

# SITUATION REPORT

---

## Awastingni Mayanagnina Sauni umani pasyak trabilni balna ulyakna

### Report on the advances in territorial property rights of the Sumu-Mayangna community of Awas Tingni, Nicaragua

*Esther Melba McLean Cornelio\**

#### Tunan bahwa

Awastingni kidi Sumu Mayangna pâni as ki Waspam sauni sahyakna pani sauni sahyakna pisni kaupak ki. Bilwi, Puerto Cabezas tawanni kaupak 100 kilumita ki, Atlantik Kus kumani kung Mâ kawa sauni sahyakna, Nikarawa akat. Adika pâni kidi panamahka tuni yuyulwi Awastingni pâni kidi muih 1,850 yalalahwi, pamali kau laih 305 ki, û laih 286. Muih mahni kau kidi muribian sutsni balna ki. Kûl ûni as dûwi primaria kulni ul duwi, sikundaria laih tercer año kat manah duwi. Sikundaria sumal-niyang balna kidi tawan silp lalahni kaupak lauwi diyawi.

Mâ muihki nuhni yamni dunin lainni yak laih, panabas ûnibin as sak ki dawak yamah laihwi talyang (enfermero) as sak ki. Panabas

lah bulah dûwi muih nitni balna bitik yak diyanin sip awaski.

Pamali as as kidi 2005 kurihni kaupak pawawas (lait) dudûwi Panel solar kaupak Persa pruyiknitu munah (proyecto de electrificación en zonas aisladas), Ministerio de Energía y Mina. (Presidente Comisión de Iluminación de la comunidad).

Wingnuh Félix 2007 bayakna usnit yak kal uduhna as as û balna daukalna kidi wisamni pakwi diyayana dawak sau sulihni (pozo) bik yayamna dawak warmani kat pa sulihni 6 kidi yamni rauki dawak pamali as as kidi kaupak was dudûwi.

Pâ naikau balna karak yulbauwi talnin lainni yak laih 2011 kurihni kaupak Nicanet pruyinitu munah internet, tilipunu duwi, radio comunicación laih panabas uni dawak acción médica

\* Coordinadora, Bluefields Indian & Caribbean University—Centro de Investigación y Documentación de la Costa Atlántica (Bilwi-Puerto Cabezas BICU-CIDACA office). Email: estermelmclean@yahoo.com

cristiana yak dudûwi. Adika pruyiknitu bitik kidi 2007 kurihni kaupak wark yayamwi.

Kaput bik tâ nuhni (karitira) munah bik Waspam dawak Bilwi Puerto Cabezas tawanni yak kiunin sip ki. (adika tâni kidi DANIDA, 2006 kurihni yak yamna).

Yakisdinin laihni yak laih pâ muihni balna kidi putbul dawi bal aihwa kidi yakikisdi.

Sara mani kaupak muihkina barak balna kidi lalah yaknin sâtni warkni balna yayamwa dai

- **Dî dahnin:** dî minik dawak pan rikni kau ukuswa yulnin kat malai, wilis sâtni.
- **Dimuihni dawi waspa dîni:** wiya, wami, kalu dawak waspa dîni sâtni îhiwa dai. Adika sât warkni kidi wingnuh Félix bayakna kaupak disna, kat waspa, panpas nunhni yayamni di sangnika sat duwa dai kidi ul daukalna bangh. Kaput bik wara laih muih sulani uk balna aiwi kawi panpas yak pan pihwi daukalwi aiwa bangh di sangnika duwa balna kidi diswi kiwi. Kidi bangh waralaih arakbus kau dî îhiwas ki kaunah sûl kau laih dî îhiwi.

Kidi bangh pa muihni balna as as kidi MAPINICSA yak tat yakwi bakakanwi, uk ûk balna laih kampani yak warkni yayamwi adika 2011 kurihni yak kaput dai.

Mayangna sulani dawak sauni yulni ramhni dûwa balna yulni bayakna kidi; Mayangna sulani kidi sara mani kaupak sau ritsni sat dûwa yak yalalahwi dai; sangnika dûwa sâtni dawak pan sâtni balna, was dawi asang balna. Adika balna karak la kat rispik lani kat bik yalalahwa dai, kat asang, was, panpas dawi dî daniwan balna kidi yak kulna nuhni diyayawa dai bangh. Kidi bangh Mayangna balna kidi rispik munwi lâ kat ritsni balna kidi yus yayamwa dai. Kaunah warmani kat adika lâni bitik kidi diswi kaiwi. Sip ki sulani ûk balna aiwi yayalahwa yulni dawak wingnuh Félix yaklauwi.

Adika tranibil kidi kalahwi, lalah lainni yak, yalahwa lâni dawak trabilni sâtni mahni yulni kalahwi. Ais yulni sâra mani kaupak muihkina barak balna sumu-Mayangna sulani balna kidi dî niningh balna tanit dakwi aiwa dai kaunah

waralaih AMASAU sauni daklana pasyak trabil as pâ lakwi laihwi talwi. Nangnitlana kidi lâih palni ki, mâ kabamintki kidi wark sâtni balna yakwas ki dawak indian sulani pâni balna yak ritsni balna dûwa kidi kaupak barakwi kiunin lâni as yamwas ki kaput bik indian sulani pâni balna kûl sumalna yamni as dis ki.

Awastingni pâni muihni balna kidi walaninabis kul anin yulni kurih mahni trabil kalahwi aiwi. Papangh balna kidi dî, waspa dîni îwi bakanwa kaupak nitni balna bitik laihwi barangni yamnin sip awas dai, kidi bangh MADENSA kamnipani kidi 1992 kurihni yak asangpas as walwi kiuna taim pâ muihni mahni kau palni kidi papangh balna kidi lalah yaknin tâni yamni as kukulna dai.

Pâ muihni barak balna yaklau MADENSA kamnipani kidi AMASAU sauni kaupak pan yaknin kidi munah lalah dudûwarang kulwi wilin kalahwi 25 kurihni pitni pan sâtni yaknin wauhnitaya as rawawasna dai.

Adika wauhnitaya rawasna taim muih as bik minitna talwas dai lâ lainni yak, kidi bangh kampani ramhni manah yamna dai pâ ramhni laih dibin kauh dai. Pâ muihni balna kulnin laihnin yulni panabas ûni as, tâ dawak wasbinina dakyaklanin tâni yamnin pramis kalahna. Kaput dawak wauhtaya kidi biri biri rawawasna, dawak 1992 kurihni yak MADENSA kidi mahka pan daknin warkni kidi tuna bahna dai. Kaunah pranimis kalahna kidi laih yamwas dana.

Kaunah kal uduhna as as WWF dawak Arizona Uninversidad kapat kaupak ilp mai mumunna dai, Iowa, muih as lâ lainni yak maniking launin, kaput dawak wauhtaya rawasnyangna dai kidi watwi laihwi talwi kurih singka manah pan pihnin anidar kalanamayang dai.

Dawak tawan adik mahka pan yaknin yamwa sak kat MARENA ânipis nuhni kaupak SOLCARSA kamnipani yak tawan sauni kaupak 63 iktaria pitni yak pan yaknin anidar ûk kalana dai, muihasluh as minit kau salap kurih pitni wark yamwi danh kalahwak adar ûk muihasluh bâs wark yamnin kalana dai. Adika

bitik kidi tawan yak yulwi dakawas yamna.

Supa wainiku 1995 kurihni dawak kuah wainiku 1998 kurihni yak pâ muihni dawak mâ sauki sahyakna tunan muihni bû kalpakwi recurso de amparo bû yamna dai Nikarawa sauni yak Corte Suprema de Justicia ânipis yak trabil kalahna kidi yulni.

Pâ muihni balna kidi lâ kat ramhnina yulni yuyulna SOLCARSA yak adar kalana kidi dauh yamnin dawak bik awastingni sauni kaupak kalahwi kiunin yulni lâ yulwa kaput pakwak kalah kiunin yamna dai.

Kuah wainiku mâ 27, 1997 kurihni yak Corte Suprema de justicia kidi SOLCARSA anidar kidi dauh yamna kidi yulwi yakna, kaunah MARENA adika anidar lana yak yamwas dana. Dauh kauh laih Consejo Regional yaklau anidar kidi watwi laihwi papatnin yulni kal uduhna as yamna.

Sim kurihni yak MARENA dawi Consejo muihni bû dawi mâ sauki sahyakna kabanmint karak SOLCARSA kamnipani yak adar as kalana Awastingni sauni pasyak, panpas pis as walwi talnin, pâ muihni balna yak adar yakwas adika yamna, kaunah Consejo muihni bû yaklauwi pan yaknin anidar dai kidi dauh yayamna 63 iktaria as. Mâ tunak muihni balna kidi mâ sauki pas akat mâ ramhki mayawas dawak Nicaragua kabanmint yak lâ ahana, 1998 kurihni yak, Corte Interamericana de Derechos Humanos munah.

### **Corte Interamericana de Derechos Humanos lani laihwi talna kidi**

Corte Interamericana de Derechos Humanos kidi Awastingni ramhni kalana saring wainiku mâ 31, 2001 kurihni yak. Lâni adika laihwi yamnin kat kabamint kidi la as rawaswi yaknin dai kaput laih la kalana yak yamnin sip dai. Kidi bangh Nikarawa kabanmint kidi lâ as rawaswi yakna dawak indian sulani yalahwa pâni balna yak kiwi yulwi dakana sâtni yamna.

Asamblea nacional kidi batanhna wainiku mâ, 13 yak la 445 kidi parasni kalana, indian

sulani balna dawak sulani ûk balna kulnin aslah yalahwa sauni daklana dawak Bocay wasni, Coco dawi Indio maíz sauni daniwan lâni. Adika lâni adik kuskus wainiku mâ 23, 2003 kurihni kaupak yus yamna dai.

### **Lâ 445 laihwi yamwi kiuna dai 2001 kaupak 2007 kat**

Sau sahyakna balna yak sauni kulwi kalanin tunan dûwa (CIDT) dawi sau ûl yak sauni kulwi kalanin tunan dûwa CONADETI karak aslah kalahwi adika warkni balna yayamwi:

- Was yal wainiku 2003 kurihni yak CIDT tunan dûwa balna tannika walwi talna as yamna dai corte interamericana yaklau sentencia yak kaput adar lana dai bangh.
- Wing wainiku 2003 kurihni yak lâ 445 yulwa kaput sauni kulwi kalanin yulna kidi wauhnitaya duna dai kaluduhna mahni kaupak.
- Wah sinak wainiku mâ 30, 2004 kurihni yak comisión kidi rawaswi yakna kidi parasni kalana dawak wing wainiku mâ 4 yak CONADETI tingni yak lawi kalana mâ 45 pasyak Awastingni sauni wauhnitaya kidi kalanin, lâ 445 sahyakna 69 yak yulwa kaput.

Batanhna wainiku mâ 16, 2004 kurihni yak, CONADETI laihwi yamwas dawi Consejo Regional muihni sau kulwi kalnin tunan dûwa balna tingni yak lawi kalana trabil balna kidi laihwi barangni yamnin yulni.

Dawak Sau sahyakna balna yak sauni kulwi kalanin tunan dûwa CIDT yak sans kalana mâ 30 pasyak CONADETI tingni yak lawi kalanin, lâ 445 sahyakna bin 69 kau yulwa kaput. kaunah CIDT kidi Awastingni tainikil yulna mani kaupak waiku 12 kat laihhwi yamna.

CIDT kulnin lâni kidi laih lâ 445 sahyakna bin 69 yulwa kaput ki, dawak CONADETI lâni balna kidi laihwi yamnin lawi kalana mâ 45 pasyak taikil balna kidi yamwi daniwan balna yak kalanin kaunah conadeti Secrenitario kidi

tranibil adik Consejo Regional yakauh lawi kalana.

Sau kulwi kalawa kalauduhna CRAAN kau bangh kidi CONADETI la lawi kalana kidi barangni yamwas dauh kau laiwi apakpakna waiku 26 bayakna, batanhna wainiku 16, 2004 kurihni kaupak kuah wainiku 2007 kat.

Kuah wainiku 2007 kurihni yak Daniel Ortega King kana kat dawak adar lana tranibil adika sirihni laihwi barangni anin, kat king bas kakana kaunah Awastingni ramhni kalanin want awas dai.

Saring wainiku 2001 kurihni kaupak batanhna wainiku mâ 4, 2008 kurihni yak mâ sauki kingni Daniel Ortega yakklauwi Awastingni ramhni kalawi wauhntitaya tingni yak kalana dai.

### Lâ 445 kidi ais yah?

Indian sulani dawak sulani ûk balna kulnin aslah yalahwa sauni daklana dawak Bocay wasni, Coco dawi Indio maíz sauni daniwan ramhnina balna. *¿Ais ilpni duwih?* Sau daniwan lâni sat bû kidi laihwi yamnin yak ilp kalahwi: indian sulani ramhni (kaluduhna ramhni balna). Sulani ûk balna ramhnina (muih alas alas ramhni balna).

### Amasau Sauni wauhntitaya kalanin

Tanit kau laihwi talna, trabil balna kidi laihwi talwi barangni ânin /yalahwi yulbauwi talna (lahwi barangni anin).

### Yulbauwi talna

Lâ 28 sahyakna 23 yak sahyakna bin (4) kau yulwa kaput yamnin yulni sau sahyakna bitik yak kiwi yulbauwi talna yamna. Adika yulbauwi talna balna yak suts bitik kaupak sumalyang balna kalududuhwa dai 2001 kaupak 2005 kat, kaunah 2007 kurihni yak, Yatama kaluduhna

bik pasyak âna taim tunan muihni balna kidi kulnin lâni ûk yayamna kaunah Mayangna balna yak manah dutni yamwas dai kaunah witingna silp muihnina Miskitu balna yak bik dutnini kidi yayamna. Adika warkni yamna pasyak mâ sauki sahyakna yak universidad kulni ûni balna bik pasyak kawi sumalna sâtni balna, pâ muihni balna karak tanit kau laihwi talna balna yamna dai. Mâ sauki sahyakna tunan muihni balna laih uba palni nininglauna yayamwas dai, kat witingna silp nitnina kat wawalwa bangh.

Nikarawa kabanmint yaklau Awastingni ramhni kalanin kidi 7 kurih dawak waiku 4 bayakna, saringni wainiku mâ 31 kaupak batanhna wainiku mâ 13, 2008 kurihni kat. Lâ 445 yamnin kat, kabamint kidi kurih as minit kau waiku 4 bitik kat waiku 16 bayakna, kat pas tuna kidi yulwi dakana usnit yak lâni adi asamblea nacional yaklau parasni ânin dai.

Dawak Conadeti laih corte interamericana sentencia yak muih ramhni yulwa kidi kat yamnin yulni 6 kurih bayakwak kat laihwi barangni yamna. Waralaih titulu duna kaupak pat kurih 3 bayakwi waiku kau laih 36 Nikarawa kabanmint kidi mahka trabil balna laihwi barangni yamnin (saneamiento) kidi tunan bahwarang tahadi.

Awastingni wauhntitaya kidi numba 2373 yak rawaswi yakna, bukni 015, basni 1° muih ramhni awaskat ritsni balna rawaswi yakwa bukni yak, ayangni rawasna rabutna, ulwi yakna N0 5297 yak yulwi, bukni 015, numba 092- Bilwi tawanni yak, batanhna wainiku mâ 13, 2008 yak. batanhna wainiku, ma 14 de diciembre, 2008 kurihni yak daniwan balna yak diyana.

Sau tranibil balna laihwi barangni yamnin warkni kidi parasni palni ki, kat ispayul balna as as kidi sau wauhntitaya dudûwi, mâ sauki sahyakna tunan muihni sât kaupak butnina minit diyayana kidi dudûwi. Kaput bik ispayul ûk ûk kaupak dibakakanna, ûk ûk laih pâ muihni as as yaklauwi dibakanna, kaunah adika bitik kidi pâ muihni balna yak yulwi dakawas yayamna.

Kidi bangh nitki yamni amanglawi dawi trabil balna kidi laihwi barangni yamnin

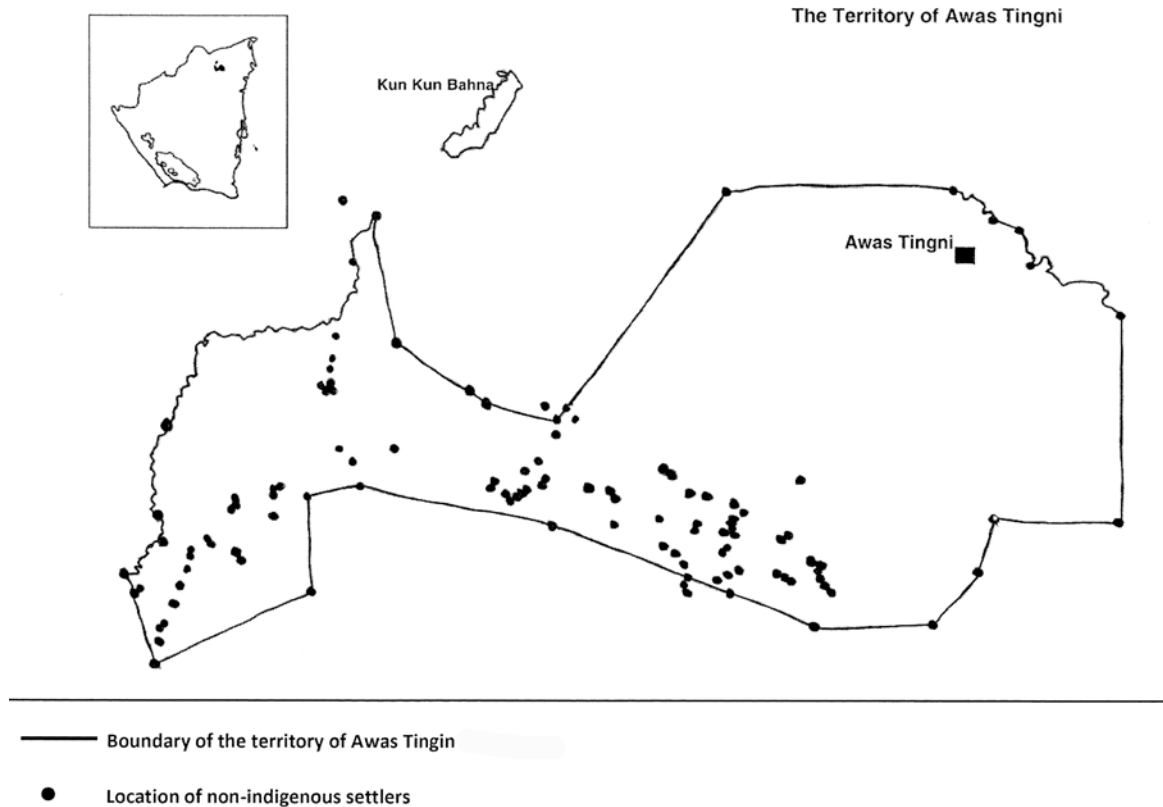


FIGURE 1. Awastingni sauni wayani pasyak ampus nuhni dawak ampus pitni muih uk kakana kidika

(saneamiento) kidi tuna bahnin. Kidi bangh yamni ki pastuna kidi Nikarawa kabanmint yaklau wauhntaya tainikil kalana kidi yamni amanglanin yulni sumalna as yamnin.

- Trabil balna kidi laihwi barangni yamnin (saneamiento) tannika kidi yamni amanglanin yulni sumalna balna yamnin, lâ 445 kau indian sulani sauni ramhni yulni yulwa kaput.
- Ispayul balna yak trabil balna laihwi barangni yamnin (saneamiento) tannika dawak kal uduhna ramhni dawi muih aslah ramhni tannika bik sumalnin. (indian sulani ramhni dawi sulani uk balna ramhnina) indian ramhni dawi indian awas ramhni.

### Trabil balna laihwi barangni yamnin (saneamiento) kidi laihwi yamnin: (la kat)

1. Ispayul balna as as silp uwi kakana balna kidi kulnin lâni sauni kidi kaupak dawi

kalahnin paknin.

2. Sauni pisni daukalna balna kidi pâni ânin yulni ilp walnin (wat pan dahnin, asangpas maintalnin pâni as yamnin). (pan minik, dî dahnin dîni balna, minit talnin dawak laiwi talnin).
3. Wark balna yamnin kulwa kidi yamnin kat kabamint bik sangnika mahni balna tanit daknin apaknin yulni lalah as dûwa atnin ki.

### Mâ sauki ramhni mayanin yulni kalbauna balna yamnamayang

Sahyakna 4 kidi yamna sauni kulwi kalana, sauni wauhntaya kalana, lâ 445 kau yulwa kaput. AMASAU SAUNI SAHYAKNA yak baisesahyakna las (saneamiento) kidi baisesa yamwas ki. AMASAU tunan muihni kidi tunan muihni balna yak sauni trabil kidi laihwi barangni ânin yulni wauhtaya 5 sihna. AMASAU tunan muihni kidi sau bakakanwa

muihni, adar dis ritsni balna yayakwa yulni yakna 7 yamna kaunah tunan muihni balna kaupak nangnitlana as bik duwas ki.

### **Amasau sauni daklana pasyak pa bu kau ispayul uiwi kakana kidi**

Taim as 2000 kurihni kaupak 2010 kat kidi ispayul balna kidi 19 pamali dai kaupak 560 pamali kat ki. AMASAU sauni daklana pasyak ispayul balna kidi 1990 kurihni kaupak aiwi kakana. 2000 kurihni yak ispayul pamali 19 manah dai. 2003 kurihni yak (diagnóstico) yamna yak 25 pamali manah rau dai, 11 kidi amput uiwi kakana pa yulnin want awas dai, û laih 7 manah rau dai dawak muih kau laih 43 dai. Adika laihwi talna (diagnóstico) bayakna usnit yak muih baises uiwi kakana. Warmani mani kat laih ispayul manah 560 pamali ki.

### **Amasau sauni daklana pasyak ispayul kakana yak dutnini kidi**

Panpas pâ nuhni bauwi pan pihwi diswa kidi yamwa kidi dawak ritsni ûk balna diswi kiwi. Panpas kidi satuk yus yayamwi, dî dahnin manah dai kidi waralaih turuh kauh sasahwi dawak yamak pâ nunuhni babauwi. Was tuna balna daukakalwi dawak was kung balna yak

pan bik uba pipihwi daukakalwi kaput bik kûl warkni bik lâ kat yayamwas ki. Dibasta sâtni dudutni bik dadahwi. Pâ muihni balna niningna yak trabil yayamwi: kulninna lâni yamak kau uiwas ki kau palni kidi tâ kanin sâtni, dipamnin sâtni, pan minik sâtni ânanin dawak bik saunina û balna lapakwi talnin bik sip awas kalna.

### **Pâ muihni balna kidi bik kalahwi yuyulwi**

Amasau BÎK KALAHWI sirihni palni sauni tranibil kidi laihwi papatni yamnin AMASAU tunan muihni karak lâ 445 kau yulwa kapat INDIAN SAUNI DAKLANA AWASTINGNI MAYANGNA SAUNI ÛMANI AMASAU tranibil kidi laihwi papatnin. Kaput laih Awastingni sauni ramhni dûwa kidi main talwi tanit dakwarang kat adika dîni adika pân munnin, muih uk yak kalanin dawak daniwan ûk ayangni kau lanin sip awaski. Mâ sauki yak Procuraduría General kidika Intendencia de la Propiedad ânipis munah kabamint yaklau ispayul balna yak sau diyana kat Awastingni Sauni Ûmani pasyak yalahwa bang pâ walwi talnin ki. Corte Suprema de Justicia kidi wais muihni sau bakanna kidi dawak wauhtaya yamwi diyawa muihni balna kidi walwi talwi lâ munwangh.

## Introduction

Awas Tingni is a Sumu-Mayangna community located in the municipality of Waspám. The name Awas Tingni means blood-water-arm, a name which the elders also used for the Pine River, which is situated 100 kilometres from the city of Bilwi-Puerto Cabezas in the North Atlantic Autonomous Region (RAAN), Nicaragua. It is a Sumu-Mayangna village that uses the Panamhka dialect. The community of Awas Tingni consists of a population of 1,850, living in 305 families residing in 286 houses, the majority of whom belong to the Moravian Church. The community has a primary school, and a secondary school which students can attend for 3 years, with the costs of secondary education being met by the community's own funds. As regards health care, the community has a clinic staffed by one nurse who attends to common illnesses, with a few scarce medicines for people in need.

Since 2005 a number of families from the community have had access to solar-generated electricity through the Project for the Electrification of Isolated Zones (PERSA) which is part of the Ministry of Energy and Mines. After Hurricane Félix in 2007 some organizations supported the reconstruction of new wells to provide access to potable water, which added to an existing six wells that are shared by the families of the community. From the beginning of 2011 the community has had access to the Internet and telephone network through the NICANET project, a United States based network of non-governmental organizations (NGOs), and radio communications were established at the health centre at the beginning of 2007 through support from the NGO Christian Medical Action. Another important means of communication is the road from the community to the municipal capital, Waspám, as well as Bilwi-Puerto Cabezas, which was constructed in 2006 with support from the Danish NGO DANIDA, and the Nicaraguan and Danish governments. The principal forms

of recreation in the community are sports, especially football and baseball.

It is also important to mention that the principal economic activity of the community is agriculture, especially the planting of musa, which is a type of banana, basic grains, fishing, and hunting mountain game, such as lowland pacas and turkeys. Hunting and fishing activities have declined after Hurricane Félix, which damaged significant parts of virgin forest that formed the habitat for different birds and animals.

There are a number of outsiders who have settled in the territory of Awas Tingni, mainly Spanish-speaking mestizo colonists (see Figure 1), who carry out deforestation which has affected many places and caused a scarcity of wildlife. It is because of this that hunting with guns has been replaced by hunting with dogs. Nowadays the majority of the community work for the timber company MAPINICSA and will continue to do so until its concession runs out in December 2012. Another important economic activity for the men of the community is the small-scale sale of timber through small logging companies.

## The antecedents of the Sumu-Mayangna people and their struggle for territorial rights

Since the days of their ancestors the Sumu-Mayangna people have occupied territories rich in natural resources, such as flora and fauna, rivers, and hills. With these resources the community has had a close relationship and respect for nature because we believe that the hills, forests and animals are their own masters. Our ancient ancestors always had a mentality of care and respect for nature's way of not consuming more than you need; they had a philosophical vision to preserve nature and, above all, to know how to live in relation with nature, and it is because of this philosophy towards nature that they jealously guard natural resources.



This philosophy enabled their children and future generations to see and enjoy the efforts to preserve nature, and in the same way to keep alive their own culture and traditions as a simple indigenous group. Our ancestors were people with so much wisdom to respect nature, to care for and preserve it through their own united community coordination. Since these far off times they have been practising forms of organization, coordination, and leadership through which they choose the wisest from amongst themselves to represent and lead them in all daily activities inside the tropical forest, together with the gods of the natural world. From these very ancient times have come practices of justice that today are known as customary laws which is simply the rule and order of good social behaviour that has a dual character in its application: there has always been a *wihta* (judge), and an interpreter of natural powers, such as the *Ditalyang* who was a spiritual healer and leader, whose power was located in the biggest hills and hidden inside the forest. Everyone was responsible for the task of looking after their own area, meeting to review how their activities were progressing and resolving any problems, and attending an *Asanglawana* (Grand Assembly) which was also the way in which they organized rituals, changes of leadership, and dealt with deviant behaviour by community members.

The organizations of our elders, which used the *Ditalyang* and the *wihta*, have now changed in relation to the system for managing natural resources. What I am wanting to say is that *sukias*, or healers, no longer exist and have been replaced by indigenous territorial governments. I would also suggest that before the indigenous territorial government structures existed there were territorial associations with a governing council whose objective was to protect natural resources, defend the territory and look after ancestral heritage. Today these responsibilities have been taken over by the indigenous territorial government, with a slight difference in that they are also responsible for running

small social and human development projects in the territory.

Our *Sumu-Mayangna* ancestors respected nature and made rational use of its resources. Nevertheless, today this practice of respect is undergoing a process of change for a number of different reasons, such as the presence of other cultures alien to the *Mayangna* people, as well as the impact of Hurricane Félix in September 2007. On the other hand, it is also important to mention the social, economic and political context in which these changes have taken place. It is important to analyse and compare indigenous *Sumu-Mayangna* communities and how the ways our ancestors preserved resources are now threatened in the territory of *Amasau Mayangna Sauni Ûmani*. The answer to this problem is simple: the government has not created jobs or development programmes for the benefit of the indigenous communities which would allow them to live in dignity from the resources that they have. There is also a lack of good education programmes for students from indigenous peoples in their communities.

For many years the *Sumu-Mayangna* community of *Awas Tingni* possessed the means to send their children to secondary schools outside the community. This situation was extremely difficult for parents with the income they earned from hunting and fishing. When the timber company *MADENSA* arrived in 1992 many parents, and especially fathers, viewed this as an alternative to increase their family's income. According to the elders, this was the principal cause for our community signing a 25-year concession with the owner of *MADENSA* for the extraction of precious woods from the territory of *Amasau*. However, because the community did not have any legal or technical support to scrutinize the concession it signed, the company became the main beneficiary rather than the community. To convince the communities, the company promised to build a clinic, an access road and a bridge. In 1992 *MADENSA* began cutting precious woods belonging to the community, while the promises it made to



the communities were never fulfilled. Thanks to organizations like the World Wildlife Fund (WWF), the University of Arizona and the University of Iowa who provided personnel to give legal and technical advice, it was possible to renegotiate the concession and reduce its operations in the area by 5 years.

At the same time as the community was initiating these logging activities the Ministry of Environment and Natural Resources (MARENA) granted a 30-year concession over 63,000 hectares of community forestry to a logging company, Sol del Caribe SA (SOLCARSA), which was automatically renewable for a further 60 years. All these actions were done without the consent of the community. Between September 1995 to February 1998 the community and two regional councillors presented a case before Nicaragua's Supreme Court of Justice claiming that the concession granted to SOLCARSA was illegal. The community won its case and the concession granted to SOLCARSA was annulled, with the company being ordered to leave Awas Tingni communal lands in accordance with the law. Although the Supreme Court of Justice issued its verdict on the annulment of the concession on 27 February 1997, MARENA did not take the actions necessary to force the company to comply with the sentence. Instead, the regional council of the RAAN held a special meeting which ratified the concession.

In the same year, MARENA, together with two members of the RAAN regional council and the coordinator of the RAAN regional council, granted SOLCARSA a concession to explore natural resources on community lands without the consent of the owners of the territory. In response, two RAAN councillors appealed against the decision and managed to annul this unconstitutional act in favour of the community over an area of 63,000 hectares of territory. After exhausting all the administrative and judicial means to stop the granting of illegal concessions to exploit the resources and assets of Awas Tingni, the community sued

the Nicaraguan state for not recognizing its territorial rights. In 1998 Awas Tingni brought its case before the Inter-American Court of Human Rights (IACHR) of the Organization of American States.

### **The implementation of the sentence of the Inter-American Court of Human Rights**

The IACHR issued a ruling in favour of the community of Awas Tingni on 31 August 2001. According to the sentence, the Nicaraguan government was required to implement the sentence. For this reason, the Nicaraguan government introduced a bill to demarcate indigenous lands and to initiate a consultation process with the communities and indigenous territories. On 13 December 2001 the National Assembly approved the Law of Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of Atlantic Coast of Nicaragua and of the Rivers Bocay, Coco, Indio and Maiz (Law 455) which became effective on 23 January 2003. The government took 1 year and 4 months to create the law; from the drafting of the bill to the consultation period and final approval by the National Assembly. Law 445 serves to regulate the ownership of two property systems: the rights of the indigenous people (collective rights) and the rights of ethnic communities (individual rights).

### **The process of implementing Law 445 (2001–2007)**

The Intersectoral Commission for Demarcation and Titling (CIDT) in coordination with the National Commission for Demarcation and Titling (CONADETI) were given the responsibility to conduct the process of demarcating indigenous lands and to issue territorial titles to these lands. In June 2003 the CIDT helped

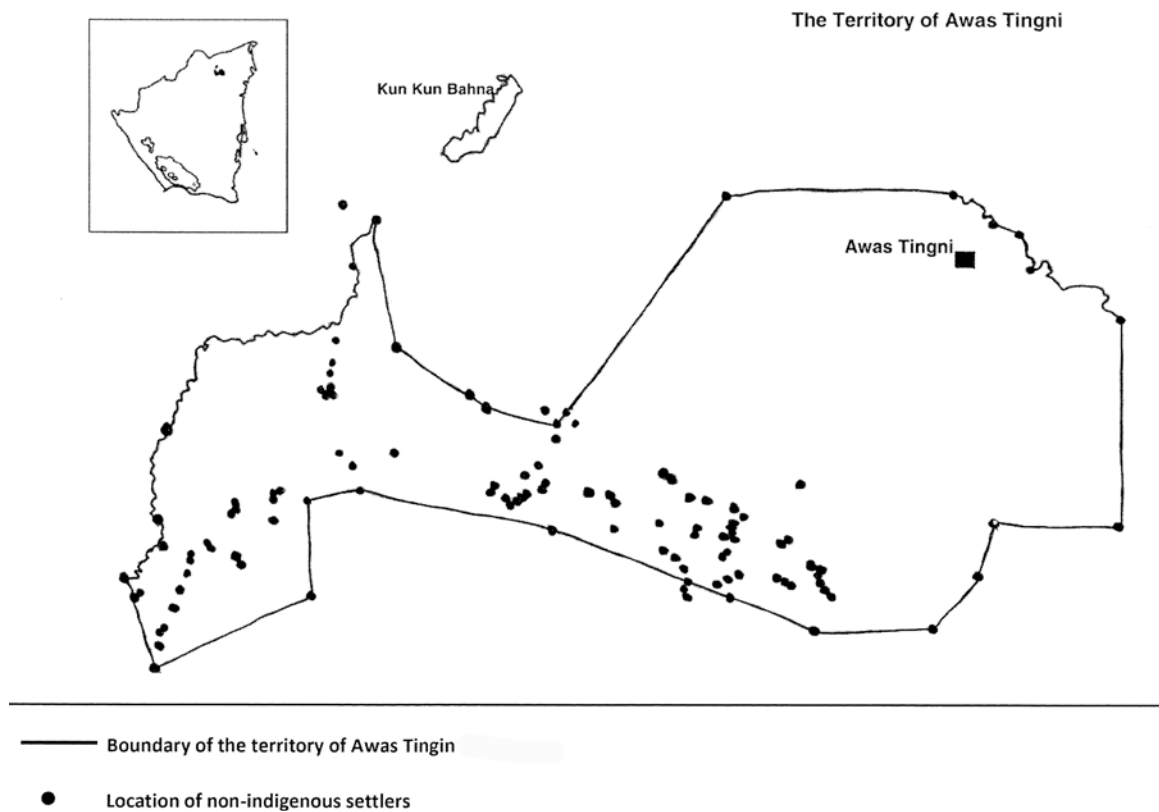


FIGURE 1. Map of the territory of Awas Tingni denoting non-indigenous settlements

the community of Awas Tingni in the diagnostic elaboration of its land claims as mandated by the sentence of the IACHR. In November 2003 the CIDT received the demarcation proposal from the community as required by Law 445. On 30 October 2004 the CIDT approved the decision of the full commission and on 4 November passed it on to CONADETI to grant a land title to Awas Tingni within 45 days as stipulated by Article 69 of Law 445. On 16 December 2004, CONADETI went to the Demarcation Commission of the regional council of the RAAN asking it to mediate in the resolution of a conflict between Awas Tingni, neighbouring communities, and non-indigenous colonists who had settled in the territory.

After receiving another request to mediate in the dispute from CONADETI, the Demarcation Commission of the RAAN regional council put the case on hold for 26 months, from 16 December 2004 to February 2007. When president-elect Daniel Ortega assumed his office in February 2007 he ordered the resolution

of Awas Tingni's title application, which was granted on 14 December 2008, something that the three previous governments had failed to do. The recognition of the title of Awas Tingni by the Nicaraguan government occurred 7 years and 4 months after the decision of the IACHR. The title for Awas Tingni was registered as number 2373, volume 015, entry 1, Land Registry Office, Inscription Column, Entry No. 5297, Volume 015, Folder 092, Bilwi, RAAN.

### Conflict resolution: Negotiations and mediation

#### *Negotiation*

After territorial assessment in the community, a process of dialogue began in all the adjoining territories in accordance with Article 23(4) of Law 28 of the Autonomy Statute. A number of pastors from different churches participated in this

process who had worked continuously on the process from 2001 to 2005. During this period the regional universities played an important supporting role in training and development at the diagnostic stage along with the participation of important regional actors. Nevertheless, at the beginning of 2007 the RAAN government, which was led by the Miskitu political party YATAMA (Yapti Tasba Masraka Nanih Aslatakanka—Peoples of Mother Earth Party) adopted a partisan approach which has negatively affected the claims of the Mayangnas and some sectors of the Miskitu people. There had been little collaboration with regional authorities because of corrupt politicians in search of personal gain.

### **Clearance of non-indigenous colonists from the territory**

The process involving the clearance from the territory of non-indigenous settlers and colonists is the most difficult process of all the stages as there are now outsiders and mestizo colonizers who were granted land titles within the territory by municipal and regional authorities as political favours (see Figure 1). There are also cases where land has been sold to outsiders by people who are themselves illegal settlers on land within the territory, and there are cases where the land has been sold by a member of the community without permission from the rest of the community.

For these reasons incidents have arisen when it is necessary to reach an understanding between the parties to proceed to the stage of clearing the territory of non-indigenous colonists. On the other hand, you have to consider the importance of training community members to interpret correctly the authenticity of titles granted by the Nicaraguan government in terms of the scope and legal significance of such titles. Training has also been important in terms of the correct interpretation and direction of the phase for removing non-indigenous settlers

from indigenous towns and villages according to Law 445, as well as informing settlers on what the law says about the issue of clearing non-indigenous settlers, and on individual and collective rights; for example, the property rights of the indigenous peoples.

### **The process towards the clearance of non-indigenous settlers**

According to the procedure stipulated in Law 445, the process of clearing settlers and colonists from indigenous lands entails the following stages: i) to require illegal residents to leave the area voluntarily; ii) to solicit resources from the state for reforestation, seeds and other materials, and for monitoring and evaluation; iii) to complete all the activities outlined in this law the state must include within the national budget funds to help conserve the biodiversity of indigenous territories.

### ***Challenges to the recognition of territorial rights***

One of the greatest achievements is the fact that Awas Tingni now has a territorial title that is recognized and respected, so that our ancestors who are no longer with us can rest in peace knowing that their lands have a communal property title. Compliance with four stages in the process of titling and demarcation established by Law 445 has taken place, yet one final step remains; the clearance of colonists from the territory of Amasau. The territorial government of Amasau has issued five complaints in relation to this to the relevant authorities, yet has still not received a reply. Furthermore, Amasau's territorial government has made several complaints against land speculators and officials who legalize these sales, as well as against people who illegally extract the territory's natural resources, such as timber and gold, yet it has not received a response from national and regional authorities.

## **Colonization of two sectors of the Amasau territory**

The colonization of the Amasau territory began at the end of the 1990s. In 2000, there were 19 non-indigenous migrant families living in the territory. In 2003, during the diagnostic process to demarcate the territory, 25 non-indigenous migrant families were identified, 11 of which refused to give information to the assessors who documented seven encampments which they presumed were occupied by migrants (approximately 43 people). In a decade (2000–2010) the number of non-indigenous migrant families settled in the territory has increased from 19 to approximately 560. Since the diagnostic process was completed the number of non-indigenous migrant families living in the area has continued to multiply (see Figure 1).

## **The consequences of the colonization of the territory of Amasau**

Today the number of colonists resident in the territory of Amasau within Awas Tingni has reached more than 560 families. Some of the effects of this colonization by outsiders are: i) the deforestation of a wide area of forestry and the devastation of natural resources; ii) a change in land use towards extensive cattle rearing and agriculture; iii) contamination and destruction of water ways by deforestation and gold mining; iv) threats to members of the community. All of these make it impossible to develop fundamental activities and traditions in the daily

life of the community, such as hunting, fishing, fruit picking, and visiting sacred sites.

## **The current demands of the community of Awas Tingni**

Awes Tingni requests and expects national and regional authorities, together with the territorial government of Amasau, to immediately initiate the fifth and final stage of the demarcation and titling process established by Law 455 in 2003: the stage of clearing Amasau in the indigenous territory of Awes Tingni of non-indigenous settlers, to guarantee the recognition and effective protection of the property rights that the community of Awes Tingni has over the territory of Amasau, as well as guaranteeing the inalienable and indivisible indigenous character of the territory. The Attorney General of the Republic of Nicaragua, through the Office of Property Administration, must begin an investigation on the allocation of lands by the state to the families of settlers, squatters and colonists that are living in the indigenous Mayangna territory of Sauni Ūmani, Amasau. Ultimately, the Supreme Court of Justice must investigate and punish those public officials involved in illegal land speculation and the legalization of land sales within the territory.

## **Acknowledgement**

I wish to acknowledge Valentina Villegas for helping design the map (Figure 1) in this report.

## Glossary

Amasau	the ancestral territory
Mayangna Sauni	of the Mayangna
Ūmani territory	community
Asanglawana	Grand Assembly
Ditalyang	interpreter of natural powers
NICANET project	US-based network of NGOs
RAAN	North Atlantic Autonomous Region
sukias	healers
wihta	judge
YATAMA	Yapti Tasba Masraka Nanih Aslatakanka (Peoples of Mother Earth Party)—the main Miskitu political party