representatives.

Likewise it guarantees the preservation of its cultures, languages, religions and customs.

Art. 181. - The State shall organize by means of a law, the autonomous governance of the regions where the Communities of the Atlantic Coast inhabit for the exercise of their rights.”

e) **The establishment of an autonomous governance regime for Indigenous Peoples and ethnic communities**

To complement the incorporation of the rights of Indigenous Peoples in the Constitution, another instrument was required: the Law of Autonomy of such peoples. To conduct a discussion on the process of autonomy, working groups were made up of national and international experts, members of the government and representatives of the Indigenous Peoples and communities of the regions and municipalities. They were known as Commissions of Autonomy. They had the responsibility of carrying out a consultation process about the content of the Law and of developing the draft bill to present at the National Assembly.

Among the options under consideration, the agreement was a model of multiethnic regional autonomy, wherein Indigenous Peoples’ ancestral structures as well as their forms of traditional self-governance at community levels were recognized and complemented with a regional parliament and a government that includes multiethnic representation.

Between 1984 and 1987, 40,000 consultation activities were carried out in homes, schools and labor centers, institutions of the state and with members of international organizations. Within this process, 600 persons participated as facilitators. The consultation process started with a document entitled, "Principles and Policies for the Exercise of the Rights of Autonomy of Indigenous Peoples and the Communities of the Atlantic Coast." Preliminary versions of the Law were used, including translations, popular versions and other modalities. The result of this process served as input to edit the draft bill. The process concluded with a Multiethnic Assembly with approximately 2,000 delegates from the Indigenous Peoples and ethnic communities in Bilwi.

For the members of the Commission of Autonomy, the discussion of Law 28 had different impacts in each Indigenous and ethnic

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28. Among the options analyzed: Indigenous community autonomy, in the light of the experience of the Native American reserves in North America, and limited autonomy as to cultural aspects within the framework of the Declaration of Principles. As to the first, it was argued that it would contribute to dispersion in the process before the Central Government and it would exacerbate the inter-ethnic conflicts and, in the second case, rights would be severely reduced.
community precisely due to its intercultural character, which it attempted to address as indicated by J. Hogdson: "For the Indigenous peoples like the Ulwas, Garifuna, Mayangnas and Ramas the process was the real possibility of entering into circles of power and be at the helm of decision making in aspects tied to the development of their communities and territories; for the Miskitus and Creoles the possibility existed to recuperate the hegemony that they had exercised in past centuries. On the other hand, for the Mestizos, the hegemony they had exercised since the annexation of Nicaragua would be ripped from them."\(^{29}\) The exercise of power in Law 28 assures the representation of each Indigenous Peoples and ethnic community in the Autonomous Regional Council, according to Article 19 of the Statute of Autonomy.\(^{30}\)

Some of the characteristics for the model of autonomy, in addition to being supported by the Constitution, include the following:

- The model is regional and those who live in the territory, specifically determined as corresponding to almost 50% of the Nicaraguan Territory, enjoy autonomous rights.

- It is multi-ethnic. Each Indigenous People and ethnic community has the right to be elected within determined electoral districts for the Autonomous Regional Council.

- It recognizes economic, social, cultural, ecological, and political rights while maintaining a comprehensive approach.

- It recognizes as autonomous authorities, the ancestral governance systems of the Indigenous communities.

- It establishes the right to natural and cultural heritage of the peoples, the right to include the autonomous government in the state budget to ensure autonomous administration.


30. CEJUDHCAN, Statute on Autonomy, Art. 19: “Each Regional Council shall be made up of forty-five members elected by universal, fair, direct, free and secret vote, all the respective multi-ethnic communities of Autonomous Region shall be represented”
• It maintains the principle of national unity.

• It recognizes the rights of Indigenous Peoples to: communal territories, traditional organization and authorities, values, languages, customary administration of justice, and the usufruct and enjoyment of natural resources in their communal lands and waters.

• It recognizes the practice of traditional medicine and the use of Indigenous languages.

• It defines equal rights for men and women.

• It grants to the regional authorities jurisdiction over health, education, well-being, and local development, among others.

• It establishes the requirement of coordination between the regional authorities and the Central Government.  

Article 15 of the Law of Autonomy of the Autonomous Regions32 establishes the following bodies of administration:

a. Regional Council
b. Regional Government Coordinator
c. Municipal and Communal Authorities
d. Other corresponding bodies for the administrative subdivision of the Municipalities.

The Autonomous Regional Council: The Council is made up of 45 members elected from 15 constituencies. Members are elected by popular vote every five years. The Council is made up of national representatives, both men and women, with all rights ascribed to such a position within the Autonomous Regions. According to the law, in some constituencies the first name on the ballot should belong to a particular Indigenous People or ethnic community, in order to ensure a multi-ethnic composition. The Council is chaired by a Board of Directors composed of seven members, and must also be multi-ethnic.


Its operations are organized into committees that analyze, make rulings on issues and present conflict-resolution initiatives to the plenary.

**Regional Government Coordinator:** This is the body responsible for executive duties. It is elected from the members of the Autonomous Regional Council. The Regional Government is organized into Secretariats for the performance of its duties.

**Municipal Authorities:** One of the responsibilities that Law 28 established for the Autonomous Regional Council was the definition of the municipal boundaries. In 1996, both Autonomous Councils presented a legislative proposal to the National Assembly, creating and ratifying 18 municipalities.33

**Territories and Indigenous Communities:** In the case of territories and Indigenous communities in the Autonomous Regions, the Constitution recognizes their existence as collective subjects of rights, their bodies of communal and territorial government, and their competence over natural resource management, land management and planning development. The autonomy law defines the communities as entities of public administration within the Autonomous Regions, and the law of demarcation and titling (Law 445) establishes and defines the mechanisms for full participation in matters relating to the territories and Indigenous communities.34

Since 1990, after the establishment of Autonomous Regional Governments, a process of transformation began in the Nicaraguan State, in which the definition of public policies regarding Indigenous Peoples' rights and the strengthening of autonomy has continued.

33. In 2004, the Municipality of Mulukuku was created in the Autonomous Region of the Atlantic Coast (in Spanish, RAAN).

34. The law of Demarcation and Titling of the Indigenous Lands establishes a procedure for the redistribution of the income generated by the use of the natural resources existing in the communal lands and territories. A percentage is destined for the territorial authority and/or Indigenous community. This element is redefined in the law of Forest Promotion and the bill for fishing.
f) **Building bridges between government and Indigenous communities in order to ensure the supply of basic services**

One of the most complex measures in the context of an armed conflict is to meet the basic needs of the population, such as maintaining food supplies, and providing medical care, health and transportation services. While some measures regarding this issue were addressed, a discussion began in order to define the jurisdiction of the central government and regional governments for the purpose of implementing regional autonomy. Proposals for regulation and decentralization were developed aimed at the regionalization of many government areas. Some of the measures implemented to promote conflict resolution were the following:

i) The appointment in 1984 of persons from the regions as Ministers Delegates of the Presidency in the two Regions of the Caribbean Coast. This step allowed the placement of officials from the Pacific region in high-level positions in the area by persons from the local communities. Another measure adopted was the establishment of an agreement with the Cuban government to ensure the basic supply of food, medicines, building materials and toys directly to the region, to avoid the traffic in the central region of the country, which was the focus of military confrontations.35

ii) In May 1986, the government announced the "gradual, orderly and planned" return to the original communities of Miskitus of those who were evacuated in 1982 from the banks of the Rio Coco. The return to the river was a monumental undertaking and required several steps. It began with a census to determine the number of families, the members of each family and the possessions of each original community, who were scattered between Puerto Cabezas, Bluefields and Tasba Pri. The first trip of the advanced group was historic: when they reached Waspam and saw the river again, they all jumped into the river and prayed.

35. The boycott against Nicaragua declared by the government of the United States of America generated a lack of basic products. For the Caribbean coast, the situation was more complicated because of the historical disconnect from the rest of Nicaragua. For example, in 1979, there was no means of communication between the coast and the rest of the country.
A commission with the participation of MISATAN was organized. After distributing food and materials, the commission organized the return to the Rio Coco, community by community. After dismantling homes and gathering the materials, the trip back home started. Six private trucks were rented and 12 trucks belonging to the state were used for this relocation. This activity included communities from Alto Coco-Bocay until Cape Gracias a Dios and Bihmuna, for a total of 115 communities located all along the Wangki-Coco River.

iii) Another activity was the repatriation of Miskitus and Sumu who were in Honduras. This was a campaign promoted by MISATAN. Some had begun to return since the announcement of the amnesty in 1984, and others officially returned with the support of the UNHCR (United Nations High Commissioner for Refugees).

VI. Lessons learned

a) Conflict resolution requires diverse and complementary strategies

There are few experiences to draw upon regarding negotiation processes in armed conflict situations between Indigenous Peoples and states. In this case, it was in the context of a broader national process, supported openly by the U.S. government, in which Indigenous organizations chose to take up arms. This is a complex experience because of the cultural diversity and the particular historical link between Indigenous Peoples and states. An important lesson learned is that the analysis and the resolutions of military conflict that involves Indigenous Peoples requires the understanding of the particular geopolitical context and the direct involvement of external forces.

b) Address historical factors and military conflict simultaneously

This experience showed that a process of peace in which Indigenous Peoples are involved leads to better results when historical factors are
simultaneously addressed with immediate factors that have led to the military conflict.

The restructuring of the state by creating a multi-ethnic regional autonomous system was the confirmation that Nicaragua not only was looking to end a war, but also to begin a different state policy in regard to Indigenous and Afro-descendant peoples. The signing of the ceasefire and peace agreements with different groups was fundamental to the easing of tensions needed to achieve progress in the discussion on substantive issues. This process confirmed that the conflict on the Caribbean coast not only required a military solution but also long term solutions. The immediately tangible results were the inclusion of collective rights of Indigenous Peoples and Afro-descendants in the Constitution in 1986 and the adoption of the Law of Autonomy in 1987.

Consultations of autonomy in a context of war were the expression of a broad democratic experience. Fundamentally important sectors of society contributed to these consultations: religious and community leaders, political leaders, and leaders of Indigenous armed groups.

c) Polarization generates and recreates tensions over generations

At the same time, it should be noted that military conflicts generate polarization processes that tear apart family and community networks, and mainly disrupt ancestral models of governance. The experience in the case of Nicaragua shows that the polarization is maintained and perpetuated for generations. As a result, collective “healing” measures are required for victims, their families and community members. In a process of confrontation, protagonists lose their “emotional” relationship with communities and fail to perceive the damage they cause by relentlessly perpetuating and recreating the conflicts, even after many decades.

d) Impact of conflict on customary ancestral governance systems

Demobilized young men and women return to their homes and communities with values and models of "vertical" and "military"
governance. A huge collective effort from various institutions is required in order to reestablish traditional community structures. This effect also extends to the forms of organizational and daily struggle. Even if the Indigenous organizations that participated in the military struggle are transformed into civic and political movements, a militaristic structure may prevail in its forms of decision-making.

e) **War “tax” affects civil and political transparent involvement**

Similarly, the persons who were mobilized militarily consider that they are entitled to a right of "war" to represent the organization, which limits the intergenerational reinsertion into local communities and the civic and political engagement of its members.

f) **Intersection between military, political and patriarchal values impact on women**

The military and political organizations are patriarchal structures, and therefore, the impact on women is severe. This creates a new contradiction given that women who did not go to the war took the opportunity to study and access the labor market; however, once the men returned from war, these women were forced to return home as the only space recognized by them for women. There was a profound disconnect between the gains that a revolutionary movement generated for women that stayed in Nicaragua, and the losses experienced by the women and girls that spent the years of the war in camps in Honduras.

g) **Individual and collective reconciliation and healing: hand in hand**

Reconciliation as a measure to achieve peace helps to rebuild political processes, but social and cultural impacts generated by the acceptance of violations on victims and community values are considerably affected in the short- and medium-term. This is a question
that requires deeper analysis of issues to address when considering transitional justice in peace processes.

h) Peace accords should respect collective land rights

In the case of Nicaragua, one of the largest issues was to demobilize armed groups throughout the country, which included requirements for the peace process to take place within Indigenous, community, and regional sectors. For example, in this context, the places chosen for disarmament or areas where land was given to those who handed in their weapons coincided with Indigenous territories of collective ownership in the areas of Tasba Pri, Wangki Li Auhbra and Alto Wangki. This was completely contradictory to agreements on communal territories within the framework of autonomy. Disarmed members of the various factions, including Indigenous armed groups, received “private lands” located in communal territories then sold them despite these being collective lands. This created complications that will have repercussions for two or three decades into the future. Many of the current conflicts with the presence of “mestizo” settlers in Indigenous territories in the autonomous region are a result of the sale of lands by Indigenous and non-Indigenous persons who turned in their weapons.

i) Indigenous women’s involvement in peace processes: Always invisible

Women from communities affected by the conflict played a major role as members of the Peace and Autonomy Commissions. They were organized, mobilized, promoted agreements for a cease-fire, and participated as facilitators in the consultation for autonomy, among other activities. However, it has become clear that in the documentation of the process, they are invisible. Similarly, the leading roles assumed in the process by ministers and preachers representing various churches, community elders, and members of organizations like the Red Cross, were very important. Their courage and determination should always be recognized.
j) **International solidarity and networking**

For both Indigenous peoples and the government of Nicaragua, lobbying at an international level was an opportunity to make problems and proposals visible and known. The Indigenous leadership abroad used the Inter-American Commission on Human Rights to file complaints on human rights violations in the context of war and the forced relocation of communities of Rio Coco. The participation of Indigenous leaders in the sessions of the Working Group on Indigenous Populations in the UN and other international forums was important to present the situation of Indigenous Peoples in Nicaragua.

Among other activities, the government of Nicaragua organized a visit for all the Nicaraguan ambassadors accredited abroad to see the zone where the peace agreements were signed. It also organized visits to exchange experiences and information between Indigenous delegations, intellectuals and support organizations from various countries that contributed to the content of the Autonomy law and who visited affected or demobilized communities.

**Acronyms**

- **JGRN** - Governing Board of National Reconstruction
- **FSLN** - Sandinista Front of the National Liberation
- **CADPI** - Center for Autonomy and Development for Indigenous Peoples
- **ALPROMISU** - Alliance for Progress of the Miskitu and Sumus Peoples
- **MISURASATA** - Alliance among Miskitus, Sumus, Ramas and Sandinistas
- **ARDE** - Democratic Revolutionary Alliance
- **CIA** - Central Intelligence Agency
- **UNO** - National Union of Opposition
KISAN - "Kos Indianka Aslasa Nicaragua" (United Indigenous of the Nicaraguan Coast)

YATAMA- Los Hijos de la Madre Tierra (Children of Mother Earth)

MISATAN - Organización de Miskitus de Nicaragua (Organization of Miskitus in Nicaragua)

CMPI - World Council for Indigenous Peoples (Consejo Mundial de Pueblos Indígenas)

INDERERA- Instituto para el Desarrollo de las Regiones Autónomas (Institute for the Development of the Autonomous Regions)

UNHCR - United Nations High Commissioner for Refugees

**Miskitu terms**

Wangki River - Coco River