

## Nicaragua Overview

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### Environment

Nicaragua is bordered on the north by Honduras and on the south by Costa Rica. Over 90 per cent of its people, and the centres of government and the economy are located on the narrow Pacific Plains. The majority of Nicaragua's minorities live in the very sparsely populated tropical Atlantic lowlands, which comprise over 56% of the national territory.

### Peoples

Main languages: Spanish, English Creole, Miskitu, Sumu, Rama

Main religions: Christianity (Roman Catholic, Evangelical, Moravian, Episcopal)

Main minority groups: Miskitu, Creoles (9%, CIA 2007), Mayangna (Sumu), Garífuna, Rama

Nicaragua's indigenous minorities (5%, CIA 2007) comprise five different groups speaking six different languages. Their communities are located mainly in the rainforests and lagoons of the Atlantic Coast Region. It contains the nation's richest reserves of natural resources and the second largest tropical jungle in the Americas after the Amazon in Brazil.

Nicaragua also has substantial minorities of Middle East and East Asian origin.

### History

Nicaragua is unique in Latin American colonial history. It was colonized simultaneously on the western Pacific side by Spain and on the eastern Atlantic coast by Britain. Under Spanish rule the indigenous Central and Pacific coast populations were almost annihilated. Many were enslaved and shipped to South America to work in Spanish colonial precious metal mines. Over time the remaining indigenous groups mixed with the Spanish colonizers, out of which evolved the dominant Spanish-speaking, Catholic mestizo culture of today. There are still a few indigenous Mayagna communities on the Pacific Coast.

The Atlantic Coast peoples avoided early depopulation mainly due to Spanish disinterest in colonizing areas with limited mining potential and fiercely resistant inhabitants. The indigenous population were mostly Chibcha speakers who lived by hunting, fishing and shifting agriculture. Chibcha who had little to do with the Europeans became known as the Mayagna (Sumu). Another Chibcha group the Rama, also maintained communities and continued to use their own language.

In the early 17<sup>th</sup> century. British pirates began using coastal estuaries as hideouts then turned to extracting the region's natural hardwoods in association with the indigenous group that became known as the Miskitu. Africans from around the Caribbean who had escaped bondage also moved to the Mosquito Coast and some joined in with indigenous groups. This collection of indigenous inhabitants who became mixed with people of African origin, and Europeans evolved into a distinct autonomous Miskitu culture that combined elements from all the groups including language and social structures.

The Miskitu established firm relations with the British crown thereby gaining access to firearms and other imports, which helped them to acquire significant ascendancy over other coastal groups. During the British Protectorate period (1687-1787), the Miskitu functioned as intermediaries in European trade dealings with other indigenous peoples, conducted long distance. slave raids and assisted in the recapture of escaped slaves in other Caribbean territories. They often joined the British in forays on rival Spanish holdings and eventually became the largest of the Coast's ethnic minorities.

In the late 17<sup>th</sup> century British traders and settlers began bringing Africans to the Nicaragua Atlantic Coast for forced labor timber extraction and plantation work. After emancipation in the late 19<sup>th</sup> century they were joined by economic migrants from Jamaica and Belize. All had mixed with both European settlers and indigenous groups and together they formed a distinct English-speaking minority who became known as Creoles They established population centres in the southern Atlantic Coast, and became the next largest minority group with a culture rather similar to Caribbean nations.

Britain surrendered most of its claims to the Atlantic Coast in 1860 and the region remained as a notably prosperous autonomous reserve until 1894. In the 1890's US commercial interests attracted by the region's considerable natural resources began establishing large scale fruit, gold and timber extraction enterprises and the US government sought to gain exclusive rights to build a trans-isthmus canal using the Atlantic Coast as the Eastern entry point.

With the coming to power of President José Santos Zelaya in 1893, the Nicaraguan national army invaded the Caribbean coast aided by US marines and forced territorial integration under central government control. Annexation brought increased mestizo migration to the coast and policies of economic and cultural absorption. This included pressures for total assimilation of the Caribbean Coast into the dominant Pacific based Hispanic mestizo mainstream via government decrees that marginalized the indigenous cultures and languages of the region.

A national war of liberation against American occupation led by Augusto Cesar Sandino was organized largely on the Atlantic Coast in Miskitu areas. US Marine and Nicaraguan National Guard efforts to capture the revolutionary leader were ultimately unsuccessful, however Sandino was tricked into attending peace talks with Guard commander Somoza Garcia and assassinated in 1934. Under the incoming dynastic Somoza dictatorship, the Caribbean Coast remained marginalized and neglected despite the considerable wealth being generated through resource extraction by US companies.

From 1936 onward, Somoza García ran Nicaragua as his giant family estate and amassed a large fortune. For two decades he cultivated and won powerful allies in the United States. Foreign companies were given free rein to exploit Nicaragua's gold, silver, timber and seafoods, almost all sourced in the

Caribbean Coast region. In the rest of the country the National Guard was used to repress political opponents and anti government activities.

Mestizo migration to the coast increased significantly during the Somoza era helping to increase Caribbean Coast resentment and antagonism towards the Pacific region.

Following his assassination in 1956, Somoza was succeeded by his US trained sons Luis Somoza Debayle who ruled as president and Anastasio Somoza Debayle who commanded the National Guard.

They continued and strengthened the system of absolute economic and political control, corruption and support for U.S. policies. In 1961 the Caribbean Coast city of Puerto Cabezas was used as the launching pad for the unsuccessful CIA backed Bay of Pigs invasion of Cuba.

That same year a small group of Nicaraguans inspired by the Cuban revolution, formed a guerrilla force aimed at overthrowing the Somoza regime. They took their name from the nationalist revolutionary leader Augusto Sandino calling themselves the Sandanista National Liberation Front (FSLN).

During the 1960s the Frente gained support mostly among students, rural Nicaraguans and poor urban youth in the Pacific region. After years of repeated defeats in clashes with the National Guard the Sandanistas eventually benefitted from the declining popularity of the Somozas following the 1972 Managua earthquake.

By August 1978 a Sandinista commando force was able to seize the National Palace taking the Nicaraguan congress hostage and greatly enhancing their reputation. By the time the Sandinistas finally took power and set up a junta and a broad-based cabinet on July 19, 1979, an estimated 50,000 Nicaraguans had died in the revolutionary effort.

Relations with the United States deteriorated steadily thereafter especially following the 1981 election of the strongly anticommunist Ronald Reagan administration. Reagan suspended aid to Nicaragua, imposed an economic boycott, and began supporting an armed opposition guerrilla force known as the contras.

Meanwhile the Sandanistas increased efforts to impose a socialist economic model which did little to dispel the long held Caribbean Coast antagonism and suspicion of Pacific region populations.

Relations between the monocultural socialist Sandanistas and the multicultural independently minded Coastal indigenous and Creole communities continued to deteriorate, prompting a significant number of Miskitu to become allied with the US-backed antigovernment 'contra' forces and triggering a search for political solutions.

Following the Sandanista victory in the 1984 elections, two years of nationwide discussions produced the 1987 Autonomy Law, which was aimed primarily at achieving peace and focusing national attention on the rights of the coast's peoples. The region's minority groups welcomed the autonomy proposal as an opportunity to guarantee not only multi-ethnic cultural, linguistic and religious rights but also historic economic rights to land and trade, and to share in the exploitation of natural resources. However with the change in government after 1990, making 'autonomy' work as envisaged has been a very slow and protracted process.

## **Governance**

The 1987 Autonomy Law is a unique and remarkable initiative aimed at limited self-rule within the

Republic. Two autonomous zones were created; the North Atlantic Autonomous Region (RAAN) and the South Atlantic Autonomous Region (RAAS) with their respective governing councils however no provision was made for implementation of the statute. After 1990 the Violeta Chamorro government reasserted central control through the Managua-based Regional Development Institute (INDERA). It was not until July 1993 that the councils were able to present a draft to expedite Autonomy implementation.

Meanwhile the coastal populations continued to take initiatives on their own and in March 1995 The University of the Autonomous Regions of the Atlantic Coast (URACCAN) began its first year aimed at developing the necessary human resources for a genuinely autonomous development. This was further enhanced with the later establishment of the Bluefields Indian and Creole University (BICU).

Elections in 1996, and again in 2001 did little to change central government attitudes. In May 2002 Nicaraguan President Enrique Bolaños refused to swear in the Autonomous Council for 8 months. Exploitation of the regions resources has continued with companies engaging in resource extraction without consent from the indigenous owners.

There was notable progress in statute approval by the National Assembly in 2003 ensuring better recognition of the rights of indigenous people and ethnic communities as well as consolidating the juridical-legal framework of the Autonomy. Most notable was the passage of regulations for the Statute of Autonomy itself. Other very important regulations also gained legitimacy such as the Law of Demarcation of Communal Property (Law 445); the General Law of Health (Law 423) that recognizes the use and promotion of the traditional medicine in the Autonomous Regions; the Law of Conservation, Development and Sustainable Development of the Forest Sector (Law 462) that establishes the power of the Regional Councils to determine forestry policy and grant concessions.

Nevertheless the Central Government continued its unilateral handling of the Caribbean Coast natural resources in flagrant violation of the Autonomy Laws. Prime examples are the authorization of fishing licenses through ADPESCA by the Ministry of Development, Industry and Trade; the operation of the mining company HEMCO; as well as the licenses given to timber companies through INAFOR.

Furthermore the National Development Plan presented by the Central Government in 2003 did not include the Caribbean Coast in any of its perspectives. This was challenged by coastal organizations as well as international funding institutions prompting the UNDP to support the preparation of a special Regional Development Plan consisting of programs and a variety of specific projects.

International NGOs continued to be the main funders of regional development projects and programmes such as the bilingual education program. The centralization of administrative funding also persisted manifested in the retention or delay of funding assigned to the region's governing structures. Of the US\$33 million (568 million córdobas) budget allocated for public investment in the Autonomous Regions only US\$1.9 million (32 million) was actually administered by the Regional Council. This was seen regionally as another coercive measure to force acceptance of policies imposed from Managua.

Moreover despite the advent of autonomy, the ever increasing influence of Managua based national political parties on the internal political activities of the autonomous regions since the 1990s, has seriously compromised the original intention of those who drafted the autonomy law. The victory of the Sandanista Party under Daniel Ortega in the December 2006 national elections raised hopes among indigenous and Creole supporters on the Caribbean Coast for a revitalization of the autonomy process and an end to the implicit and explicit discriminatory attitude towards populations of the Autonomous Regions at official levels.

This expectation encouraged the emergence of a new political alliance between the FSLN and the YATAMA Party (Yapti Tasbaya Maraska Nani Asla Takanka or Organization of the Nations of the Mother Earth) which is the country's largest indigenous socio-political movement. After years of limitations imposed against it by Nicaragua's Supreme Electoral Council (CSE), YATAMA chose to contest the December 2006 elections jointly with its former wartime rival the Frente.

YATAMA has its roots in the Miskitu/contra anti-Sandanista resistance and had long been a fierce adversary of the FSLN. It was created when MISURASATA (the Miskitu, Sumu and Rama Sandanista Alliance) led by Brooklyn Rivera and militantly anti-Sandanista MISURA/ KISAN led by Steadman Fagoth reorganized as a political party in 1988. Since then YATAMA has enjoyed considerable support among the indigenous majority Miskitu population of the RAAN, first winning seats in the regional council in the 1990s and since 2005 holding mayoral positions in the three main RAAN cities of Bilwi, Waspam and Prinzapolka.

In the December 2006 national elections one female YATAMA candidate won a seat in the Central American parliament and Brooklyn Rivera, the leader of YATAMA gained a seat in the National Assembly.

According YATAMA's leaders, the unprecedented political initiative was intended to ensure greater ethno-cultural inclusion after years of marginalization and economic stagnation. It was seen as a means of better enabling the indigenous Miskitu, Rama and Mayagna peoples and Creole and Garifuna minority populations to collectively address socio-economic development issues and exercise greater control over regional resources and institutions.

YATAMA argued that that the former Liberal governing party (PLC) never defended the region's multi-ethnic group interests choosing instead to promote Pacific centered party based agendas and Hispanic cultural homogeneity that failed to protect minority languages or cultures.

## **Current state of minorities and indigenous peoples**

Local human rights groups have pointed out that the continuing discrimination and exclusion of indigenous people, and those of African origin has had increasingly negative consequences. Significant inequalities persist between the Autonomous Regions and the rest of Nicaragua.

There has been a marked increase in the levels of deprivation. While the rate of extreme poverty in the rest of the country has fallen by up to 14 per cent in the past five years, during the same period it has increased by 11.1% among minority and indigenous Caribbean coast populations.

Residents have very low rates of formal employment and are mainly engaged in subsistence fishing, farming, and mining. . The unemployment level in the region is estimated to be running at close to 90% compared to 6.9% in the country as a whole.

The majority of Nicaragua's indigenous and minority rural populations still have no access to modern health care and the situation is only marginally better in the main urban centres. Patients suffering from serious illnesses have to be transported by helicopter to hospitals in the Pacific region.

Out of 5,398 primary schools in the country, only 200 are located in the Autonomous Regions, and the illiteracy rate is 40 per cent versus 23 per cent for the country as a whole. Despite the existence of multilingual education programmes aimed at incorporating indigenous languages, no funds have been allocated for the material and human resources required. Consequently very little use is made of these

languages and Spanish instruction still predominates.

Basic services are also limited or nonexistent. Provision of drinking water stands at only 16.2 per cent in the RAAN and 24 per cent in the RAAS against 60-70 per cent in the Pacific regions. The situation of transportation is even more acute. In many cases indigenous communities can only be reached by water transport and any roads that do exist are in very poor shape. The RAAS possesses no more than 225.3 kilometers of paved roads, while the RAAN has almost no tarred roads and is only accessible from Managua by aircraft.

There is clearly little or no investment in infrastructure however in 2005 the government began to gradually implement an agreement with local authorities to improve highway construction, water supply, health care, and education.

According to local organizations, more than private sector companies, it is government agencies such as the National Police, the National Army, the Social Service Ministries, and the Judicial System that appear to most infringe on the population's human rights. On a day-to-day basis the actions of these agencies prompt the majority of denunciations made by indigenous and minority groups regarding violations of Autonomous Rights.

Observers have also noted that in recent years the rest of the country has been increasingly using the Caribbean Coast as a 'social safety valve' and exporting its poor onto the regions' traditionally owned lands. One of the most pressing issues for the minority and indigenous people is the continued immigration of poor Pacific region residents to the Atlantic Coast in search of economic opportunity. There have been a number of violent confrontations between settlers and indigenous people, leading to fatalities.

This invasion is characterized by increasing conversion of the low-lying tropical rain forests to unsustainable agricultural land. Large areas continue to be burned or cut along a north-south line that stretches across the country. This is relentlessly moving further east at a rate of about 400 square miles a year, which is 10 times faster than in the Amazon. Estimates are that if it continues the Autonomous Region's rainforests will be all gone by the year 2025 with devastating environmental consequences.

Of significance for indigenous and minority groups in Nicaragua is that the republic is yet to ratify ILO Convention No. 169.

Nevertheless in September 2001 the Inter-American Court of Human Rights handed down a historic decision in favour of the Mayagna (Sumu) Community of Awas Tingni who had brought a case against the Republic. Evidence was presented indicating that the state had issued permits for logging on 62,000 hectares of indigenous land without informing or seeking consent of the communities. The courts were able to draw on the American Convention on Human Rights and recognize Awas Tingni's lands as indigenous community 'property' based on traditional use and occupancy.

The IACHR has jurisdiction over Nicaragua in accordance with the terms of the American Convention on Human Rights and by Nicaragua's 1991 declaration accepting the Court's jurisdiction, however so far the government has demonstrated a marked reluctance to honor the compensations required under the IACHR AwasTingni decision and the land in dispute has not yet been delimited.

This is not the first time that the Inter-American Commission on Human Rights has intervened in Nicaraguan affairs on land related issues. In 1984, following conflicts between the Nicaraguan government and Miskito communities, the Commission recommended that the government define legal

title to indigenous lands to protect indigenous property rights. However since 1990, the Nicaraguan Institute of Agrarian Reform (INRA) has not granted titles to any indigenous or minority community and the planned National Commission for Demarcation of Indigenous Lands (CONADETI) is yet to be established.

In June 2005 the IACHR ruled that the government had also violated the political rights of the Miskito and Sumo in 2000 when the Supreme Electoral Council prevented the primarily indigenous Yatama political party from competing in municipal elections held that year. The IACHR determined that the government must acknowledge its violation of Yatama rights and pay US\$80 thousand (1.36 million cordobas) in damages. The government agreed to abide by the ruling.

Nicaragua qualified in early 2004 for nearly US\$45 billion in foreign debt reduction under the Heavily Indebted Poor Countries (HIPC) initiative. This was based largely on its earlier successful performances under its International Monetary Fund policy program. In theory that should help ease the nation's financial constraints thus making more money available for social investment in previously marginalized areas like the Caribbean Coast where the economy has been largely stagnant for the past decade.

In October 2005, Nicaragua ratified the US-Central America Free Trade Agreement (CAFTA), which its promoters promise will provide more opportunities for investment and increase economic development. However judging from the tendency of successive central governments to view exploitation of Atlantic Coast resources as a solution to the country's economic problems, CAFTA may very likely increase the pressure on the indigenous people and minorities to relinquish more of their territory and rights with no reciprocal economic or social benefits.

However it should also be noted that besides CAFTA, in January 2008 Nicaragua signed on to ALBA (Alternativa Bolivariana para los Pueblos de Nuestra América or The Bolivarian Alternative for the People of Our America) which is an hemispheric initiative proposed by the government of Venezuela as an alternative to the US promoted Free Trade Area of the Americas (FTAA).

ALBA presents itself as a counterweight to trade and economic relationships with North America and promotes the idea of social, political, and economic integration between the countries of Latin America and the Caribbean.

As of April 2008 other ALBA member states included Bolivia, Cuba, Ecuador, Venezuela and the Caribbean islands of Dominica, Antigua, Barbuda St. Vincent and the Grenadines.

Nicaragua has already entered into a four nation Peoples' Trade Agreement (Tratado de Comercio de los Pueblos - TCP) with Venezuela, Cuba, and Bolivia which includes an agreement by Venezuela to forgive Nicaragua's \$31 million debt.

Of interest to indigenous and minority populations of the Nicaraguan Coast is that ALBA touts a vision of social welfare and mutual aid which are central values in the traditional cosmo vision of most of the hemisphere's indigenous peoples. On the other hand trade and economic relationships with North America historically have tended to emphasize natural resource extraction and highly competitive large scale commercial initiatives, which, have had a mainly negative impact on indigenous populations dating back to the early colonial period.

It remains to be seen whether some of the mega-projects being envisioned by the FSLN government as

part of its ALBA relationships, will take into account indigenous concerns.

Indigenous and afrodescendant populations on the coast have a better chance of providing input into such discussions following the December 2006 elections in which three Creole deputies from the Caribbean Coast were elected to the Central American Parliament; two of whom were women.

The need for establishing an environment favourable to social and economic development became even more important following the affect of Hurricane Felix on the Caribbean Coast in September 2007. The Category Five storm with an average wind speed of 230 mph devastated the North Atlantic Autonomous Region (RAAN), which is mainly inhabited by the Miskitu indigenous group. 90% of the crops were destroyed along with livestock and fishing equipment and reconstruction was estimated to cost approximately \$50 million.

However the hurricane did not only damage infrastructure and disrupt lives but its effects spilled over into the political arena as well.

Beginning in April 2008 a series of violent incidents erupted in the RAAN administrative centre of Bilwi – Puerto Cabezas sparked by efforts of the Regional Government to postpone municipal elections in the three cities of Bilwi, Waspam and Prinzapolka. The clashes involved pro and anti-postponement factions. There was at least one death while dozens more suffered gunshot wounds and minor injuries.

The RAAN Regional Council argued that the conditions for organizing the November 2008 municipal election had been seriously compromised by the widespread destruction, and that voting should be postponed. They cited damage to government records and infrastructure like the schoolhouses normally used for casting ballots.

Under the Autonomy Law, the Regional administrations have final authority on such issues therefore based on the RAAN Council's request Nicaragua's Supreme Electoral Council (CSE), unanimously decided on a six month postponement and rescheduled voting for April 2009.

The CSE is a bipartisan body made of three FSLN members and three Constitutional Liberal Party (PLC) representatives with an independent chair, however the outcry and conflict that erupted over their decision was one more indication of how Managua based national party wranglings continue to threaten the viability and spirit of the autonomy process on the Coast.

Several members of the national opposition organized demonstrations in Managua and threatened to block a vote that would allow US\$140 million in International Monetary Fund (IMF) transfers to the country, unless the RAAN election postponement was overturned.

Among their supposed concerns was which level of government had the right to cancel elections. According to the Autonomy Law regional governing councils have the final word, nevertheless opposition lawmakers in Managua sought to make the case that only the National Assembly has the right to cancel an election in the country.

Caribbean coast rights activists have pointed out that from the outset Managua based liberal and conservative national opposition parties have never fully endorsed the idea of autonomy for the indigenous and minority populations of the Caribbean region. Moreover in the ongoing climate of national and international hostility to the Sandanista government, the opposition has seen in the RAAN election conflict another opportunity to weaken and embarrass the regime either directly or through proxies.

The RAAN autonomous regional government that requested the postponement is controlled by YATAMA. However although essentially a regional party, YATAMA chose to establish a coalition with the FSLN to contest the December 2006 elections making it now a national opposition target.

Consequently despite obvious logistical issues, opposition forces accused the RAAN authorities of using the natural disaster as a political ploy. They claimed the real motive for vote postponement was retention of power by the YATAMA /Sandanista coalition who fear electoral defeat in November 2009.

In one incident, an opposition Party delegation from Managua on an alleged fact finding visit to Bilwi was temporarily detained on an aircraft by hundreds who either opposed or welcomed the visit. Shots were fired and rioting later spread as the factions clashed.

Anti-Sandanista protesters invaded and damaged the YATAMA-controlled mayor's office. The house of the Secretary of the Regional Council as well as two government vehicles were burned and all flights in and out of the regional airport were temporarily suspended.

The vote postponement has also brought to the forefront internal divisions within the indigenous community between the 'new YATAMA' and diehard anti-Sandanista indigenous holdovers who reject any accommodation with the Frente and strongly oppose the pro-government stance of the current YATAMA leadership.

According to media reports the national Liberal party officials had arrived in the RAAN on the invitation of a disaffected anti-Sandanista indigenous women's group leader who had sought national opposition party support in defending the right to hold elections.

However in a region where the churches traditionally have played a strong socio-cultural role, an Ecumenical Council spokesperson indicated that most of the RAAN's predominantly indigenous population did not feel it necessary for municipal voting to take place on the designated November 2008 date. Moreover in light of current conditions a majority of residents preferred that the financial resources earmarked for such electoral exercises be used instead to buy food and provide basic needs following the widespread storm devastation.

YATAMA has consistently accused Managua based politicians of seeking to promote Pacific centered cultural homogeneity and anti-indigenous / anti- minority agendas at the expense of the region's population. In May 2008, YATAMA filed criminal accusations against the visiting opposition lawmakers charging them with inciting the violence and rioting in Bilwi.