

Saneamiento Territorial in Nicaragua, and the Prospects for Resolving Indigenous-Mestizo Land Conflicts

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ABSTRACT

Territorial conflicts between “indigenous people” and migrants identified as “*mestizos*” are intensifying across Latin America’s indigenous territories. *Saneamiento*—understood as the removal of *mestizos* from indigenous territories—is often presented as a solution to these conflicts. Yet, the underlying premises of the process remain poorly understood. This article aims to shed light on *saneamiento* as a process in Nicaragua, which is one of the first countries to implement *saneamiento* in its current form, and to draw attention to its inherent contradictions. Through the dual lenses of cultural politics and political ecology, I suggest that *saneamiento* reproduces the sedimented ethnic categories and difference-making that define neoliberal multiculturalism. This establishes an indigenous/*mestizo* binary, glossing over *internal* differences in power, realities, and identities within these seemingly natural categories. At the same time, *saneamiento* casts territorial conflicts as an exclusively local problem requiring local solutions, obscuring the broader political-economic and institutional structures at work. The paper reviews the prospects for *saneamiento* in resolving territorial conflicts in the Caribbean Coast of Nicaragua specifically.

KEY WORDS: *mestizo identity, territorial conflicts, ethnic categorization, Nicaragua*

RESUMEN

Los conflictos territoriales entre “comunidades indígenas” e inmigrantes, identificados como “*mestizos*”, están intensificándose en los territorios indígenas de América Latina. A menudo, se presenta el *saneamiento* territorial—interpretado como el desalojo de *mestizos* de territorios indígenas—como una solución para estos conflictos. Sin embargo, las premisas del proceso han recibido poca atención en la literatura y no queda claro si cumple con su objetivo. Las metas de este artículo son tanto dar a conocer lo que significa el *saneamiento* en Nicaragua—uno de los primeros países a implementarlo en su forma actual—como ilustrar las contradicciones inherentes del proceso. Usando un enfoque doble de política cultural y ecología política, sugiero que el *saneamiento* reproduce categorías étnicas sedimentadas y la construcción de diferencia, típicas del llamado “multiculturalismo neoliberal”. Esto establece una categoría binaria indígena/*mestizo*, mientras oculta las diferencias *internas* en términos de poder, realidades, e identidades dentro de estas “categorías”

aparentemente naturales. Al mismo tiempo, el saneamiento presenta los conflictos territoriales como un problema exclusivamente local, requiriendo soluciones locales, lo que esconde las estructuras políticas y económicas más amplias que influyen en la situación. El artículo evalúa el potencial del saneamiento para resolver conflictos territoriales en la Costa Caribe de Nicaragua específicamente.

PALABRAS CLAVE: *identidad mestiza, conflictos territoriales, categorización étnica, Nicaragua*

INTRODUCTION

Conflicts between “indigenous people” and “migrants”—identified as non-indigenous *mestizos*—are intensifying across Latin American indigenous territories. These conflicts are seen as intimately related to indigenous territorial struggles, whereby mestizo migrants are widely blamed for colonizing indigenous lands (e.g. Finley-Brook 2016; Mollett 2016). One of the countries where this issue is perceived to be extremely urgent is Nicaragua, where territorial conflicts are violent and have led to the loss of dozens of lives, and where the situation has provoked a recent surge of scholarly and media attention (e.g. Herlihy 2016; Parker 2016; Baracco and González 2016b; Robles 2016; Galanova 2017).

According to many of these accounts, conflicts in Nicaragua have escalated because of the incomplete implementation of 2003’s Communal Lands Law 445.¹ The law’s purpose is to officially recognize indigenous

and Afrodescendant communities’ titles to, and decision-making power over, their communal lands. While almost all communities already possess land titles, the fifth and last stage of the process—*saneamiento*²—remains incomplete. Saneamiento refers to the clarification of land titles and is in practice typically understood as the eviction of unlawful mestizo claimants from indigenous territories. It is this unfinished business of saneamiento that is seen to make indigenous and Afrodescendant communities vulnerable to continued colonization; until saneamiento is implemented, the logic goes, territorial justice cannot be achieved (Acosta 2010; Bonilla 2013; Mairena et al. 2014; Larson et al. 2016).

Even as saneamiento is heralded in this way, and despite widespread reference to the process in media and scholarly work, the concept of saneamiento itself has remained remarkably unpacked, particularly in the English-language literature (for accounts in Spanish, see Acosta 2010; Bonilla 2010, 2013; Mairena et al. 2014). Moreover, the obstacles to its implementation are typically seen as technical and political—i.e., lack of funds and political will, bureaucratic inertia, corruption, and electoral politics (Díaz and Ruiz 2008; Martínez and Ramírez 2013; Lorío 2014; Mairena et al. 2014; Larson et al. 2016). In contrast, few scholars have analyzed or questioned the *premises* of the process.

The aim of this article, then, is two-fold. First, I hope to shed light on saneamiento as a process: What does it mean? How is it implemented in practice? Second, I draw attention to the more in-depth, conceptual

contradictions inherent to the process. These goals are important because, as I will show, saneamiento—when understood primarily as the removal of mestizo settlers without addressing the underlying political-economic processes—is unlikely to halt colonization or lead to long-term land tenure security for indigenous communities, and may further exacerbate the conflict and violence instead. I suggest that such failure is likely because the process is firmly based on an indigenous/mestizo categorization made necessary by so-called “neoliberal-multiculturalism” (Hale 2002, 2005). This rigid binary legitimizes one group of people while delegitimizing the other, obscuring multiple and overlapping spatialities, identities, and realities within and across seemingly homogenous ethnic categories (see Field 1998; de la Cadena 2001; Hale 2005; Canessa 2006; Pineda 2006). Moreover, my political-ecological analysis suggests that saneamiento casts territorial conflicts as an exclusively local problem requiring local solutions, obscuring the broader political-economic and institutional structures at work (see Sundberg 1998; Nygren 2004; Peluso 2008).

What follows is informed by secondary research and field research (ongoing since 2012) in the northwestern part of the Northern Autonomous Caribbean Coast in Nicaragua; particularly in Mayangna Sauni Bas, a Mayangna indigenous territory contending with mestizo colonization.³ But while grounded dynamics in this region deeply shape the arguments made here, my purpose is not to unpack them per se. Rather, I aim to focus more conceptually

on the meaning and implications of saneamiento towards identifying broader lessons from the Nicaraguan case that are portable to sites elsewhere in Latin America where saneamiento-type policies are under consideration.

AUTONOMY OF THE CARIBBEAN COAST AND INDIGENOUS LAND TITLING IN NICARAGUA

Indigenous land struggles, the autonomy process, and the titling of indigenous territories on the Autonomous Caribbean Coast of Nicaragua have attracted attention from many scholars (e.g. Hale 1994; Gordon et al. 2003; Offen 2003a; Gurdíán 2004; Finley-Brook 2007). In 2016, a special issue of the *Bulletin of Latin American Research* (35:3) was devoted to analyzing how the autonomy process has—or has not—advanced since the 1987 Autonomy Statute and its initial 1991 implementation (Baracco and González 2016b).

Scholarly accounts have importantly identified several problems related to the Autonomy Statute and land titling, including: the multiple, overlapping levels of governance (Larson and Lewis-Mendoza 2012), the lack of devolution of power to indigenous and Afrodescendant communities (González 2016), and the unequal power relations between different entities involved in the titling process (Finley-Brook and Offen 2009). I draw from this and related literature to briefly summarize the histories that have led to the creation of the Communal Lands Law 445 that establishes saneamiento

as the fifth and last phase of the demarcation of indigenous territories.⁴

THE BACKGROUND OF THE AUTONOMY PROCESS AND LAND TITLING LEGISLATION

Saneamiento is the latest turn in what is a long history of indigenous territorial struggles in Nicaragua and elsewhere. As in other countries in Latin America, the colonial history of Nicaragua has had atrocious impacts on the country's indigenous populations (Vilas 1989; Baracco and González 2016a). What makes Nicaragua's case unusual is the historical division of the country into two. The Pacific Coast was colonized by Spain, whereas the Caribbean Coast was profoundly shaped by British economic interests and territorial ambitions (Vilas 1989). While these two regions were not completely disconnected (Baracco 2016), their relationship changed considerably in 1894, when the Caribbean Coast was forcibly annexed to the Nicaraguan state, ushering in an era of large-scale agricultural and resource-extractive concessions granted to (usually) U.S.-based companies (Mairena et al. 2014; Larson et al. 2016). In 1905, Nicaragua and the UK negotiated the Harrison-Altamirano treaty, which granted indigenous peoples basic cultural and territorial rights, while acknowledging the sovereignty of the Nicaraguan state over the area (Bonilla 2010; Larson et al. 2016). In practice, violations of the treaty were common (Pineda 2006; Finley-Brook and Offen 2009); yet, these early land titles would come to play an important role in justifying later land claims and in the drafting of the Communal Lands Law 445 in 2003 (Gordon et al. 2003).

There were few territorial and political-economic advances for indigenous people and the Caribbean Coast in general between the annexation and the end of the dictator Somoza era (Mairena et al. 2014). When Somoza was overthrown by the Sandinistas in 1979, there was hope that the revolution would contribute positively to the recognition of indigenous rights (Gould 2004a). Indeed, the Sandinista government initially promised to acknowledge indigenous land claims. However, these proved to be much more extensive than the state had originally anticipated (Gurdián 2004; Finley-Brook 2007; Finley-Brook and Offen 2009). MISURASATA (Miskitu, Sumu, Ramas, and Sandinistas organization; later MISURA) had presented a proposal to establish one single title for the Caribbean Coast, something that the Sandinista government opposed with strong political repression (Nietschmann 1989; Larson et al. 2016). In general, the attitude towards indigenous people continued to be paternalistic and romanticizing (Sánchez 2007; Baracco 2016). This was without doubt one of the reasons why many coastal indigenous people joined the U.S.-backed *Contra* forces and played a prominent role in the Civil War that followed (Nietschmann 1989; Hale 2011).

To end the armed conflict, the Sandinista government responded to indigenous organizations' demands for self-governance. As a result of these negotiations, an Autonomy Statute (Law 28) was drafted into the 1987 Constitution, which established Northern and Southern Atlantic Autonomous Regions (now Northern and Southern Caribbean Coast Autonomous Regions) (Finley-Brook

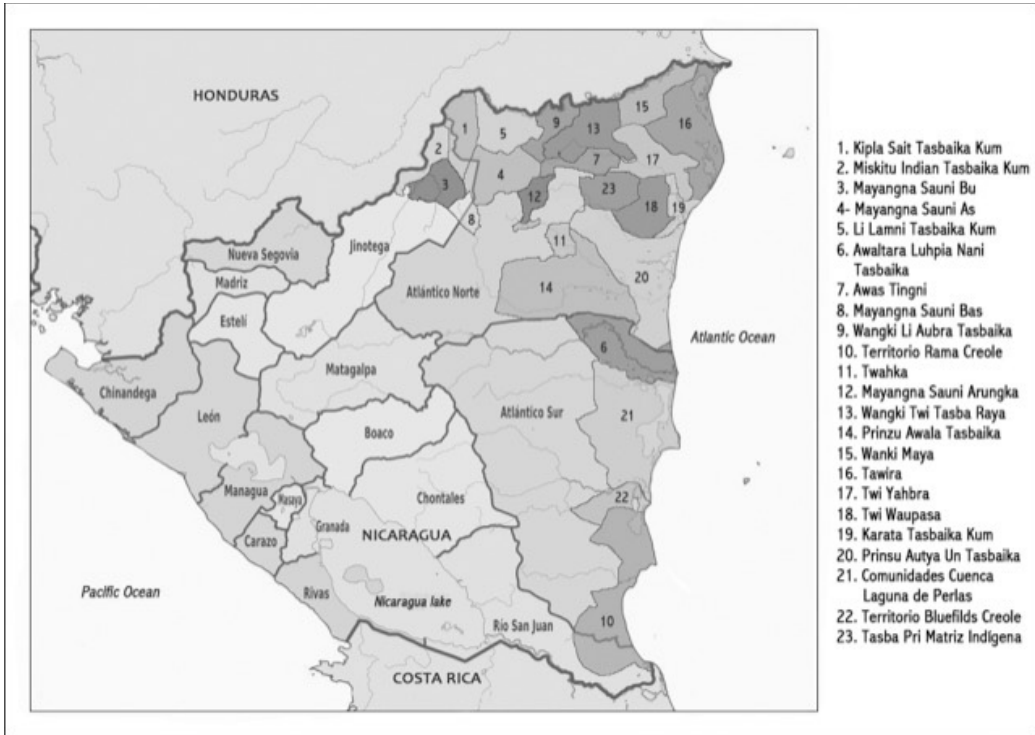


Figure 1. Demarcated indigenous territories on Nicaragua’s Caribbean Coast. Source: Modified from a map produced by CONADETI.

2007; Baracco 2016). These areas correspond to approximately 50 % of the national territory, with 12 % of the total population in Nicaragua (Mairena et al. 2014). The Autonomy Statute recognizes ethnic communities’ rights to “preserve and develop their cultural identity, forms of organization and property, as well as the use, enjoyment and benefit of ‘the water and forests on their communal land’” (Larson and Lewis-Mendoza 2012: 183). Despite this recognition, indigenous land security remained weak, and it took 16 years for the implementing regulations of the Autonomy Statute to be created (Vandermeer and Perfecto 1998; Mairena et al. 2014).

The subsequent neoliberalization of Nicaragua and other Latin American countries

coincided with the rise of transnational indigenous movements (Offen 2003b). The result was what Hale (2002, 2005) has described as “neoliberal multiculturalism”, a mode of governance that explicitly recognizes indigenous rights and cultural multiplicity, in sharp contrast to prior state adherence to the homogenizing concept of *mestizaje* (see Hale 1996; Offen 2003b; Gould 2004b). In this emergent political-economic context, indigenous organizations’ efforts at territorial demarcation and autonomy gained ground throughout Latin America, contrasting the earlier tendencies to usurp and nationalize indigenous lands (Offen 2003b; Gurdían 2004). Problematically, the World Bank and other international organizations’ support

for ‘market-based land reforms’ dove-tailed with these territorial autonomy efforts, such that multilateral development organizations became important funders of land titling and demarcation processes (Stocks 2003; Finley-Brook and Offen 2009; Mollett 2016). Even as these titling programs advanced, the Nicaraguan governments of Violeta Chamorro (1990–1997), Arnoldo Alemán (1997–2002) and Enrique Bolaños (2002–2007) continued to grant logging concessions and extract natural resources in indigenous territories.

One of the concessions—granted to a Korean company SOLCARSA—in the indigenous Mayangna territory Awás Tingni led the community to sue the Nicaraguan government in a high-profile case in the Inter-American Court for Human Rights in 1996 (Anaya and Grossman 2002; Wainwright and Bryan 2009). The court ruled in favor of Awás Tingni in 2001, and the case set an important legal precedent for indigenous territorial rights in Latin America. In Nicaragua, the decision contributed to the 2003 creation of the communal lands Law 445.

Law 445 recognizes the rights of indigenous peoples and ethnic communities to demarcate and title communal property, and to use, control, and manage their traditional lands and natural resources (República de Nicaragua 2003). The law also created CONADETI (National Demarcation and Titling Commission), as well as three cross-sectorial commissions (CIDTs) to facilitate the titling process (Mairena et al. 2014). Actual land demarcation, however, proceeded slowly, with the first large-scale titling effort not beginning until 2008 under the Sandinista

government that had returned to power in 2007—a process that resulted in the titling of 15 indigenous territories by 2010 (Finley-Brook 2012). Currently, 21 of the 22 indigenous territories in Nicaragua have been titled, covering approximately 52 % of the Caribbean Coast (see figure 1) (Mairena et al. 2014; Larson et al. 2016). These territories are now awaiting saneamiento—the last phase of indigenous land demarcation.

WHAT IS SANEAMIENTO?

SANEAMIENTO WITHIN THE LAND TITLING PROCESS

As mandated by Law 445 (Chapter VIII, Article 45), saneamiento follows the four preceding phases of indigenous land titling (República de Nicaragua 2003) (see Figure 2).

In this sequencing of land titling, Nicaragua’s approach to saneamiento differs from that used elsewhere, in that saneamiento takes place *after* a title has been granted. In Bolivia,⁵ by contrast, saneamiento (under the INRA⁶ law) is implemented as a clarification of tenure rights *before* the issuing of a land title—i.e., it is part of “conflict resolution” that precedes titling (Postero 2000). Critics have suggested that Bolivia’s sequencing of saneamiento allows the rights of all other land claimants to be prioritized ahead of those of indigenous people—leading to the *de facto* weakening of indigenous land security (Postero 2000; Reyes-García et al. 2014). In Nicaragua, the late-stage sequencing of saneamiento ideally prevents this outcome by first establishing indigenous rights to land, and then determining the status of “*terceros*”

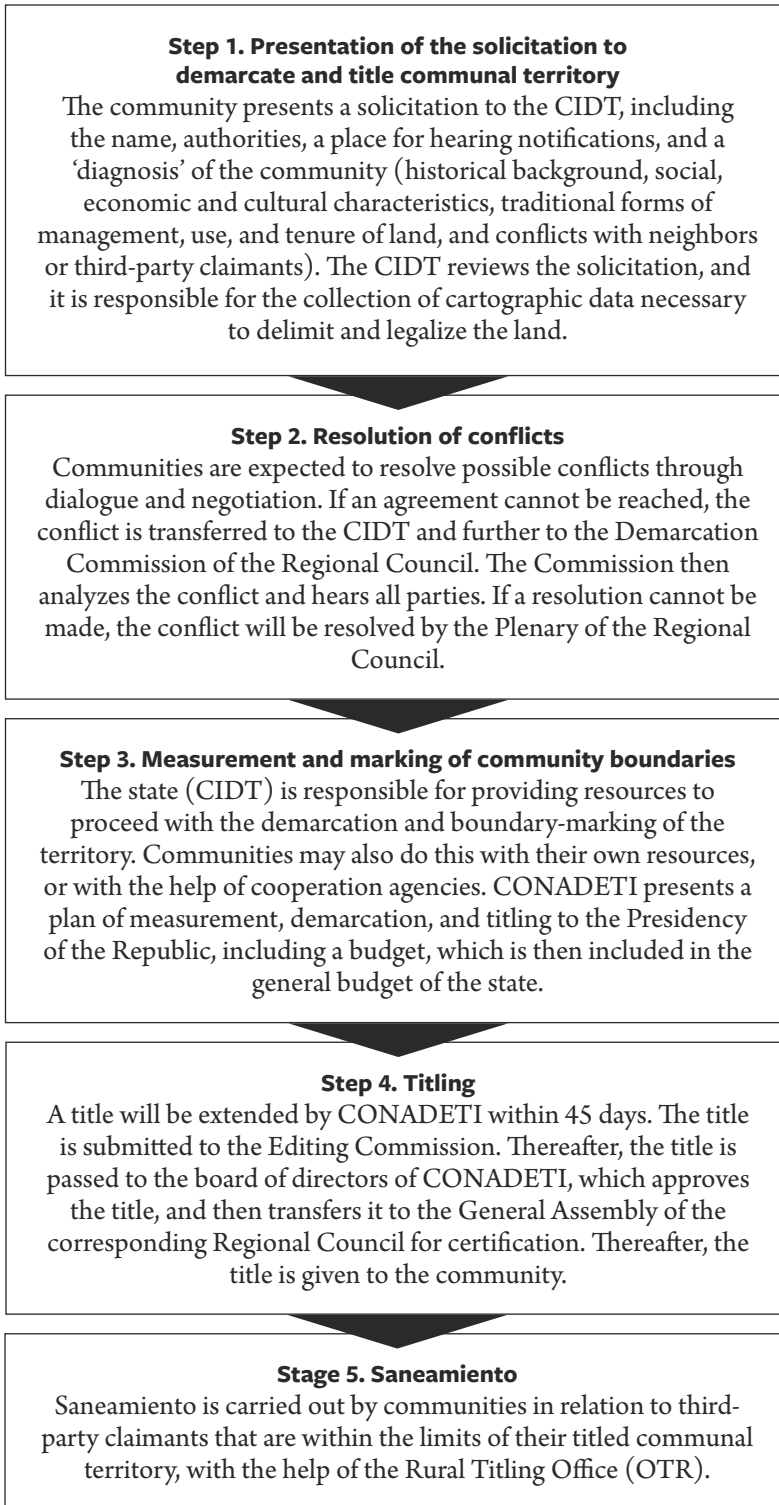


Figure 2. The author's summary of the five steps of land demarcation and titling, as mandated by the law 445, based on Bonilla (2010); Mairena et al. (2014); and República de Nicaragua (2003).

(i.e., third-party claimants—a catch-all term that typically references mestizo colonists). Thus, “there is no doubt that indigenous rights supersede the rights of colonists” (Larson and Lewis-Mendoza 2012: 190).

The first four phases of land titling have not been unproblematic (see Bonilla 2010 for a comprehensive analysis). However, the lack of implementation of saneamiento is generally described as the greatest hindrance for achieving territorial justice for indigenous populations, and indigenous communities, organizations, activists, and scholars are demanding the state to carry out saneamiento immediately (see e.g. Artola 2014; Finley-Brook 2016; Herlihy 2016). At the same time, there are different views and understandings of what saneamiento means, and how it should be put into practice (Bonilla 2013; Mairena et al. 2014).

HOW SANEAMIENTO IS UNDERSTOOD

Indeed, one of the challenges of saneamiento is the very ambiguity of the concept itself, and the room that it leaves for interpretation (Acosta 2010; Bonilla 2013; Mairena et al. 2014). This begins with the word itself, and its multiple meanings in Spanish. This is reflected also in the various ways in which scholars have translated the word into English.⁷

The language of the law 445 does little to clarify this ambiguity. The law only dedicates one article to saneamiento, stating that “each community, once having obtained their title, may begin the stage of saneamiento in relation to *terceros* on their communal land, with the help of the Rural Titling Office (OTR)” (República de Nicaragua 2003, my translation). Other juridical and administrative

instruments created to materialize saneamiento are similarly vague, including those of CONADETI.⁸ While its Manual of Operations establishes ten steps to carry out saneamiento, it is still not clearly stated what saneamiento *means*, or how to recognize it once it is achieved. As Bonilla (2010) points out, the absence of explicit conceptualization creates a juridical and administrative gap that then produces not just divergent interpretations, but false expectations and conflicts.

For example: for many indigenous communities, saneamiento has come to mean the removal of colonos from their territories (Bonilla 2010; Larson and Soto 2012; Martínez and Ramírez 2013; Mairena et al. 2014). This is also the position of the Miskitu political party YATAMA (Yapti Tasba Masraka Asla Takanka)—a position repeatedly articulated during the 2016 General Assembly of Indigenous Peoples (pers. obs. 2016). In the assembly, saneamiento was the most urgent demand of most Miskitu leaders. They expressed frustration with the slowness and bureaucracy of the process, which they typically attributed to the national government’s reluctance to act (see Acosta 2010). Moreover, they are rightfully concerned about the political implications of the influx of mestizos to the Autonomous Regions, considering that they already outnumber ethnic populations in the area (Mairena et al. 2014).⁹ As a consequence, some indigenous communities have begun *auto*-saneamiento, i.e., to forcefully evict colonos themselves (Artola 2014; Herlihy 2016; Romero 2016).

Yet, these efforts play out alongside other, quite different readings, of what saneamiento can be. For example, Law 445 leaves room

for the possibility of “peaceful co-living” between indigenous communities and mestizo settlers—as long as the settlers pay rent to the community on whose lands they aspire to reside (Bonilla 2010; Lorío 2014). Many indigenous communities are—understandably—hostile to this version of saneamiento, as is YATAMA. But some Mayangna communities have embraced this interpretation, as have the territories of Tasba Pri and Karata, where mestizo inhabitants—some of whom have lived in the area for decades—are widely accepted by indigenous communities (Díaz and Ruiz 2008; Bonilla 2013; Mairena et al. 2014). “Peaceful co-living” is also actively promoted and endorsed by the Nicaraguan state at national, regional, and municipal levels (Finley-Brook 2016; González 2016; Herlihy 2016). Despite such endorsement, the dominant interpretation of saneamiento remains centered not on co-existence but on the eviction of colonos from indigenous territories.

Related to, but distinct from, these dueling understandings of just what saneamiento is, is the fact that Law 445 places the responsibility for its execution onto individual communities. While this governance arrangement is framed as community empowerment, it also relegates by far the messiest and most costly phase of the land titling process to communities who rarely have the economic or political means to carry it out (see Acosta 2010; Bonilla 2010). Although communities are ostensibly helped in this endeavor by the Intendancy of Property and the Rural Titling, it is possible to interpret the CONADETT’s demarcation and titling manual as to absolve this central state entity of any such

responsibility (Bonilla 2010).

WHO IS A TERCERO/COLONO?

What remains unclear, too, is exactly who is entitled to what rights under Law 445, and—in the case of colonos, or terceros—just who is allowed to stay. The distinction between “tercero”, “colono” and “mestizo” is ambiguous, and depends on the historical context of each territory. In practice, these terms are more often than not used synonymously (Larson and Soto 2012; pers. obs. 2017). Law 445 defines tercero as a natural or juridical person who claims property or possession rights on communal land. In Articles 35–38 of its chapter VII, the Law establishes the rights of terceros according to the length of their residency and title status in indigenous territories (República de Nicaragua 2003). Acosta (2010) provides a helpful illustration of what these criteria mean (see Fig. 3 for a translated version), and shows just how complex the decision-making “tree” can be. In any case, under Law 445, lands claimed by mestizos—even if communally owned—are not eligible for demarcation (González 2012).

THE PROBLEM OF ILLEGITIMATE LAND TITLES

Saneamiento as a concept also masks the complex and messy dynamics of land and occupation at the frontier. When more than 50% of residents of an indigenous territory identify as mestizo (as can be the case), their eviction becomes at best complicated (see Mairena et al. 2014). Moreover, many point to the staggering number of illegal land transactions by which many terceros have bought or received land titles from indigenous leaders, government officials, or land speculators

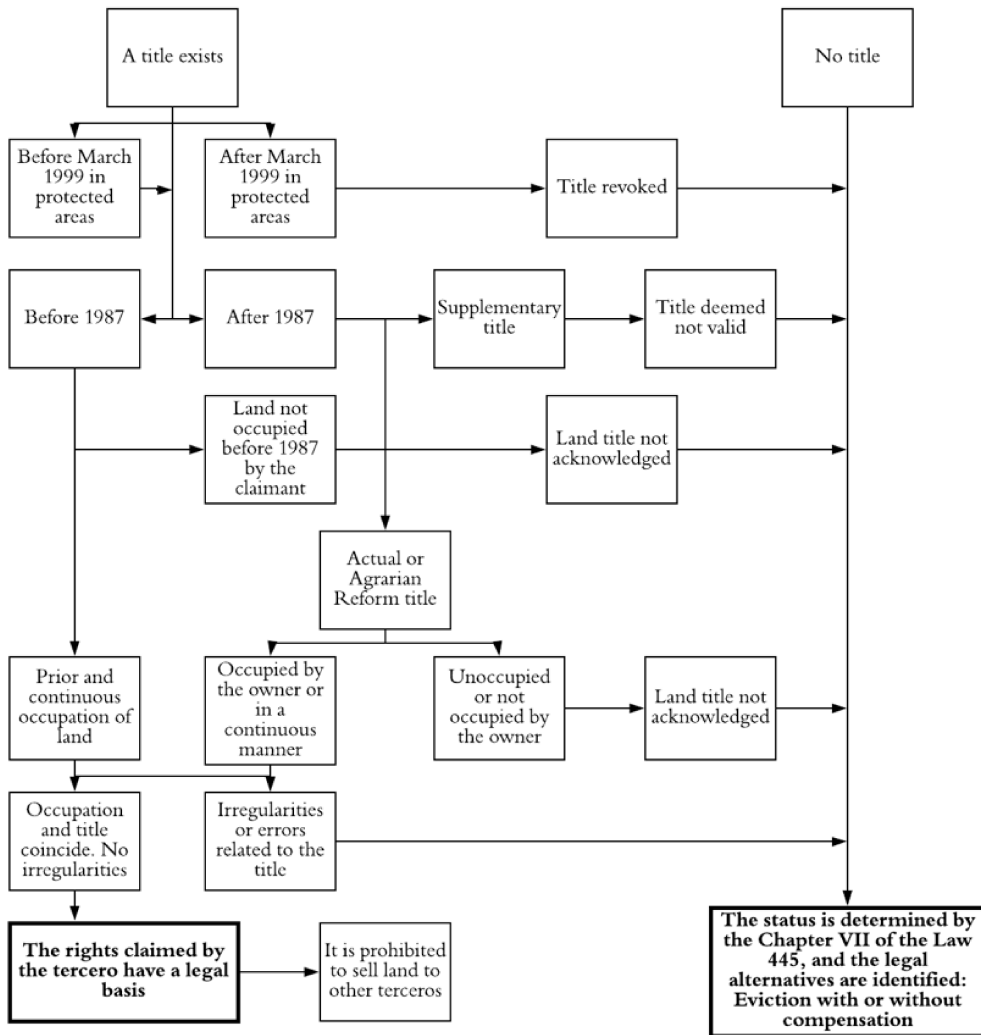


Figure 3. A framework to determine the status of a tercero in an indigenous territory, based on Law 445. Source: Acosta 2010 (my translation). This figure shows examples of some of the spatio-temporal decisions that must be made. The data on which these distinctions are to be made are generated—according to CONADETI’s manual—from a socio-economic and juridical survey of tercero occupancy of indigenous territories (Bonilla 2013; Acosta 2010). Not surprisingly, terceros are hostile to such perceived registration, as are often municipal governments (Larson et al. 2016), and few surveys have been carried out (a notable exception is Mayangna Sauni Bas, where a survey was done in 2010 with the technical and financial assistance of the German Cooperation Agency GIZ).

(Larson and Lewis-Mendoza 2012; Bonilla 2013; Lorío 2014; pers. obs. 2017). Mairena et al. (2014) estimate that in some territories, up

to 70 % to 80% of terceros possess such false titles. As indigenous land is by law inalienable and non-transferrable (Bonilla 2013), these

Arrival and title status	Rights
Arrival before the 1987 Autonomy Statute with valid agrarian titles	Terceros are allowed to stay, if they have continuously occupied the land (Larson and Lewis-Mendoza 2012). However, if they wish to sell the land, it must be sold to the indigenous community, not to other terceros.
Arrival after 1987 with titles; or before 1987 with agrarian titles deemed invalid	Terceros have to leave, but they are entitled to a compensation for the value of their land. In practice, however, indigenous communities cannot afford and the Nicaraguan state has not provided such funds. Regardless, such indemnification could incentivize more land seizures and title falsification (Finley-Brook and Offen 2009; Acosta 2010; Bonilla 2010). It is also under debate whether evicted terceros should be relocated, but the state does not have a land bank for this purpose (Bonilla 2013). In any case, this, too, might encourage further colonization (pers. comm. July 2017).
No titles	If terceros lack titles, they have to leave without compensation, unless they reach a rental agreement with the community (Finley-Brook and Offen 2009). Supplementary titles based on occupation are not valid in indigenous territories (Mairena 2012).

Table 1. Examples of determining the status of terceros in indigenous territories.

land titles are illegal. Yet, mestizo migrants who have acquired such titles do not necessarily know this, and they have often invested considerable sums in the land (Mairena et al. 2014; Herlihy 2016; pers. comm. Apr. 2017). Thus, actual or potential revocation of the titles is a source of deep resentment and anger, once saneamiento exposes the illegality of such titles (see also Finley-Brook 2012).

WHAT IS PROBLEMATIC ABOUT SANEAMIENTO?

THE CULTURAL POLITICS OF WHO

“MESTIZOS” ARE

As indigenous rights discourses and movements gained ground in the late 1980s and early 1990s, many countries in Latin America, including Nicaragua, started to implement multicultural reforms that took indigenous territorial rights into account, at least on paper (e.g. Hale 2005; Muehlmann 2009; Mollett 2011). This shift coincided with neo-liberal reforms, including increased emphasis on land privatization, export-oriented agriculture, structural adjustment policies, and reduced state investment in social services (Hale 2011; Velásquez 2012). Surprisingly, these two approaches were not irreconcilable,

but merged into the so-called “neoliberal multiculturalism” (Hale 2002, 2005), which renders indigenous rights seemingly compatible with neoliberal emphasis on privatization, commodification, and the reconfiguration of the state (Postero 2000; Andolina et al. 2005; Hale 2005;).

This new inclusion of indigenous rights under neoliberal multiculturalism establishes clearly demarcated territories as its goal: collective property rights are seen as a way to guarantee the stability that neoliberalism and capitalism require (Hale 2005, 2011; Bryan 2011). Yet, this recognition is partial and calculated; the inclusion of a certain community —i.e., the demarcation of its territory—depends on the exclusion of others (Hale 2005; Canessa 2006): “security for some creates radical insecurities for others who find themselves ‘out of place,’ and subject to violent exclusion” (Li 2002: 365). Neoliberal multiculturalism requires difference-making, because rendering social groups as differentiated, homogenous, and legible facilitates the neoliberal project (Hale 2002, 2005; Jackson and Warren 2005).

COUNTER-MAPPING AND SANEAMIENTO AS IDENTITY POLITICS

Indigenous territories are often established through participatory mapping, which arose as a counter-hegemonic alternative to traditional mapping—as a way for indigenous peoples to map their own territories and so claim authority over them (see Bryan 2011; Wainwright and Bryan 2009). As critics have pointed out, however, counter-mapping also (unintentionally) concretizes the neoliberal project by racializing space: it fixes territories

as legal representations and bounded spaces, and binds particular ethnicities or cultures to certain places (Hodgson and Schroeder 2002; Finley-Brook and Offen 2009; Bryan 2011). Cartographic conventions are unable to accommodate multiple identities, and they naturalize the link between identity and place (Gupta and Ferguson 1992). As Kosek (1998: 5) suggests, “[t]he process of mapping helps naturalize and communicate a dominant idea of who belongs within particular boundaries and who does not...”

Particularly problematic is the way in which different identities are constructed and categorized through mapping, and the way in which this categorization shapes belonging in the context of saneamiento: sedentary and sustainable “indigenous people” are defined in opposition to mobile and unsustainable “mestizos” in a dualism that necessarily ignores what can be long histories of mixing and interaction (see Malkki 1992; Conklin and Graham 1995; Field 1998; Brosius 1999; Hale 2005; Jackson and Warren 2005; Pineda 2006; Finley-Brook and Offen 2009; Coombes et al. 2011). This ascribed—or sometimes strategically adopted—collective identity not only pits these imagined communities against each other, but also pays little attention to the internal heterogeneity, cultural and spatial differences, and power hierarchies of these groups (see Hale 2002; Andolina et al. 2005; Sundberg 2006).

As suggested earlier, the saneamiento framework makes it remarkably difficult to identify just who counts as mestizo. This vagueness is likely deliberate. As long as the category of “mestizo” is black-boxed, tidy neoliberal differentiation of ethnic groups

remains intact. Otherwise, the heterogeneity, messiness, and fluidity of mestizo identities would necessarily threaten the legible categorization required by neoliberal multiculturalism and the positions of power that it maintains (see Stoler 1989; Hartigan 1997; Hale 2005). Thus “mestizo” is used as a politically expedient label that bundles together peasants that have lived in indigenous territories for decades, newer migrants, large-scale cattle ranchers, timber companies, land speculators, ex-combatants, and politicians—all of which are present in Nicaragua’s indigenous territories. This approach depoliticizes and dehistoricizes the mestizo identity, hiding the fact that the more powerful “mestizo” actors are, in fact, often responsible for the initial displacement of many “mestizo” migrants from their lands, thus necessitating their land-seeking movement (see Vilas 1989; van Heijningen 1994; Babb 2001).

Thus, while mestizo can be seen as a position of privilege and power, it is important to recognize that not all “mestizos” benefit from this position equally (see Hartigan 1997). This is not to deny the fact that mestizo stakeholders with economic and political power should be held accountable for the colonization of and violence in Nicaragua’s indigenous territories, but to highlight the internal differences within the mestizo category. A closer look into data collected on mestizo migrants in the territory of Mayangna Sauni Bas in 2010, for example, reveals that within this seemingly homogeneous “colonist” group, there is stark variation in living conditions and landed holdings: the 20 % of the migrants with most land possessed over 60 % of all land claimed by

mestizos in the territory, whereas the lowest 20 % only had access to 1 % of land (MSBas 2010). It can hardly be claimed that the impact of mestizo land speculators—those who have purchased large areas of indigenous territory to flip them for profit—on indigenous land security is equivalent to that of a mestizo peasant who might have lived in the territory for decades, albeit without titles, or who has migrated there out of necessity and is occupying a small piece of land. Yet, under saneamiento, the different “mestizo” actors are treated in the same way.

In fact, it is likely that the poorest peasants will ultimately be hit hardest by saneamiento, as they are the ones with the least negotiating power. Their removal can give the impression that saneamiento is taking place, without threatening the prevalent political-economic order. This does not resolve the problem of colonization of indigenous territories, but, instead, enables land speculators to continue to derive profit from selling indigenous land, practically with impunity. Thus, saneamiento may further exacerbate socio-economic inequalities and skewed distribution of power: a typical outcome of the neoliberal project.

DECENTRALIZED GOVERNANCE AND THE UNEVEN IMPLEMENTATION OF SANEAMIENTO

Another feature typical of neoliberal multiculturalism is the reduction of state investment in social services and projects (e.g. Cupples 2004; Horton 2013). While this does not mean that the role of the state in controlling land has necessarily diminished, it has been reconfigured (Hale 2011; Velásquez 2012). The neoliberal multiculturalist discourse on

indigenous land titling and empowerment establishes their right to govern themselves, which also justifies the absence of the state and frees it from responsibility (Muehlmann 2009; Hale 2011). As a result, processes such as saneamiento, while legally under state control, are largely outsourced to NGOs, international cooperation agencies, and communities themselves. This is a pattern that has been evident throughout Latin America (see Sundberg 1998; Bryant 2002; Valdivia 2005; Muehlmann 2009).

In Nicaragua, these dynamics are apparent in the way in which institutional support to implement saneamiento has been sought from various non-state actors. For example, saneamiento has been incorporated into the agendas of different organizations and initiatives, including the United Nations Development Program, the German Cooperation Agency GIZ, and the REDD+ program of the World Bank (Gobierno de la República de Nicaragua and PNUD 2010; FCPF 2013; Martínez and Ramírez 2013). The discourses of these organizations are often crucial in determining what identities are considered as legitimate in what contexts (Sundberg 2006). This legitimacy and the insider/outsider categorization is frequently established in terms of environmental conservation, which is true also in the context of saneamiento: mestizo migration to indigenous territories is seen not only as a violation of indigenous rights, but also as an environmental conservation problem, which is typical in the discourses surrounding territorial conflicts also elsewhere in Latin America (see e.g. Howard 1998; Brosius 1999; Dove 2006; Sundberg 2006; Walker and Walker 2008).

This creates a situation in which only specific places receive the funds and political attention required to advance saneamiento. Such a place is the Bosawas Biosphere Reserve. In this world-renowned setting of high biodiversity, the Nicaraguan state has been more proactive in sanctioning and evicting *terceros* living in indigenous territories, even if the motivations to do so often have little to do with advancing indigenous rights (pers. obs. 2017, see also Bonilla 2013). This is evident for instance in the case of Mayangna Sauni Bas, located within Bosawas: mestizos identified as land traffickers were taken to court, where their case was primarily evaluated *not* based on the amount of indigenous land that they had usurped or sold, but on the number of trees that they had cut within the Reserve—clearly showcasing the priorities of the state (pers. obs. 2017).

This spatially differentiated implementation of saneamiento further aggravates hostilities and creates the conditions for intensifying conflicts (Finley-Brook 2012). Where communities feel abandoned, they may resort to the contentious and often violent *autosaneamiento* (see also Mendoza and Kuhnekath 2005). Paradoxically, then, policies aimed at enhancing tenure security may actually contribute to increased violence, when they lack clear implementation procedures: “Ellos [los Mayangna] entran con miedo. Y los que están allá [mestizos], los esperan con miedo. . . . estamos en espera a ver qué control se llevará.” (“They [the Mayangna] enter with fear. And those who are there [mestizos], wait for them with fear. . . we’re waiting to see what measures will take place.”) (Interview with mestizo colonists close to Mayangna

Sauni Bas, Apr. 2017). At the same time, there seems to be little guarantee that their implementation would ultimately solve land conflicts anyway, as I explore below.

THE POLITICAL ECOLOGY OF “MESTIZOS” ORIGINS

What is interesting about the current debate on land conflicts in Nicaragua is that it largely focuses at the local or regional level—i.e., at the moment of the supposed inter-cultural clash between indigenous people and mestizo migrants (e.g. Howard 1998; Cordón and Toledo 2008; Herlihy 2016). This focus plays off of tropes that suggest that such conflicts are natural and inevitable, due to inherent cultural difference and incompatibility (see Mendoza and Kuhnekath 2005; Peluso 2008). In this telling, mestizo migrants are universally cast as opportunistic squatters, drawn to the Caribbean Coast by imaginaries that emphasize its abundant natural resources and available land (e.g. Parker 2016; Robles 2016).

This politically expedient but highly reductionist trope is exemplified by Gould's (2004b) account of the ways in which indigenous lands in Nicaragua have always been usurped by mestizos; the current moment is simply a continuation of this colonial dispossession. This narrative is embraced in media accounts, too, as the following headline demonstrates: “Violent Land Invasions on Nicaragua's Atlantic Coast — 'Just Like the Spaniards'” (Downs 2015). This approach glosses the line between the “mestizo” agents who drive migration and colonization, and peasant migrants. In this way, this discourse is powerful in portraying *all* mestizos as

predatory and destructive, and ultimately justifies their removal under saneamiento (see Escobar 1996; Li 2002; Peluso 2008).

Clearly, these accounts of conflict on the Caribbean Coast obscure important power relations, and pay little attention to the broader political-economic structures that propel mestizo peasant migration to indigenous territories. Such accounts, it would seem, prove the resilience of the “blame the victim” narratives that political ecologists have worked so hard to overturn, particularly in the context of migration to land-abundant “frontiers” (e.g. Blaikie and Brookfield 1987; Nygren 2004; Robbins 2004; McSweeney 2005; Peluso 2008; Andersson et al. 2011). In fact, a closer, political ecology-inspired look at Nicaragua's history challenges the prevalent apolitical and ahistorical explanations, in part by highlighting variation in the motives of mestizo migration to the indigenous “frontier.”

HISTORICIZING MESTIZO MIGRATION

For peasants, emigration to indigenous territories is often a result of long histories of displacement. First mentions of mestizos on the Caribbean Coast are from the 1860s, when foreign investment intensified in the region (Vilas 1989). After the annexation of the Caribbean Coast to Nicaragua in 1894, large-scale migration to the coast started, as the production of sugarcane, bananas, and timber, and later on rubber and mining, pulled migrants to the frontier (Vilas 1989; Vandermeer and Perfecto 1998; Gurdían 2004). Yet, these boom-and-bust activities alone are insufficient in explaining mestizo migration to the Caribbean Coast: it has

been closely tied to the political-economic processes displacing peasants on both Coasts (Vilas 1989; van Heijningen 1994). When large-scale production of e.g. cotton and coffee, as well as cattle ranching started on the Pacific Coast in the 1930s, they displaced many peasants either directly or indirectly through land appropriation, reforms, and state projects aimed at enhancing economic productivity and exports (Vilas 1989; Vandermeer and Perfecto 1998; Díaz and Ruiz 2008). This tendency continued: the Somoza era had devastating impacts on the poor, who were deprived of land, social services, and natural resources (Sinreich and Cupples 2014). At this point, the frontier was seen as an opportunity for displaced peasants, whose migration to “unproductive” indigenous lands was encouraged by the government’s settlement projects. Between 1963 and 1979, nearly 77,000 hectares of the Caribbean Coast were titled to agricultural colonists (PNUD 2005).

The Civil War of the 1980s further shaped land relations in an important way. During the war, many indigenous populations were forced to flee from their territories in Nicaragua. When the war ended, to calm former Sandinista and Contra troops, the government provided them with land, often in indigenous territories that were considered abandoned. When the former inhabitants then returned, they noticed that their lands had been given away (Stocks 2003; Larson et al. 2016). Similarly, during the agrarian reform implemented by the Sandinista government in the 1980s, some of the lands that were distributed to landless smallholders were in fact, located in indigenous territories (Acosta

2010; Baracco 2016). These dynamics resulted in overlapping titles on the Caribbean Coast and violated indigenous territorial rights.

The neoliberal era has accelerated the displacement and migration processes. Scholars have shown that state and market interventions, including land reconfigurations, structural adjustment policies, and emphasis on exportation agriculture, have led to the direct and indirect dispossession of peasants (Cupples 2004; Nygren 2004; Mendoza and Kuhnekath 2005). Nicaragua is no exception. Neoliberal policies intensified macro-economic re-orientation to export-focused agriculture, land consolidation, and decreased investment in social services and projects (Babb 2001; Finley-Brook and Offen 2009; Hale 2011). These policies effectively reversed the Sandinistas’ agricultural reform, which, despite its limitations, had considerably decreased the number of landless peasants and thus reduced the pressure on the agricultural frontier (Vandermeer and Perfecto 1998).

At the same time, large-scale deforestation on the Pacific Coast, aggravated by climate change, has contributed to the degradation of the areas of origin of many mestizo migrants. Many of them are migrating to the Caribbean Coast in search of more fertile land, since their previously occupied lands have become unproductive (pers. comm. Apr. 2017; see also Díaz and Ruiz 2008). The migration is further accelerated by the low prices paid for basic crops, as well as coffee, which make it difficult for peasants to make ends meet (Mairena 2012).

Despite some successful social welfare projects and a self-proclaimed socialist mode

of governance, the current Sandinista government continues to implement neoliberal policies that shape relations to land (see Hale 2011; Finley-Brook 2016; Herlihy 2016). Similarly, megaprojects implemented by the contemporary Nicaraguan state and foreign investors, such as the proposed inter-oceanic canal, not only violate the territorial rights of indigenous and Afrodescendant communities directly, but they also are likely to lead to displacement of peasants, and thus increased migration to nearby indigenous territories (pers. comm. Jan 2018; see Finley-Brook 2016; Herlihy 2016). At the same time, the lack of enforcement of indigenous territorial rights has attracted land speculators and unscrupulous politicians, who seek to profit from indigenous land sales. The unsurprising result has been that the neoliberal era has coincided with a surge in mestizo migrants to Nicaragua's Caribbean Coast (see Díaz and Ruiz 2008; Bonilla 2010, 2013; Horton 2013).

On the other hand, the narrative that suggests that most mestizo colonists come from the wealthy Pacific and Central areas of Nicaragua, does not take into account the socioeconomic differences between these regions. Migrants often come from the rural areas of the central region of the country, including departments such as Matagalpa, Boaco, and Jinotega (pers. comm. 2016, 2018; see also Mairena et al. 2014, MBas 2010). The poverty rates in the Central Region approximate those on the Caribbean Coast, with a 44.4 % of the population living under the general poverty line, according to the National Survey of Standard of Living in 2014 (compared to 18.5 % on the Pacific Coast). Perhaps more importantly, this narrative does not

recognize that many peasant migrants move to indigenous territories from the Caribbean Coast. For instance, data on mestizo colonists in Mayangna Sauni Bas in 2010 show that a considerable portion (45 %) of migrants reported that they emigrated from the closest municipality, Siuna, which is among the poorest municipalities in Nicaragua. Similarly, the migrants' identity documents (*cédulas*) show that more than 62 % of them were born on the Caribbean Coast (MBas 2010).¹⁰ Some of these migrants might identify themselves as belonging to the census category of "Caribbean Coast mestizo". Even if they did not, several authors have pointed out that there are vast locational and cultural differences within the peasant mestizo communities in terms of their land management practices, and acceptance in and integration into indigenous communities (e.g. Mairena et al. 2014; Bonilla 2013).

In addition, highlighting the political-economic and historic contexts of migration necessarily calls into question the discursive connection of mestizo settlement and environmental degradation. The narratives that blame mestizo migrants for environmental devastation strikingly pay no attention to the legacies of the enclave industry and natural resource concessions on the Caribbean Coast, which have been detrimental to the region's forests and other natural resources, often located on communal lands (Gurdián 2004; Sinreich and Cupples 2014). Nor do these narratives acknowledge the processes and discourses that shape contemporary deforestation and degradation patterns on the Caribbean Coast, or the differences in environmental impacts within the "mestizo"

category: while timber companies, land speculators, and large-scale cattle ranchers clear large areas of forest to facilitate their activities and have devastating impacts on indigenous livelihoods and natural resources, many low-income mestizos live on a small piece of land (MBas 2010).

Against this background, I suggest that narratives that blame *all* mestizo migrants for frontier violence must be re-read to highlight the ways in which they obscure the role of the broader political and economic structures that shape migration and resource use, including policies and projects implemented by the Nicaraguan state and foreign investors that have led to displacement and weakened the socio-economic status of peasants. These prevalent discourses fail to acknowledge that, for many mestizo peasants, eviction through saneamiento may be yet another moment of dispossession. This is crucial, because failing to take these aspects and drivers into account may undermine the effectiveness of saneamiento as a tactic to improve long-term territorial security for indigenous populations. As one of my interviewees mentioned: “If ten colonos are evicted, they will soon be replaced by twenty others” (my translation, Dec. 2015). For instance, in Mayangna Sauni Bas, the threat of eviction has not led colonos to turn their holdings over to Mayangna neighbors, but to sell the land to other colonos (pers. obs. 2018). Similarly, Finley-Brook and Offen (2009) found that in 2003, although colonos were forcefully evicted, colonization did not stop; rather, the colonos simply returned (see also Bonilla 2013). In other words, even if saneamiento—understood

as the eviction of mestizo migrants—was operationalized, it does not guarantee that the colonization of indigenous territories will necessarily come to an end, because it does not—cannot—address the larger forces pushing mestizo peasants towards the agricultural frontier.

CONCLUSION

Considering how regularly saneamiento is proposed as a key to solving territorial conflicts arising from the mestizo colonization of indigenous territories, the premises of the process remain remarkably underexplored. While this article specifically focuses on the Nicaraguan context, it holds broader lessons. Nicaragua is among the first implementers of saneamiento in its current form, and there is a lot of interest across Latin America in how the process unfolds.

Here, I have suggested that, while the current neoliberal mode of governance seemingly promotes multiculturalism, it may instead work to harden ethnic boundaries, pitting indigenous peoples and mestizos against each other as internally homogeneous entities. This obscures the interactions and power relations within and between these groups (see Hale 2002). It also has tangible material consequences: the discourse that renders mestizo migrants out of place and blames them for frontier violence acts as justification for their “cleansing” from indigenous territories.

This categorization makes it difficult to separate mestizo peasants from more powerful “mestizo” actors, who are often responsible for the peasants’ initial displacement. In other

words, it does not distinguish peasants, who depend on land for survival, from wealthy land speculators, who invade indigenous territories for profit. This narrative also ignores the vast cultural, spatial, and temporal differences among mestizo peasants. Saneamiento, then, becomes perceived as a solution to territorial conflicts that manifest themselves as interethnic violence at the local level, despite their complex, intertwined, and historically and geographically rooted nature. This may ultimately undermine the feasibility of saneamiento as a mechanism that would provide indigenous communities with long-term territorial security and justice. Moreover, it targets mestizos already living in indigenous territories and does little to halt the ongoing colonization.

Paradoxically, both the implementation of saneamiento and the lack thereof may increase conflicts at the local level. Even if the removal of mestizos is complicated and possibly not feasible, there are high expectations that the process will be carried out, and the current situation of ambiguity creates insecurity on both sides. While indigenous peoples fear that more colonos will come and invade their territories, mestizo peasants live in uncertainty, knowing that they could be evicted at any moment. "By doing nothing, the state is still setting the agenda, perhaps causing more damage to communities now than ever before" (Larson et al. 2016: 335). In both cases, marginalized peasant populations—indigenous and mestizo alike—are the ones who must deal with the consequences and violence perpetuated by this situation. For the state, unresolved conflicts can be convenient: by blaming mestizo

migrants, the state diverts attention from its historical and contemporary role in usurping indigenous territories, and facilitating colonization and extraction of natural resources in indigenous territories.

The considerations in this paper remain largely conceptual; I acknowledge that in making my arguments I risk reifying ethnic categories still further. It is therefore worth remembering that inter-ethnic conflicts do not play out in all indigenous territories in the same way. As Larson et al. (2016) have noted, there are important differences in the ways in which territory is conceptualized at the local level. Furthermore, history and spatial and cultural integration often explain the (lack) of interethnic conflicts between indigenous or Afrodescendant communities and mestizo peasants. Thus, the approach to saneamiento that works for one community might not work another, and, when analyzing territorial conflicts and possible solutions, both broader and place-specific processes need to be taken into account (see Peluso 2008; Mairena 2012).

Keeping this in mind, to address colonization more effectively, it is necessary to identify alternatives to saneamiento that would move away from targeting marginalized populations and instead address the role played by more powerful landholders and broader structural mechanisms and institutions. Importantly, an alternative reading of the dominant colonization narrative, and the acknowledgement of what can be shared experiences of marginalization and dispossession could open spaces for solidarity and encourage dialogue between the different parties involved in the conflict, something

that has in many disputed areas been scarce (pers. comm. Apr. 2017). In places where eviction is not a viable option, rental agreements between mestizo migrants and indigenous communities might be feasible (as seen for instance in Karata, Tasba Pri, and parts of the Kriol-Rama territory on the Southern Autonomous Caribbean Coast) (Bonilla 2013; Mairena et al. 2014). Such agreements require clear guidelines, establishing who is entitled to what rights, where, and under what conditions. Mestizos also need to fully recognize that indigenous communities are the legal owners of the lands. To prevent further influx of migrants, one proposed solution involves enrolling existing mestizo inhabitants into these efforts (see Bonilla 2013, Mairena et al. 2014).

As these processes unfold, one factor appears undisputed. Securing indigenous land tenure is crucial, and urgent actions are needed to resolve territorial conflicts that have devastating consequences for indigenous and Afrodescendant populations (see Finley-Brook 2007; Hayes 2007). Yet, in this article I have suggested that saneamiento, in the form in which it is currently being advocated, is unlikely to achieve this end. It is necessary to acknowledge that territorial conflicts are not merely local disputes and explore approaches to saneamiento accordingly. Ultimately, contemplating these issues demands serious attention to the rights of mestizo peasants. Otherwise, saneamiento will create more problems than it solves.

NOTES

¹Full name: *Ley del Régimen de Propiedad*

Comunal de los Pueblos Indígenas y Comunidades Étnicas de las Regiones Autónomas de la Costa Atlántica de Nicaragua y de los Ríos Bocay, Coco, Indio y Maíz.

²*sanear*: to reorganize; to rationalize; to balance; to clean up; to compensate (Oxford Dictionaries)

³The fieldwork that this research is based on consisted of in-depth, semi-structured, and focus group interviews with Mayangna community members and mestizo migrants settled within the borders of Mayangna Sauni Bas, as well as of interviews with policy-makers, development officers, and local scholars. Moreover, data on mestizo migrants in Mayangna Sauni Bas, collected in 2007 and 2010 by the community and GIZ, as well as Nicaraguan census data were used. I also worked in the Bosawas area as a development officer between 2012 and 2014. All personal comments and observations stem from these experiences. To ensure the anonymity of my interviewees, I do not disclose their names or the exact locations where the interviews took place.

⁴Because the historical and political processes that led to the creation of the Autonomy Statute and Law 445 have been extensively discussed elsewhere, this article only summarizes them briefly.

⁵Bolivia is generally identified as the country where saneamiento is the most advanced; by 2010, almost 38 million hectares had been subjected to the process (Chumacero 2010). In addition to Bolivia and Nicaragua, saneamiento, or land regularization, has been incorporated in one form or another into the political framework related to the titling of indigenous territories at least in Brazil,

Colombia, Ecuador, Honduras, Peru and Venezuela (Offen 2003b; Stocks 2005; Aylwin 2011; Larson et al. 2013; Mollett 2013).

⁶Ley del Servicio Nacional de Reforma Agraria No. 1715.

⁷Some have translated saneamiento simply as “cleansing” (Offen 2003b: 61; Reyes-García et al 2014: 280.; Herlihy 2016), or even as “ethnic cleansing of the targeted ‘others’ from the land claim” (Finley-Brook 2007: 855). Finley-Brook (2016: 339) refers to saneamiento as the “clarification of legal land rights and land recovery”. González (2012: 431), on the other hand, suggests that saneamiento is the “title clearance phase”, and elsewhere that it is the regularization of land claims—“the final step of the demarcation process which can entail the removal of Mestizo settlers from indigenous territories” (González 2016: 320). He also refers to saneamiento more simply as “the removal of non-indigenous illegal settlers” (González 2016: 313). Similarly, Herlihy (2016) suggests that the term refers to the “forced removal of *colonos*” (para. 2).

⁸CONADETI’s “Manual of Operations” states

that “The title clearance stage is intended to improve the effective recognition that the state makes to the rights of indigenous and ethnic communities to their lands, through the application of the law, for third parties that might have claims on communal lands” (CONADETI 2007; cited in González 2012: 432).

⁹The influx of mestizos has important political and economic consequences for the Autonomous Regions and indigenous communities. These impacts cannot be adequately addressed within the scope of this article.

¹⁰It is important to note that 50 % of the respondents to the survey reported that nobody in their family had a *cédula*. The results of the survey suggest that those coming from the Caribbean Coast were considerably less likely to own a *cédula* than those migrating from the Pacific Coast. This suggests that the proportion of *colonos* born on the Caribbean Coast is likely to be even higher than 62 %.

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