

# Your Biosphere is My Backyard: The Story of Bosawas in Nicaragua

*David Kaimowitz, Angelica Faune and Rene Mendoza*

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## Summary

*Despite efforts to establish protected areas around the world, the authority of government remains weak in forested areas. We examine the largest protected area in Central America, 'Bosawas' National Natural Resource Reserve in Nicaragua, to demonstrate how over-lapping systems of governance have encouraged rapid ecological destruction and social differentiation, as well as corruption and violence. We conclude that Migdal's observation about forest governance as being guided by 'strong societies and weak states' (1988) is unlikely to change and must be the starting point for future efforts in decentralized natural resource management*

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## Foreword

The global community has promoted devolution as the world's best hope for better forest management and more equitable sharing of forest benefits. Devolution has subsequently become one of the most significant trends in world forest policy. Yet as this paper convincingly shows, the transfer of control from central forest departments to local entities can be highly problematic. David Kaimowitz reminds us that devolution means very little when central governments "give" control where in practice they had none. And lack of central government control is common in many forest areas, especially those that are still intact, usually because of their remoteness or social "instability."

Kaimowitz demonstrates that real control is rooted instead in complex local social histories, struggles for power among the local elite, and the agendas of international agencies seeking to conserve these often-expansive forest areas or oust governments. The Bosawas case provides a fascinating account of how political forces led the central government to create contradictory authorities for governance of Bosawas's forests, by first designating an autonomous region, later creating indigenous reserves and then establishing a national park, with much of the areas in each overlapping. Kaimowitz usefully seeks to understand the role of the state vis-a-vis local groups by distinguishing between sovereignty, authority and possession. Possession we learn, is what matters most. But just who possesses Bosawas's forests on the ground is a complex game of power among regional governments, municipal governments, indigenous territories and the Bosawas Reserve; among mestizos and indigenous groups; and among different ethnic groups, armed bands, churches and donor projects. For those who cheer such local control, Kaimowitz cautions that corruption and undemocratic forces are rampant. Local management is not necessarily best.

CIFOR is pleased to produce this study as part of its Program on Forests and Governance. As part of a series of studies on devolution and decentralization, the study highlights the importance of local governance in forest management. At a time when much interest is being focused on governance at the national level, we hope this study will serve as a reminder of the role of local governance and the challenges for central governments in linking effectively with these local institutions.

Doris Capistrano  
Director, Programme on Forests and Governance  
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# **Your Biosphere is My Backyard: The Story of Bosawas in Nicaragua**

David Kaimowitz<sup>1</sup>, Angelica Faune<sup>2</sup>, and Rene Mendoza<sup>3</sup>

## **Summary**

Despite efforts to establish protected areas around the world, the authority of government remains weak in forested areas. We examine the largest protected area in Central America, ‘Bosawas’ National Natural Resource Reserve in Nicaragua, to demonstrate how overlapping systems of governance have encouraged rapid ecological destruction and social differentiation, as well as corruption and violence. We conclude that Migdal’s observation about forest governance as being guided by ‘strong societies and weak states’ (1988) is unlikely to change and must be the starting point for future efforts in decentralized natural resource management.

## ***Wishful Thinking***

With one fell stroke of the pen, on a day she was probably thinking about something else, Nicaragua’s President Violeta Barrios de Chamorro created the largest protected area in Central America. Using the powers vested in her by the Constitution and the National Parks Law, on October 31, 1991, she signed Presidential Decree 44-91, which established the 8,000 square kilometers ‘Bosawas’ National Natural Resource Reserve. Or at least so it appeared to the government officials, members of the diplomatic corps, international conservation agencies, and representatives of the press, who all applauded the measure.

For Jaime Incer Barquero, Nicaragua’s minister of environment, and a highly respected geographer and environmentalist, the reserve’s creation represented a great personal triumph. He had made it one of his main priorities and the President’s support reflected her great respect for him and his distinguished career. The decree was something he could hang on his wall, like a diploma or a trophy

There was only one small catch. Nicaragua’s central authorities did not really govern the area they had just declared a reserve, probably did not own it, and certainly did not ‘possess’ it in any real sense. A few years earlier, the government handed over much of its authority over

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the eastern portion of the reserve to a regional government. Theoretically, at least, it had also recognized the rights of indigenous communities living in the area, none of whom were consulted about the decree. Equally importantly, for most practical purposes the national government had little effective control over any of the reserve area.

This situation illustrates the contradictory and partial nature of many government policies that ‘devolve’ control over natural resources to local authorities and communities. Even though the central government had recognized regional and local rights to the area when pressed to do so by armed insurgents, international agencies, and representatives of civil society, it reneged on its promises as soon as it saw the opportunity to do so. The establishment of the Bosawas Reserve was just one more example that ‘devolution’ is never a one-time event, but rather an on-going process of negotiation that takes different directions over time.

The case also points to the fundamental differences between sovereignty, governance, and possession. No one doubts that the Nicaraguan government has sovereignty over the area it declared a reserve. Hundreds of years of precedent clearly establishes that an internationally-recognized constitutional government exercises full sovereignty over its territory and can create whatever protected areas it wants to. Based on that principle the Germans, Americans, and the World Bank all funded the new reserve and the United Nations Education, Science, and Culture Commission (UNESCO) declare it a World Biosphere Reserve. Nevertheless, establishing an operative system of governance with formal institutions and rules that shape peoples’ behavior is something else entirely. As we show below, the area actually has several over-lapping systems of governance, none of which has managed to establish its authority over the others. Among these, the system of governance linked to the central government is one of the weakest. Possession, on the other hand, refers to who actually makes decisions about how people behave and who others recognize as making those decisions. Many times these decisions are made outside any formal governance structure; and in the final analysis it is these decisions that count.

In Bosawas, the people who lived in the territory doubted both the government’s authority and ability to convert their territory into a reserve. Since they were the ones who effectively governed the area, through both formal institutions and informal actions, they largely managed to defy or simply ignore the central government’s action. In the case of the indigenous Mayangna (Sumo) and Miskito communities, the government’s formal devolution policies gave them a strong legal argument for doing so.

Previously literature on devolution of forest resources has tended to view the issue from a ‘top-down’ perspective and greatly overestimate and over simplify the central government’s ability to influence events. Even though these studies acknowledge that one main reason governments want to ‘devolve’ forest resources is because they find it difficult to monitor and control how local people use them, they still assume central governments have a preponderate role (Fay and de Foresta 1998; Saxena, 1997; Wily 1997)<sup>4</sup>. When one looks at these

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<sup>4</sup> Fay, C. and de Foresta, H. (1998) Progress Towards Recognising the Rights and Management Potentials of Local Communities in Indonesian State-Defined Forest Areas. *Paper prepared for the Workshop on Participatory Natural Resource Management in Developing Countries*, Mansfield College, Oxford. 6–7 April. Saxena, N.C. (1997) The Saga of Participatory Forest Management in India. *CIFOR Special Publication*. Bogor: Center for International Forestry Research. Wily, L. (1997) Finding the Right Institutional and Legal Framework for Community-Based Natural Forest Management, The Tanzanian Case. *CIFOR Special Publication*. Bogor: Center for International Forestry Research.

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situations from a local or regional perspective, however, it quickly becomes apparent that central governments are only one of many actors and often not among the most powerful.

Many forested regions constitute what Scott refers to as ‘nonstate spaces’; places beyond the effective control of government (1998)<sup>5</sup>. Historically, they were simply too impenetrable and remote, rebellious, sparsely populated, economically irrelevant or hard to tax to justify the central government’s investing enough in these regions to dominate them. As such, they remain partially outside the influence of the modern national state, on the boundary between order and disorder. With government presence confined to a small number of locations and its legitimacy severely undermined by the general lack of public services, many national governments find they cannot carry out their most basic functions in these areas: to enforce property rights and maintain order. That is one reason many of them have chosen to delegate rights and responsibilities over these areas to large forest concessions. Indeed, to a large extent precisely the same factors that have permitted the continued presence of primary forest and other natural ecosystems are those that discourage strong central government control. Broad social trends towards reduced central government expenditures and greater political and administrative decentralization have simply reinforced these tendencies.

Under such circumstances, it appears somewhat misleading or disingenuous to talk about central governments ‘devolving’ authority over forest resources when they have never had such authority. It is more useful to think of devolution as a last ditch effort by governments to have any influence at all by entering into negotiations with those who effectively control the resources. This does not necessarily imply that central governments’ actions are completely irrelevant in these areas. Our key message for policy analysts and conservationists, particularly those in the north, is that they should stop assuming that just because something is written in a policy document or law that the reality on the ground reflects that. A decree is not a park. Management plans generally have little to do with how things are managed. Just because a ministry or project has fancy brochures and a large office in the capital does not mean it influences daily life in the interior.

This paper uses the example of the area delineated as the Bosawas Reserve to illustrate some of these basic points. The area provides a good example because it involves several types of *de jure* and *de facto* ‘devolution’ in a context of failed government efforts to exert centralized control. We believe that situations such as this are much more common than those in which governments have voluntarily handed over authority it actually exercised.

We begin by offering the reader some basic background about the region. For convenience sake, we refer to the area currently covered by the Bosawas Reserve as Bosawas. Following that we analyze certain aspects of the region’s history that help explain why the government’s rule over the area and its perceived legitimacy there remains tenuous. Then we focus on the government’s current ability to govern the reserve. Next we look at the negotiations that have taken place between the central government and local authorities and their outcomes. We end with a few concluding remarks.

### ***Cowboys and Indians in the Humid Tropics***

When the government finally got around to measuring the Bosawas Reserve several years after ‘creating’ it, it turned out that the area within the boundaries it had defined was only

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<sup>5</sup> Scott, J.C. (1998) *Seeing Like A State, How Certain Schemes to Improve the Human Conditions Have Failed*. New Haven: Yale University Press.

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7,400 square kilometers, not the 8,000 it first imagined. About half of that area belonged to three municipalities of the Northern Autonomous Atlantic Region (RAAN), Bonanza, Siuna, and Waspam. The other half fell under the jurisdiction of the municipalities of Cua-Bocay and Wiwili in the Department of Jinotega (The Nature Conservancy 1997)<sup>6</sup>. Historically and culturally, most of the RAAN forms part of Nicaragua's Atlantic Coast Region, while most of Jinotega forms part of Nicaragua's predominantly mestizo "Interior" Region. As we explain below, the history, government institutions, production systems, and ethnic composition of these two regions are markedly distinct.

As one moves from the southwest portion of Bosawas to the northeast the elevation slowly descends from over 600 meters almost down to sea level. The distinction of having the highest elevation goes to two mountains on the reserve's southeast corner, Saslaya and El Toro, each with peaks above 1,600 meters. Smaller mountains surround them and contribute to a landscape the ranges from rolling hills to quite rugged terrain. The rest of Bosawas is rather flat.

A dense network of rivers, streams, and creeks flows down from the mountains out to the Atlantic Sea. Historically, the Amaka, Bocay, Coco, Lakus, Wina, and Waspuk Rivers formed the central axes of traditional indigenous settlements in the area. The name Bosawas itself, invented by Incer and his colleagues, takes the first letters of the Bocay River, the Saslaya Mountain, and the Waspuk River. The Coco River demarcates Nicaragua's northern border with Honduras. Both it and the Bocay River are navigable over long stretches. The climate gets wetter as you move east and/or go into higher elevations. Yearly rainfall averages between 1,600 and 2,000 mm in the western areas, but rises to over 3,000 mm in some eastern areas and higher locations (GTZ/DED 1992)<sup>7</sup>.

As of 1996, humid tropical broadleaf forest still covered 77% of Bosawas, with most of the remainder already converted to crops and pastures (Anonymous 1999)<sup>8</sup>. Together with the adjoining area on the Honduran side, this constitutes the largest remaining more or less continuous forest area in Central America. These forest still house a large percentage of the country's 2,500 tree species, including highly coveted species such as mahogany (*Swietenia macrophylla*), royal cedar (*Cedrela odorata*), and "blond cedar" (*Carapa guianensis*). They also constitute the habitat for a diverse and colorful collection of animals, including jaguars, monkeys, deer, tapirs, crocodiles, parrots, toucans, and hawks.

About 250,000 people live in Bosawas, more or less equally divided between indigenous people and mestizos. Thanks to rapid in-migration, in recent years on average the mestizo population has grown 17% each year. Over two-thirds of them moved into the area after the end of Nicaragua's civil war in 1990 and most arrived after the 1991 Bosawas decree. Most mestizos settled in the south, along the Bocay, Iyas, and Wina Rivers. The only increase in the indigenous (Mayangna and Miskito) population comes from natural fertility, which amounts to some 3.5% yearly. The Mayangnas live chiefly to the north of the mestizos along

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<sup>6</sup> (1997) Miskito Indian Tasbaika Kum, Plan de manejo territorial. *The Nature Conservancy*. Managua.

<sup>7</sup> GTZ/DED (December 1992) Protección de Recursos Naturales y Desarrollo Rural Sostenido en la Zona Rio Waspuk – Bonanza – Siuna, Region Autónoma Atlántico Norte (RAAN) de Nicaragua, Managua.

<sup>8</sup> Anonymous (1999) Bosawas Depredado al 23 por Ciento. *El Nuevo Diario*. 24 March: 2.

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the Waspuk, Lakus, Bambama, and Wawa Rivers as well as to the north of the mestizos on the Bocay River. Most Miskitos dwell along the banks of the Coco River (Stocks 1996)<sup>9</sup>.

Mestizo farmers have lain claim to the bulk of Bosawas' southern quarter, most of which is in Jinotega. Even though a great majority lacks 'valid' legal titles, their informal property rights carry a great deal of weight locally. These farmers grow corn, beans, and rice and raise cattle. Although at present, the region still has less than 2,000 head of cattle, most mestizo farmers aspire to own more cattle in the future (Stocks 1998)<sup>10</sup>. Some communities rely on logging for an important part of their income but reliable data on timber extraction are not available.

Mayangna and Miskito households have much more diversified livelihood strategies. They grow a wider variety of crops including more plantains, tubers, and rice; they hunt and fish more; they harvest timber and they pan for gold. Although a few families own cattle, it plays a minor role in village life (Stocks 1998).

Apart from those living in the reserve, outside loggers regularly enter the area, mostly looking for mahogany and cedar. In the Miskito areas along the Coco River, a large Dominican company practically monopolizes the timber trade. Sometimes it logs itself; more often it purchases timber from local farmers. Wealthy Nicaraguan timber merchants dominate the trade in most of the rest of Bosawas. They generally buy boards cut with chain saws from small farmers who live near the reserve and log inside it. On occasion, the merchants also hire their own logging crews or purchase wood from the reserve's inhabitants.

### ***A Miskito Kingdom, A Forgotten Hinterland, and a Couple of Wars***

Historically, much of the area in the Northern Atlantic Autonomous Region (RAAN) was not formally incorporated into the Republic of Nicaragua until the middle of the Nineteenth Century. Its effective incorporation occurred much later. Some would argue it has not happened yet.

For almost two hundred years beginning in the early seventeenth century it was Britain, not Spain that dominated Nicaragua's Atlantic coast. During most of that period it practiced a sort of indirect rule in which the Miskito Indians and other local inhabitants were largely permitted to manage their own local affairs. As part of this process, around 1680 the British crowned a Miskito leader as king and recognized the Mosquito Kingdom as the government of the Atlantic Coast, acting under British Rule (Hale 1994)<sup>11</sup>. In 1787, the British handed formal control over the region to Spain. Strong Miskito resistance kept the Spanish from effectively governing the area and Britain reasserted its dominion in 1844. Once again it declared the area a British Protectorate and recognized the Miskito king as its local ruler. This formally ended in 1860 when the British signed the 'Treaty of Managua' and recognized Nicaraguan sovereignty over the Atlantic Coast. Nevertheless, the same treaty established a smaller 'Miskito Reserve' in the coastal areas of the Atlantic Coast that was to have its own constitution and continue to be governed by the English laws (The Nature Conservancy

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<sup>9</sup> Stocks, A. (1996) The Bosawas Natural Reserve and the Mayanga of Nicaragua. In *Traditional Peoples and Biodiversity Conservation in Large Tropical Landscapes* (Kent H. Redford and Jane A. Mansour eds.). America Verde Publications. The Nature Conservancy, Arlington, Virginia. ISBN 1-886765-03-0. p.1-32.

<sup>10</sup> Stocks, A. (1998) Indigenous and Mestizo Settlements in Nicaragua's Bosawas Reserve: The Prospects for Sustainability. Paper presented at the Annual Meetings of the Latin American Studies Association in Chicago on 24-26 September 1998.

<sup>11</sup> Hale, C.R. (1994) *Resistance and Contradiction, Miskito Indians and the Nicaraguan State, 1894 – 1987*. Stanford: Stanford University Press.

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1997). Most of Bosawas was included in the original British Protectorate but not in the new Miskito Reserve. However, the Nicaraguan Government did almost nothing to assert its authority there. Thus, for most of the Nineteenth Century the indigenous people of Bosawas largely governed themselves, under British auspices.

Nicaragua did not make any real attempt to govern the Atlantic Coast until 1894 when President Jose Santos Zelaya sent troops led by General Rigoberto Cabezas to occupy the region and abolish the Miskito Reserve. Zelaya forced the Miskito chief into exile, named General Rigoberto Cabezas governor, declared Spanish the official language, and created a new department called Zelaya covering the entire region. Britain and Nicaraguan then negotiated for almost a decade until the British finally signed the 'Harrison-Altamirano Treaty' in 1905, in which they relinquished all claims to the area (Hale 1994).

Even after the Nicaraguan government deposed the Miskito and British authorities it remained almost completely absent from the area around Bosawas for many years. The United States government forced Zelaya out of office in 1909. During most of the next twenty-five years, the country was racked by civil war and occupied intermittently by U.S. Marines. Between 1928 and 1934, the troops of Nicaraguan guerilla leader General Augusto Cesar Sandino maintained a regular presence in Bosawas, aided by the region's remoteness and limited government presence. Several gold mines had opened in Bonanza and Siuna to the south of Bosawas at the beginning of the century but the fighting forced them to close (DED/GTZ 1992).

Until the 1950s, no road passed anywhere near Bosawas, with access to the region limited to boat or small plane. Then the government built a road connecting Siuna to the Atlantic Ocean to encourage mining. About a decade later, the American Neptune mining company extended that road to Bonanza (GTZ/DED 1992), but it was impossible to reach Bonanza and Siuna by car from the Nicaragua's Pacific Coast until the 1970s. They could get to the towns of Wiwili and Cua from the Pacific before that, but that still left them very far from the current reserve.

The central government provided almost no social services to the region. Along the Coco River, the Moravian Church assumed traditional government functions such as education and health. Beginning in the late 1950s, Wasпам's local government made a concerted effort to improve the town's schools. The foreign mining companies in Bonanza and Siuna provided electricity, water, basic healthcare, and other services. Elsewhere people basically relied on traditional means.

Formal local governments arrived at different times in each area. A Spanish mining company named and financed Siuna's first local authorities near the beginning of the century, although the municipality did not receive official government recognition until 1969. Wasпам officially became a municipality in 1956. Bonanza, Cua-Bocay, and Wiwili did not receive municipal status until 1989.

Under the Somoza regime that governed from 1934 until 1979, the National Guard maintained a regular presence on the Jinotega (mestizo) side of the present-day Bosawas Reserve. Most large rural settlements had centrally appointed authorities charged with maintaining order. These authorities did not go uncontested, however, since both Cua-Bocay and Wiwili witnessed fierce fighting between the National Guard and the Sandinista Front for National Liberation (FSLN) after 1969.

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When the Sandinistas came to power in 1979, they attempted to apply the same policies and forms of government on the Atlantic Coast as they used in the Pacific. This led to dramatic improvements in services like education, health, and rural credit. However, the Sandinistas imposed many measures and authorities without taking into account the great cultural differences between the two regions. Over night, the situation on the Coast went from (not so benign) neglect to (perhaps even less benign) massive government presence. The government sent in thousands of teachers, doctors, soldiers, and administrators from the Nicaragua's Pacific and Interior Regions and set up new government offices and mass organizations modeled after those on the Pacific. The new arrivals rarely spoke the local languages (English, Miskito, Mayangna, Rama, and Garifona), came from predominantly Catholic backgrounds (whereas the Moravian Church was the most important on the Coast), and frequently expressed racist sentiments about the local population. Moreover, they brought with them a strident revolutionary rhetoric that had little historical relation to the Coast's experience. The fact that new government nationalized the mines, fishing, and forest industries, but lacked sufficient funds and expertise to keep them running only aggravated the problem.

This situation coincided with the gradual maturation of a militant ethnic consciousness among the Miskitos and a growing demand for regional autonomy on the Atlantic Coast; both encouraged by the problems mentioned above. MISURASATA (Miskitos, Sumos, Ramas, and Sandinistas United), an indigenous organization formed just several months after the Sandinistas came to power, gave political expression to these demands. Although the Sandinistas initially supported its creation, the relations between them soon deteriorated. The Sandinistas accused certain MISURASATA leaders of secretly promoting an independent Miskito nation and began to harass and jail them (Hale 1994).

Soon after, in 1981, several key Miskito leaders went into exile in Honduras and set up a guerrilla army to attack the Nicaraguan Armed Forces (Nietschmann, 1990)<sup>12</sup>. The Reagan Administration in the United States took advantage of this situation to weaken the Sandinistas militarily, and damage their public image internationally, and provided the Miskitos with arms, money, and training. Even though the Reagan Administration had no particular interest in promoting Miskito nationalism per se, they found it a convenient weapon in their cold war campaign against the Sandinistas. This led to a vicious cycle of government repression, increased Miskito support for the guerrillas, followed by more repression. As a result, within a few years practically the entire Miskito and Mayangna population, including those living in Bosawas, had fled to Honduras or been forcibly or voluntarily relocated to resettlement camps by the Nicaraguan government (CAPRI 1998<sup>13</sup>, Hale 1994).

Realizing that their position was militarily and politically untenable, in the mid-1980s the Sandinistas backtracked and offered the Atlantic Coast's leaders major concessions, including regional autonomy. In essence, the government 'devolved' substantial control over the region and its resources to the local population at gun point. Out of this process emerged the 1987 Atlantic Coast Regional Autonomy Law. The Law established two separate autonomous regions (RAAN and RAAS), each with its own multi-ethnic government (CRAAN and CRAAS), and gave those governments substantial authority over their affairs. Together, the two regions covered an area of 57,000 square kilometers, 43% of the national

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<sup>12</sup> Nietschmann, B. (1990) Conservation by Conflict in Nicaragua. *Natural History*. 11(90): 42-48.

<sup>13</sup> Centro de Apoyo a Programas y Proyectos (CAPRI) (May 1998) *Región Autónoma del Atlántico Norte, El Desafío de la Autonomía*. CAPRI, *Second Edition*. Managua.

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territory. Of the 186,354 inhabitants of the RAAN, 42% were Mestizos (a large portion of whom lived in Siuna), 40% Miskitos, 10% Creoles, and 8% Mayangnas (Acosta 1996)<sup>14</sup>.

As part of this same process, the government devolved forest resources in a second sense by formally recognizing the communal property rights of the regions' villages over the 'lands, waters and forests that traditionally belonged to the communities'. According to the new law, communal property could not be sold, seized, or taxed. The government also acknowledged the communities' rights to preserve their distinct cultural traditions and to 'use and enjoy the waters, forests, and communal lands for their own benefit' (Hale 1994: 231, 238). This reflected a broader concurrent trend in Latin America towards greater recognition of indigenous territorial rights (Tresierra 1999)<sup>15</sup>. A new Nicaraguan Constitution promulgated by the Sandinistas in 1987 further strengthened the legal principles of regional autonomy and indigenous peoples' communal land rights.

These and other reconciliation measures contributed to a more favorable atmosphere for negotiations between the Nicaraguan government and the insurgent Miskito organizations. (By then, MISURASATA had evolved into several separate factions, the largest of which was called 'Yatama'.) By the time the government held the first regional elections in 1990 most of the indigenous population had returned to their villages.

Although it had its own unique twists and turns, the Mestizo portion of Bosawas followed a surprisingly similar path. Most farmers in the agricultural frontier areas of Jinotega and nearby Matagalpa initially hailed the triumph of the Sandinistas and guardedly hoped the new revolutionary government would improve their daily lives. The arrival of thousands of Nicaraguan youth and Cuban doctors into even the remotest villages to teach literacy and provide basic health care in 1980 and 1981 reinforced that expectation. But when the Sandinistas started to impose controls on the markets for food and basic manufactured goods and expropriated the farms of landholders with strong local ties some farmers turned against them (Bendaña 1991)<sup>16</sup>. Once again, the Reagan Administration exploited the growing discontent to its own advantage. The stage was now set for another cycle of insurgency, followed by repression, which itself promoted further revolt. Through this process the Nicaraguan Democratic Force (FDN), the so-called 'contras', managed to transform itself from a pitiful group of former National Guardsmen and overpaid mercenaries into a veritable peasant army. That army probably reached peak strength around 1985 or 1986. It operated parallel to, but mostly independently from, the Miskito guerrillas to the east. Most of those farmers who remained loyal to the Sandinistas found themselves obliged to join the Sandinista Army or its militias to defend themselves from the contras' attacks.

Militarily, the contras were no match for the Sandinista Army. Nonetheless, the 'low intensity' war they conducted under United States auspices eventually took a harsh economic toll. By 1987/88, this along with ill-conceived economic policies, had pushed the Nicaraguan economy into a severe recession. As the years passed, the population became increasingly war worn and desperate and the Sandinista leadership once again recognized that they had to seek a negotiated solution. This coincided with important changes in the international arena that opened fresh opportunities for compromise; as a result, the Sandinistas soon found

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<sup>14</sup> Acosta, M.L. (1996) Los Derechos de las Comunidades y Pueblos Indígenas de la Costa Atlántica en la Constitución Política de Nicaragua y la Implementación del Estatuto de Autonomía de las Regiones Autónomas de la Costa Atlántica de Nicaragua. Managua: Canadian International Development Agency.

<sup>15</sup> Tresierra, J. (1990) The Rights of Indigenous People Over Tropical Forest Resources. In, *Forest Resource Policy in Latin America* (Kari Keipi, ed). Washington D.C.: Inter-American Development Bank: 135-60.

<sup>16</sup> Bendaña, A. (1991) La Tragedia Campesina. Managua: Editorial CEI.

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themselves negotiating both with their Central American neighbors and directly with the contras. Ultimately, this culminated in the 1990 elections, where opposition candidate Violeta Barrios de Chamorro defeated Daniel Ortega, and shortly after assumed the Presidency.

Within months after taking office, the Chamorro government and the contras (who were by then referred to as the Nicaraguan Resistance, RN) had signed agreements that led to the demobilization of 22,000 former insurgents. Under the auspices of the International Commission for Support and Verification (CIAV) of the Organization of American States and the United Nations Organization for Central America (ONUCA), the ex-combatants and their families were resettled in a number of 'development poles' and security zones (Cuadra and Saldomando 1998)<sup>17</sup>. Most of these poles and zones were near the agricultural frontier areas where the Nicaraguan Resistance forces had operated and where the government thought it could resettle them in the large expanses of unclaimed forest. Ayapal in Cua-Bocay and El Naranjo in Waslala, both near what would later become the Bosawas Reserve, were two cases in point (Stocks 1998).

With the war over, Nicaragua no longer needed a large army. Ten of thousands of officers and enlisted men found themselves suddenly out of work. To compensate them for their services and avoid social unrest, the government resettled many of them in the frontier areas. Former officers in particular received significant blocks of land. Other soldiers simply returned to where they came from or migrated onto the agricultural frontier. A large number of them eventually relocated in Siuna, particularly around El Hormiguero, a large rural community adjacent to the reserve, taking advantage of the available land there (Stocks 1998).

The result of all this was an extremely problematic situation. In the early 1990s, Bosawas was full of heavily armed indigenous and mestizo ex-combatants. The regional government of the RAAN had significant legal authority over the region's natural resources, but little institutional capacity. The region's indigenous communities had never felt particularly attached to Nicaragua, nor received services from its government, and now had a Constitution and an Autonomy Law that legitimated their rights over the territory. Several thousand indigenous combatants in the region had fought the Nicaraguan Government to a standoff and returned to their villages with pride and a strong sense of independence. The Mestizo farmers had fought a war of their own, on both sides of the barricades, for the right to command respect and determine their own destinies. The central government in Managua offered little in the way of schools, clinics, credit, or infrastructure; and was about to declare all these peoples' land a reserve for monkeys, parrots, trees, and foreign tourists.

### ***Backtracking on Autonomy and Indigenous Land Rights***

By the time Violeta Barrios de Chamorro took office in 1990, the political context that had given rise to the official recognition of regional autonomy and indigenous land rights had changed significantly. Once the Sandinistas were out of the picture the United States government lost most of its interest in promoting Miskito organizations, much less arming them. The incoming government officials had not participated in the autonomy negotiations and did not feel particularly compelled to respect them, no matter what the law said.

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<sup>17</sup> Cuadra Lira, E. and Saldomando, A. (1998) *Pacificación, Gobernabilidad y Seguridad Ciudadana. Orden social y gobernabilidad en Nicaragua, 1990-1996* (Cuadra Lira, E., Perez Baltodano, A. and Saldomando, A. eds.). Managua: CRIES: 105-138.

Over the next six years, Chamorro systematically tried to undermine the autonomy process. In the 1990 regional elections in the RAAN, the Miskito-based Yatama Party won 22 council seats and the Sandinistas won 18 seats, while Chamorro's UNO coalition only won two seats (González 1997)<sup>18</sup>. Rather than recognize opposition control over the regional government and negotiate with it, she preferred as much as possible to simply ignore it. To this end, she created a new parallel quasi-ministry, the 'Institute for the Development of the Autonomous Regions' (INDERENA) to implement policies there. The government avoided developing a set of implementing regulations to accompany the rather vague and general Autonomy Law, preferring instead to use the law's ambiguities to increase its room to maneuver. The government openly flaunted the Autonomy Law by naming regional delegates for its different ministries without regional government approval. It also sought to reduce the regional government's budget as much as possible to ensure that it could not effectively function (CAPRI 1998).

Constant bickering and corruption within the CRAAN only furthered the government's objectives. The forty-five member council proved too large and unwieldy to function, particularly given the region's poor transportation infrastructure and the regional government's small budget. Shifting political alliances and accusations of corruption led to the removal of several regional 'coordinators', limiting the continuity of the regional government's actions (González 1997).

The government also stonewalled on the question of indigenous territorial rights. For the first five years of its six-year term it avoided taking any action to demarcate and title indigenous territories. Then, finally, in 1996 it created a 'National Commission to Demarcate Indigenous Lands', with Swedish financing (Hooker *et. al.* 1996)<sup>19</sup>. It did this in response to pressure from the Swedish Government and the CRAAN, and out of a desire to identify non-indigenous public forest that could be sold as forest concessions.

### **Who Rules Bosawas?**

Just because the government sought to centralize control over the Atlantic Coast and ignore previous devolution policies, however, does not mean that it would succeed. Even though the central government in Managua claims to govern Bosawas, any one who actually *went* there might find that hard to believe. To defend their territorial integrity and enforce their laws and decrees these authorities theoretically have at their disposal an entire army, a police force, a ministry of the environment (MARENA), and, since 1998, a forestry institute (INAFOR). Nevertheless, most of their laws and decrees have limited influence within the Biosphere Reserve.

For most of the 1990s, the army co-existed in Bosawas with several autonomous armed forces, each of whom established regulations, charged 'taxes', and imposed 'order' in the areas under its control. Off the record, the staff of European Union and Organization of American States projects operating in Cua-Bocay, Waslala, and Wiwili admitted that they regularly had to consult with these armed groups and their allies about project decisions in order to operate. The German Embassy forbade direct contacts between local German projects and the armed groups but the projects were nonetheless compelled to establish informal indirect contacts. The most important of the armed groups were the Yatama 'ex'

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<sup>18</sup> González, A. (1997) Costa: Elecciones Sobre Arenas Movedizas. *Envio*. 178-179 (January – February): 23-35.

<sup>19</sup> Hooker, A., Hoppinghton, M., Fagoth, S., Bushey, K., Paiz, C., Lau, H., Brenes, E., Lainez, A., Brooks, J., Hagerby, L. and Moreno, F. (22 February 1996) Acuerdo de Montelimar. Montelimar, Nicaragua.



combatants, the Andres Castro United Front (FUAC), the Revolutionary Armed Forces (FAR), and the Northern Front 3-80.

A thousand or so young Miskito men, most of whom had participated in the war against the Sandinistas, formed the Yatama 'ex' combatants to protest the government's failure to assist them after laying down their arms and to recognize their people's territorial rights. In February 1992, these men attacked the police station in Waspam. During most of the next five or six years they maintained a low profile presence in the Miskito communities along the Coco River, which became a veritable pressure cooker of indigenous resentment, frustration, and anger against the national government (Burke 1995)<sup>20</sup>. Finally, in 1998, they reemerged in full force, occupying the town of Waspam and the road connecting it to the Atlantic Coast, and sporadically attacking the Nicaraguan Army (Aleman 1998)<sup>21</sup>. The Yatama maintained a loose alliance with the traditional village 'councils of elders', 'sindicos' (tenure authorities), and judges, as well as with the Mayor of Waspam.

In Siuna, some 400 former Sandinista soldiers created the FUAC in 1996 to demand government assistance both for themselves as ex-soldiers and for the communities they lived in. Some two years later they signed an agreement with the government and officially disarmed (Center for International Policy 1997)<sup>22</sup>. Almost immediately the FAR sprung up to take their place, and began operating in the same locations. Although alliances between these bands and local farmers organizations and loggers were not as public or well documented as the links between the Yatama and civilian Miskito authorities they almost certainly existed.

Many ex-Nicaraguan Resistance fighters joined the Northern Front 3-80, which operated in Cua-Bocay and Waslala. The Northern Front 3-80 had a national agenda of pressuring the Chamorro government to take strong measures against the Sandinistas, but was also heavily involved in local issues. According to Stocks, 'In a practical as well as a kinship sense these guerillas are just another face of the land invasions [of mestizo settlers into the Biosphere Reserve]' (1995:13). The auxiliary mayors of Ayapal and El Naranjo, as well as many leaders of village peace commissions organized by the OAS maintained close contact with the former RN commanders, including those involved in the 3-80 Front.

To a certain extent, the Army tolerated these bands and implicitly recognized their territorial control. Its High Command apparently felt the bands were the result of social and political problems that required political, not military, solutions. After ten years of civil war, the Army had little desire to find itself bogged down once again in an unpopular counter-insurgency campaign that might lead to widespread killing. According to one report, 'the army and the police could not protect the population in some regions [in central and northern Nicaragua] because they themselves were afraid of being attacked by the armed gangs and consequently stayed away from these regions (PPRB 1997:4)<sup>23</sup>. The High Command was still composed of Sandinistas and former Sandinistas, most of who disagreed with the conservative policies of President Arnoldo Aleman's, who replaced Chamorro in January 1997, and had no interest in 'doing his dirty work'. It certainly had little stomach for attacking the FUAC, most of whose members were former Sandinista soldiers. Although on occasion the Army felt compelled to

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<sup>20</sup> Burke, P. (1995) Native Peoples of Nicaragua. Posted on the internet at <http://www.bos.umd.edu/cidcm/mar/indnic.htm>

<sup>21</sup> Aleman, A. (1998) Combate Mortal en el Atlántico Norte. *La Prensa*. 30 October.

<sup>22</sup> Center for International Policy (CIP) (1997) Nicaragua: FUAC Demobilizes. *Central America Update*. 29 November – 5 December.

<sup>23</sup> Policy, Planning, and Research Branch (PPRB) of the Immigration and Refugee Board. *Nicaragua: Update*. September 1997. Canada. [www.irb.gc.ca/DIRB/publication/nic.043.htm](http://www.irb.gc.ca/DIRB/publication/nic.043.htm)

accuse these groups of being criminals and engaged in violent skirmishes with them, it generally promoted negotiated solutions.

Ministry of Environment (MARENA) and Forestry Institute (INAFOR) officials faced an even worse predicament. Their presence in Cua-Bocay, Waslala, and Wiwili consisted of a handful of unarmed local delegates. These delegates were certainly not fool enough to enter into open conflicts with the heavily – armed local population about where they could live and what they could take out of the reserve. Most preferred seeking opportunities for petty corruption. On numerous occasions, Alvaro Montalvan, the National Director of INAFOR, acknowledged that many INAFOR officials around Bosawas were corrupt and that the central government could not control the situation (Olivares 1999)<sup>24</sup>. For a while, MARENA had four forestry officials each in Bonanza, Siuna, and Waspam, financed by the Swedish. However, once they pulled out in 1997, MARENA closed its office in Bonanza and left only one delegate each in Siuna and Waspam, who subsequently became INAFOR delegates. As of 1999, the entire Bosawas Reserve had only 12 paid park guards and most of the Bosawas project's senior staff had their offices in Managua, several hundred kilometers from the zone (Guevara 1999)<sup>25</sup>.

Nor was it only the armed forces, police, and environmental organizations that were missing from the region. A 1994 study found that the ministries of agriculture, health, education, social assistance, and the rural credit system all had limited presence in the areas around the southern portion of the Bosawas Reserve and no presence at all in the active colonization fronts (Ramirez *et. al.* 1994)<sup>26</sup>.

On the ground, a wide variety of overlapping local authorities and individual producers made most decisions about who lived where, how much land they could claim, what they could produce, and how they could produce it. In the indigenous villages, governance was largely in the hands of the traditional indigenous authorities (council of elders, *sindicos*, and judges), the Yatama commanders, and Church leaders. These authorities governed following a more or less established set of traditional norms, although conflict and corruption were widespread. In the mestizo areas, municipal governments, community 'peace commissions', commanders of armed bands, priests, NGOs, the farmers union (UNAG), and donor projects with little connection to Managua were all important in different ways. These groups maintained a shifting set of alliances and used a complex mixture of financial, ideological, military, legal, organizational, and technical means to achieve their goals. Bonanza has an active natural resource commission and other municipalities have had them in the past. The NGOs and donor projects provide credit and technical assistance and get involved in local politics. Various groups give 'permits' to harvest timber and transport logs. While the central government has internationally recognized sovereignty over the Bosawas Reserve, these people actually 'possess' the area. If they want a mining company or a logging company out of their area, they usually managed to get rid of it. That was what happened, for example, with the Nycon Resources Company and the Recursos Nicaraguenses y Australianos S.A. company. If there are conflicts between farmers or communities over boundaries, they resolve them.

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<sup>24</sup> Olivares, I. (1999) Desconocen quien depreda Bosawas. *La Prensa*. March 24: 6.

<sup>25</sup> Guevara, M. (1999) Gran Interrogante para Contraloria, Que ocurre en Bosawas? Un proyecto frágil, inconcluso y sin referencias'. *El Nuevo Diario*.

<sup>26</sup> Ramirez, E., Ardon, M. and Holt, E. (April 1994) Diagnóstico para la identificación de acciones para un programa de desarrollo sostenible en la Reserva Bosawas Nicaragua (segunda version preliminar). Managua, Commission of European Communities, Ministry of Foreign Relations of France.

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### ***Autonomy and Indigenous Territories in Practice***

The Bosawas Reserve got off to an inauspicious start. Despite being one of Jaime Incer's main priorities, for the first two years the reserve's technical secretariat (SETAB) had practically no resources. The German's conducted studies in 1992 and 1993, but did not begin a full-fledged US\$3.8 million dollar 'GTZ Bosawas Project' until December 1994. The United States Agency for International Development (USAID) and its partner The Nature Conservancy (TNC) began a US 2.5 million dollar project in 1993. When the money finally came, it went mostly for foreign technical assistance, studies, and management plans (Ramirez *et. al.* 1994). The projects provided little money for MARENA to maintain a visible presence on the ground and practically none for assisting the local population.

In principle, the Autonomy Law gave the CRAAN the right to regulate natural resources and recognized indigenous people's right to the territories they traditionally occupied, but no one from the central government consulted either the regional government or the communities before 'establishing' the reserve. The communities "were informed after the fact that they now lived within or near a 'national' reserve, moreover a reserve that began with restrictive land-use policies that were poorly thought out, poorly communicated, and totally unenforced" (Stocks 1995:14)<sup>27</sup>. According to Howard, "the indigenous people felt that the designation of the reserve was a violation of their historical rights to their land" and insisted that they manage the reserve themselves (1996:6)<sup>28</sup>.

The reserve idea might have collapsed completely if it were not for the fact that TNC decided to seek a strategic alliance with the Mayangna and, to a lesser extent, Miskito Indians. The implicit deal was that TNC would support the indigenous peoples' rights to their territory and provide financial support for the fledging indigenous organizations as long as indigenous leaders adopted TNC's conservationist rhetoric and helped prepare management plans based on their traditional land uses and practices. Underlying this alliance was TNC's belief that the indigenous peoples' traditional livelihood systems were fundamentally compatible with the conservation of the reserve's natural resources and that the best way to protect those resources would be by helping the indigenous people defend their territorial rights against outside intruders.

TNC's efforts to strengthen indigenous territorial rights focused on: 1) participatory land use planning exercises that including mapping and preparation of management plans based on traditional practices and land uses; 2) legal assistance and lobbying to convince the Nicaraguan government to title indigenous territories; 3) technical and financial support for indigenous organizations; 4) support for voluntary patrols to monitor and dissuade intruders in indigenous areas; and 5) assistance in establishing dialogues between indigenous organizations, Mayors, the CRAAN, the Parish of Siuna, the police, MARENA, GTZ, and the agrarian reform institute (INRA) (TNC 1995)<sup>29</sup>. Based on discussions during a seminar held in December 1993, TNC organized its activities around six separate – and partially artificial – indigenous territories. Three of these territories were predominantly Mayangna, two were mostly Miskito, and one was mixed.

<sup>27</sup> Stocks, A. (1995) Land Tenure, Conservation, and Native Peoples: Critical Development Issues in Nicaragua. Paper present at the Applied Anthropology Meetings, 29 March to 2 April 1995.

<sup>28</sup> Howard, S. (1996) Autonomia y derechos territoriales de los Sumos en Bosawas, El caso de Sikilta. *Revista del Caribe Nicaraguense Wani*. January – April: 3-18.

<sup>29</sup> (April 1995) Informe de avance, 1 enero – 30 marzo 1995. *The Nature Conservancy*. Proyecto MARENA 'Bosawas 001-93, Proyecto USAID #524-0314-A-00-3033-00, Manejo de Recursos Naturales en Bosawas MARENA – TNC – USAID, Managua.

While TNC's activities undoubtedly strengthened the Bosawas Reserve and gave it practical meaning, the Nicaraguan government reacted ambiguously to these initiatives. Although they occasionally mentioned the need to title indigenous lands, neither the Bosawas Technical Secretariat (SETAB) within MARENA nor the German Bosawas project adopted the indigenous territories as the center piece of their strategies. MARENA did not want to 'give up' its control over the reserve to indigenous authorities and was not convinced indigenous people would conserve the area's natural resources (Stocks 1995).

Geographically, the Bosawas Reserve and the indigenous territories did not fully coincide. The six proposed territories covered 6,239 square kilometers. The majority of this area fell within the Bosawas Reserve, but some did not. Similarly, parts of the reserve fell outside the six territories (Stocks 1998).

Despite this government reluctance, TNC persistence and strong lobbying from the US Embassy eventually allowed it to make headway. By June 1996, SETAB had produced a set of general norms and conceptual principles for land use in Bosawas that explicitly recognized 'the claims of the Mayangna and Miskito ethnic groups over the lands they had historically occupied, based on the legal doctrine of the right of ancestral possession' (SETAB 1996)<sup>30</sup>. Around that same time, MARENA, the CRAAN, the national territorial institute (INETER), the Attorney General's office, and community leaders all signed an agreement to support the demarcation and titling of the indigenous territories within Bosawas.

Meanwhile, MARENA began the parallel process of negotiations with the CRAAN mentioned earlier that led to the formal creation of the 'National Commission to Demarcate Communal Lands' in February 1996 (Hooker *et. al.* 1996). The Commission met for the first time in October 1996, with participation from MARENA, both regional governments, the Attorney General's office, the agrarian reform institute (INRA), and INETER, as well as two representatives from indigenous communities. Although they were quite critical of the process, the largely-Miskito 'Council of Elders' in the RAAN focused their attention on the activities of this Commission, rather than on TNC's initiative.

The alliances in these two parallel processes were complex. TNC had strong ties with the Mayangnas and its contacts within MARENA were mostly in SETAB. Miskito organizations dominated the CRAAN and traditionally the Miskitos and Mayangnas have not gotten along. In addition to their traditional rivalries, many Mayangnas allied themselves with Sandinistas, while the Miskitos tended to be anti-Sandinista. Different factions existed on both the Miskito and Mayangna sides. The Swedish supported MARENA's office charged with managing national forests (ADFOREST) and had few contacts with SETAB, GTZ, or USAID. ADFOREST, INRA, and INETER did not want non-governmental organizations such as TNC involved in demarcating indigenous territories and tried to get project funds to carry out the task themselves. TNC focused on Bosawas, which included parts of Jinotega as well as the RAAN, while CRAAN's concerns covered large areas outside Bosawas.

Nonetheless, TNC and the GTZ might have prodded the government into titling the indigenous territories in Bosawas had the World Bank not arrived on the scene. A 1996 World Bank study concluded that the laws regarding indigenous land rights were vague and

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<sup>30</sup> Secretaria Técnica de Bosawas (SETAB). (June 1996) Normas generales y principios conceptuales para el uso de la tierra (ordenamiento ambiental – territorial) de la Reserva Nacional de Recursos Naturales Bosawas y su Zona de Amortiguamiento. Managua, SETAB.

contradictory and that Nicaragua needed a new law (Roldan 1996)<sup>31</sup>. This, in turn, led the Bank to require that President Aleman submit a draft Indian Land Law to the National Assembly before it would disburse a \$US 7.5 million dollar donation for an Atlantic Biological Corridor project. This gave the Nicaraguan government an excuse to not title any indigenous territories until the Assembly passed a new law, instead of issuing a title through a Presidential Decree as TNC and GTZ proposed. That could take years, or perhaps never happen. TNC and GTZ were furious and used their respective embassies to pressure the Bank to accept immediate titling, but to no avail.

The discussions regarding a general Indigenous Land Law largely relegated the specific issues related to Bosawas to the backburner. It also diverted attention from the territorial demands of the Mayangnas to the more numerous and powerful Miskitos. The armed occupation of most of Waspam by the ex-Yatama Miskito combatants in 1998, one of whose demand's was the demarcation of their territories, and several highly visible regional assemblies of the Miskito Council of Elders, accentuated this trend (Murrar and Jarquin, 1998)<sup>32</sup>.

Delving into the intricacies of the negotiations concerning the Indian Land Law would take us far off course from this paper's central focus. Suffice it to say that in October 1998 President Aleman sent a draft law to the Assembly without consulting the main stakeholders on the Atlantic Coast, who all considered it unacceptable. The World Bank then responded to pressure from indigenous organizations and their allies and insisted the government sponsor formal consultations. At the time this paper was being revised (June 2001) the Assembly had still not passed an Indian Land Law and no indigenous territory had received title.

One could argue in retrospect that by 'creating' the Bosawas Reserve, the Nicaraguan government indirectly favored indigenous land rights, even though that was almost certainly not its intention. TNC's efforts, in particular, strengthened the indigenous organizations' capacity to defend their territories and helped legitimize the territories' existence within MARENA and international funding agencies. If there had been no reserve TNC would never have entered the picture.

This argument contains a grain of truth, but is somewhat disingenuous, given that the reserve's 'managers' in MARENA never fully supported the TNC agenda. Over time MARENA has gradually come to accept the practical existence of the indigenous territories, and in 1998 the Bosawas Technical Advisory Commission approved TNC's process for preparing indigenous management plans in the six territories (TNC 1998)<sup>33</sup>. Nevertheless, the government continued to drag its feet about providing them formal title and continued to plan its activities with only nominal input from indigenous organizations.

The main responsibility for defending the indigenous territories from outside incursion continues to fall on the indigenous people themselves. Government titles or statements have not offered much protection. Thus, for example, in Sikilta, the one indigenous territory in Bosawas with a legal title dating back to the beginning of the century, despite almost a

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<sup>31</sup> Roldan, R. (July 1996) Land, Natural Resources, and Indigenous Rights on the Atlantic Coast of Nicaragua, Legal Reflections for the Definition of a Strategy for Indigenous Participation in Participation and Development Projects. The World Bank, Technical Department, Latin America & the Caribbean.

<sup>32</sup> Murrar, A. and Jarquin, L. (1998) Informe de actividades, proceso de titulación de los territorios indígenas de Bosawas', Managua. *The Nature Conservancy*. 18 August.

<sup>33</sup> (1998) Project Update for the Nicaraguan Bosawas Reserve. *The Nature Conservancy*. Managua. January – June 1998.

decade of intense lobbying by indigenous groups and their allies, the government has yet to resettle mestizo farmers who have encroached upon the territory. In contrast, direct negotiations between indigenous and mestizo organizations following violent incidents in the area north of Ayapal in 1996, led to an agreement regarding territorial rights that both sides have largely respected (Castro *et. al.* 1996)<sup>34</sup>. In 1995, the Mayangna Indians forcibly expelled the Nycon Resources Company after it obtained a government concession to explore for gold near the Waspuk River. With the help of mediation by the CRAAN, Miskito and Mayangna communities successfully negotiated agreements on their territorial boundaries in 1995, without central government participation.

### *The Mestizos 'Devolve' Power to Themselves*

By 1998, mestizo farmers occupied around one-quarter of the Bosawas Reserve and more farmers poured in each week. These farmers' production systems were less environmentally-friendly than those of their indigenous neighbors (Stocks 1998). The central government and their foreign allies, helpless to prevent the mestizos' arrival, largely ignored it. This first became clear when the bilateral agencies and international NGOs decided where to work. Both GTZ and TNC concentrated on Bonanza, Siuna, and, to a lesser extent, Waspam. None of these municipalities had many mestizo farmers in the reserve, although Siuna had a large group outside the reserve that harvested timber there. The Germans stayed away from Cua-Bocay, Waslala, and Wiwili, the main focal points for mestizo entry into the reserve. They financed roadblocks to control illegal log shipments and invited the mayors to a few meetings, but little more. TNC surveyed the mestizo areas and worked for a while with one of the mestizo organizations in Ayapal around 1995. Then they left.

Initially, security considerations drove the decision to stay out of mestizo areas with active agricultural frontiers inside the reserve. As noted earlier, the Army either could not or would not control the Northern Front 3-80 and its offshoots that operated there. Thus, GTZ, TNC, and MARENA personnel feared they would be killed or have their vehicles burnt if they entered the area. Howard (1997:132)<sup>35</sup> reports that when she did her research in 1995 the only two forest guards in the Bocay area had 'stopped working after receiving death threats from mestizo settlers'.

Early on, TNC identified an area of 762 square kilometers, roughly 10% of Bosawas, that indigenous communities claimed but mestizo farmers occupied. Given all its other problems, TNC decided that to focus on these areas would be too conflictive and concentrated instead on the other indigenous territories. It hoped that if the first six territories received title it could shift to the more conflictive areas. That has yet to happen.

In mid-1997, a large portion of the Northern Front 3-80 supposedly disarmed after lengthy negotiations with the government (PPRB 1997) Nevertheless, MARENA, GTZ, and TNC still did not move into the area because the local population was too hostile. Howard (1997) notes that of the 42 mestizo farmers she interviewed in Tunawalan, a village inside the reserve along the Bocay River, only one supported the idea of a reserve. The rest either opposed it or did not know what it was. Besides, the agencies had nothing concrete to offer the mestizos and no way to force them to do things against their will.

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<sup>34</sup> Castro, M. and 11 other signatories (28 May 1996) Acta No. 2, Negociacion Indigena-Mestiza. Wina.

<sup>35</sup> Howard, S. (1997) Livelihoods, Land Rights, and Sustainable Development in Nicaragua's Bosawas Reserve. *Sustainable Agriculture in Central America* (Jan de Groot; Ruerd Ruben eds). New York: St. Martin's Press: 129-41.

The previously mentioned attempt by GTZ to set up roadblocks to stop the illegal timber traffic in 1998 was one of the few times they tried to intervene in the mestizo areas. The Mayor's office, the Army, the Police, MARENA, and some local organization like the Catholic Church were each supposed to nominate two people to work in the roadblock. The GTZ thought that would reduce the possibilities for corruption. This had some success in Siuna and Waslala, but in Cua-Bocay and Wiwili, local authorities quietly resisted participating and blocked the initiative. The small-scale loggers of El Naranjo in Waslala just redirected their shipments. Instead of sending logs by road, they began running them down the rivers.

Since MARENA, GTZ, and TNC had such limited control over the mestizo areas themselves, they were forced into a rearguard action of trying to convince other foreign – financed projects not to assist the colonists living in the reserve, in the hopes that would discourage them from living there. This also met with only limited success. As part of the effort to 'pacify' Cua-Bocay, Waslala, and Wiwili and resettle former Nicaraguan Resistance forces there, the OAS and the European Union financed resettlement and rural development projects there that the Bosawas authorities were concerned would stimulate further migration into the area. In 1995, the Minister of MARENA and the GTZ urged the European Union projects in Cua – Bocay and Waslala to stop lending money for livestock in areas near the reserve (Comision Nacional de Bosawas 1995)<sup>36</sup>. Later the Bosawas Technical Advisory Council opposed funding for an OAS project in Bosawas on the same grounds. Ironically, SETAB also criticized European Union support for a mestizo organization called the 'Small Farmers Association for the Protection of the Bosawas Reserve (ACOPROBO), arguing that its members occupied the reserve illegally. ACOPROBO had changed its name from the 'Mestizo Association' in 1998 in the hopes of legitimizing mestizo presence in the reserve and attracting outside funding.

### ***Devolution From Below***

Much of the promotional literature about devolution portrays well-meaning governments magnanimously handing control over forest resources to previously powerless local communities. That hardly applies to the case of Bosawas. There a weak central government partially devolved authority to an autonomous region and indigenous communities literally at gun point and its successors then tried hard to reverse the process. They largely failed due to their own relative weakness in the region compared to the power of the indigenous and mestizo populations and their local authorities and governance structures. The Government never formally devolved much authority to the mestizos of Jinotega, but it didn't really matter because it never had much authority in the first place. Both indigenous and mestizo inhabitants and their leaders derive their power from direct knowledge about and possession of the resources on the ground, the local legitimacy of their governance structures, the balance of military power, their organizational capacity, their ability to obtain favorable press coverage, and their alliances with international NGOs and national political parties. Indigenous communities and the residents of the RAAN can also appeal to legal arguments based on the 1987 Constitution and Autonomy Law.

A second interesting aspect of the Bosawas case is the overlapping nature of the governance structures affected by formal devolution policies. In this case, we have regional governments, municipal governments, indigenous territories, and the Bosawas Reserve itself. The

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<sup>36</sup> Comision Nacional de Bosawas (July 1995) 2da Sesion Extraordinaria. Hotel Selva Negra, Matagalpa, SETAB / GTZ.

indigenous territories span various regions and municipalities and only portions of them are contained within the reserve. Similarly, the reserve includes an autonomous and a non-autonomous region, five municipalities, six indigenous territories, an area in dispute between indigenous people and mestizos, and other areas of mestizo settlement. If one overlays on all this the areas of influence of the different ethnic groups, the armed bands, and powerful churches and donor projects one can sense the amazing complexity of power relations on the ground.

Ivory tower devolution advocates commonly suppose that local groups' claims over forest resources and their local governance institutions are somehow inherently more just, legitimate, or environmentally-friendly than the rules imposed by the central government. The Bosawas case, however, lends only partial support to that idea. Strengthening Mayangna land rights and institutions probably would help conserve the forest and certainly would be more democratic than allowing other ethnic groups to completely dominate and marginalize them. This also applies to the Miskito Indians, although not as strongly. But even in these cases one cannot ignore the rampant corruption and undemocratic features common in many communities, nor the underlying tensions between the two groups. The argument is even less evident in the mestizo areas, where local control may lead to rapid ecological destruction and social differentiation, not to mention corruption and violence. The fact that centralized control may have equal or worse repercussions should hardly console us; appealing to or favoring "the less of two evils" is a weak foundation for sustainable development, conservation, or social justice.

Thus, we cannot conclude devolution is always a good idea. Instead, we argue that, like it or not, in most forested areas one confronts what Migdal (1988)<sup>37</sup> refers to as 'strong societies and weak states'. That is unlikely to change and must be the starting point for future discussion.

Some readers may shrug the Bosawas case off as a curious exception. Nicaragua is famous for its political instability and military conflicts and one might certainly question whether it represents a 'typical' case. Surely, central governments must not lack territorial presence and political hegemony in all heavily forested area and not all have free-roaming armed bands or other strong local authorities.

As one looks across the humid tropics it quickly becomes apparent that situations where the central government lacks authority in forested areas are far more common than generally recognized. In many, though by no means all, of these situations, autonomous armed groups have sprung up to fill the vacuum. The Peten in Guatemala, the Colombian and Peruvian Amazon, South Pará in Brazil, the two Congos, the Central African Republic, Sierra Leone, Angola, Burundi, Cambodia, Burma, Aceh in Indonesia, Mindanao in the Philippines, Nagaland in India, and much of Thailand all appear to fit into this model. Even in countries with more apparent political stability, central governments often lack operative governance structures in forested regions, much less effective control. In these situations devolution must be understood not as a process through which governments hand over authority to local groups, but rather a means to try to gain some minimal authority in contexts where they traditionally have had none.

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<sup>37</sup> Migdal, J.S. (1988) *Strong Societies and Weak States, State-Society Relations and State Capabilities in the Third World*. Princeton, New Jersey, Princeton University Press.



There are, of course, exceptions; countries with ‘strong states’ in forested areas and well-meaning devolution policies that transfer authority from central governments to local actors. Many central government decisions regarding whether to place forest and mining concessions, dams, roads, troops, settlement projects, and even national parks have direct impacts on the ground. We would argue, however, that these are the exceptions; the rule is the contrary. Because the same things that historically allowed tropical humid forests to persist are those that have limited the political hegemony and authority of the central state. If debates about devolution and conservation lose sight of this fact, they will be little more than ‘wishful thinking’.