Vol. 3.2022

Challenges for Mayangna territorial governance in the context of the closing of autonomous spaces in Nicaragua

Prepared by equipo Kiki

Challenges for Mayangna territorial governance in the context of the closing of autonomous spaces in Nicaragua

HEINRICH BÖLL STIFTUNG

SAN SALVADOR

El Salvador | Costa Rica | Guatemala |
Honduras | Nicaragua

Challenges for Mayangna territorial governance in the context of the closing of autonomous spaces in Nicaragua

Prepared by equipo Kiki

TABLE OF CONTENTS

ABSTRACT

Although the Mayangna indigenous people are protected by the Constitution, by the Autonomy Statute (Law 28) and by the communal property regime (Law 445), they face the challenges of: surviving the invasion of territories; unmasking the colonial, patriarchal and racist nature of the State; fighting for less hierarchical and unequal power structures and relations between the State, territories and communities; and standing up to the divisive policies and the State's disdain for the proposals emanating from the territories. We argue that the Nicaraguan State constantly reproduces colonial, patriarchal and racial practices, and that other precepts are required to establish a multi-ethnic, pluricultural and plurinational State in order to avoid ethnocide. We conclude that the territories need to strengthen community organization as a basis for territorial governance, and that they require community discussion, reflection and analysis on how to face these challenges, as well as on what kind of livelihoods they want for the present and future, and how to improve the participation of adult and young women in territorial governance.

Key words: territorial governance, indigenous autonomy, colonialism, racism, Mayangna.

I. INTRODUCTION

"... the construction of a new, multi-ethnic, pluricultural and multilingual nation, based on democracy, pluralism, anti-imperialism and elimination of social exploitation and oppression in all its forms, demands the institutionalization of the autonomy process of the Communities of the Caribbean Coast of Nicaragua..."

(Statement iv, statute of autonomy of the caribbean regions of nicaragua and its amendments, law 28, published in official gazette no. 238 of october 30, 1987).

The Statute of Autonomy of the Caribbean Coast regions of Nicaragua is a milestone and "the first modern autonomy regime in Latin America" (Díaz-Polanco, 1999:1). The multi-ethnic, pluricultural and multilingual perspective assumed by the State when approving the Statute was the result of a negotiation in the dispute for the control of territories, between mestizos (from the Sandinista National Liberation Front party, in control of the National government) and the indigenous peoples, particularly the Miskitu, the main opposition group to the Sandinista Revolution in the Caribbean regions of Nicaragua in the early 1980s.

And although it is viewed in a positive light, in reality the multi-ethnic character declared by the State is "contrary to indigenous autonomy, mono-ethnic autonomy and also to the formula of national federalism that allows each group to gain exclusive control over its own territory" (van Deuren, 2017:86). The adoption of the multiethnic and multicultural perspective was for the Indians the opportunity to prevent one particular identity (the mestizo) from being imposed on other ethnic groups, although in reality it subordinates them to the economic and political framework of the State. The State preserves

political predominance, and it establishes a mechanism to manage the contradiction between State sovereignty and indigenous territorial autonomy (ibid). In this process, as we will see below, the State continues to produce colonial, racist, patriarchal and capitalist practices to assert its predominant power.

After their recognition as peoples with their own identity, the first challenges for indigenous autonomy were the institutionalization of the process itself; that is, moving from the recognition of the rights established in the law to the exercise of those rights, even when there was the idea that there was no local capacity for autonomous governance or ability to negotiate for the common interest against the dominant authoritarian and centralist governance practices (Díaz-Polanco, 1999). The perception of not being capable expresses two problems at the same time: the first is that, although there is talk of autonomy, there is an idea of a State-based governance system for the territories, ignoring or underestimating the traditional and distinct ways that the communities have used to govern themselves; this is coherent with the systematic efforts of the State to devalue and erase indigenous knowledge (Gonda, et al. To be published); The second is that it implicitly reinforces the dominant role of the State in the implementation of public policies, defined from a mono-ethnic mestizo perspective.

Since the enactment of the Autonomy Statute, the Mayangna, Miskitu, Creole, Garifuna and Rama indigenous peoples living in the autonomous regions of the Northern and Southern Caribbean have made effective progress in becoming more visible to the State. They have also made progress in reducing substantive inter-ethnic differences in order to continue their struggle with the State and in strengthening their rights in a more tangible way, such as the demarcation and titling of 23 indigenous territories after the approval of Law 445: Law of the communal property regime of the indigenous peoples and ethnic communities of the autonomous regions of the Atlantic Coast of Nicaragua and of the Rivers Bocay, Coco and Indio Maíz, published on January 23, 2003. While this progress is important, is not sufficient to guarantee the full exercise of autonomy to govern their territories, nor do demarcation and titling reverse colonial relations. On the contrary, they rework these relations (Wainwright and Bryan, 2009).

Nevertheless, the historical memory of the Mayangna recognizes that they are a millenary people who have faced and overcome multiple conflicts in their relations with other peoples who have progressively occupied their territories. They have faced domination and

subordination to other power structures and hierarchies with different worldviews regarding ways of life, ways of being and ways of relating to other living beings in the natural environment. During the time of the Spanish and English colonization, they were persecuted and subjected to relations of domination by the Miskitu. In the 1980s, the Mayangnas, opposed to population resettlement in the context of the war, ended up resettled in refugee camps in Honduras.

Between 1978 and 2022, they have undergone complex processes that show some progress, some stagnation and some setbacks in their struggle for territorial autonomy. On October 2, 1995, the Mayangna community of Awas Tigni, located in the municipality of Waspam in the Northern Caribbean Autonomous Region (see map p. 14), filed a lawsuit against the State of Nicaragua at the Inter-American Court of Human Rights and obtained a ruling in their favor on August 31, 2001 (Corteidh, 2001) that allowed the demarcation and titling of all indigenous and Afro-descendant territories in the two autonomous regions of the Caribbean region of Nicaragua. In addition, they were able to recover part of the taxes that the State collects by extracting resources from their territories, but at the same time, they face illegal occupation of land by third parties (which, according to law number 445, belongs to those who occupied indigenous lands prior to 1987 and who received a title from the State either through the Agrarian Reform or as part of the peace agreements that led to the demobilization of the armed conflict). This occupation must be resolved in the ¨cleanup¨ (saneamiento) stage, in which the State must ensure the relocation of the families to whom individual property titles have been issued.

The non-removal of settlers from indigenous territory has contributed to progressive invasions that are generating dispossession of their land, threatening with the disappearance of indigenous territories and their conversion to private property for agricultural activities (mainly cattle ranching for beef), as well as forestry or mining exploitation for the international market.

The most recent conflicts over the dispossession of indigenous communal land in Mayangna territories have exacerbated exponentially between 2010-2022, in an ongoing process leading to ethnocide. In 2018, violent and continuous attacks led to the disappearance of the Kalmata and Wihilwas communities from the Mayangna Sauni Arungka territory. The displacement of 80 families of these communities from their lands and homes resulted in the total loss of their livelihoods, in total violation of the Nicaraguan legal framework and

international human rights and Indigenous Peoples' instruments.

During these years, the Mayangnas reported 29 people killed, most of them men who were on their way to their land in indigenous territory, or who were working on their plots. The January 2020 attack on the community of Alal in the Sauni As territory left six men killed, 10 disappeared, 16 houses and a shrine burned (Acosta, February 8, 2020). The attack on community members who were working in a mine in the Kiwakumbaih hill in Sauni As, left 11 people killed in August 2021 (Onda Local, August 25, 2021); although the National Police reported that only 9 people were killed, and they imprisoned 3 Mayangnas who were accused of being the perpetrators (Public File, September 8, 2021). The most recent case was that of 52-year-old Salomón López Smith, who was kidnapped and killed on March 8, 2022. His body was found a week after he was reported missing when he was working on his land (GTI Sauni Arungka, March 23, 2022). Other indigenous territories such as the Miskitu have also seen people killed and displaced as a result of the invasion of community lands (The Oakland Institute, 2020; Figueroa and Gonzalez 2021).

II. CONTEXT
AND RESEARCH
METHODOLOGY

The study took place in a context of changes in the country's governance system in recent years, particularly since 2018, when attempts were made to forcefully silence citizen protests, spaces for dialogue, freedom of opinion on public policies, freedom of the press, collaborative work in networks of multiple actors were closed, and the centralization of power (CDIH, 2021), a one-party system, and authoritarianism as an expression of systemic violence in governance were strengthened (CEJIL, 2019; Monte and Gómez, 2020). The concentration of power dismantled the existing legal framework and the spirit of the changes that at times were upheld as necessary steps in favor of the poor and marginalized.

The strengthening of authoritarianism erodes the possibilities for indigenous territorial autonomy. And although the current scenario is complex, the history of the Mayangna people has involved facing processes of exclusion that have generated historical resistance. They continue to struggle to be respected and supported even when they do not agree with many of the public policies or the partisan orientation of the national governments that win the elections.

The objective of the study was to explicitly state the conflicts experienced by the Mayangnas in their territories, to identify the most urgent challenges for community autonomy in the context of the consolidation of an authoritarian system of governance in the country, an autocratic system that has been closing spaces for autonomous initiatives such as indigenous community autonomy in the Caribbean regions, but also for others, such as municipal autonomy or university autonomy. The study also intends to reveal the tensions and contradictions in governance and open the window to rethink other possible modes of indigenous territorial governance that find ways to recover and recreate governance practices based on the defense of commons or territoriality and the management of "alas yalahna lǎni" (living ac-

cording to one's own rules) of the Mayangna communities, based on a relationship of harmony, respect and reciprocity with other spiritual beings in the forests, hills, rivers and other water sources, which generate peace, harmony and the collective well-being of the Mayangna families and the communities of their ancestral territory.

The study was carried out from the perspective of a qualitative methodology that pays attention to the opinions and reflections of people who experience the problem or are knowledgeable about it, either as individuals or as part of discussion and analysis groups. To proceed to the group discussions, the first step was to identify the differences and strengths of the Mayangna territorial governments to govern their territories and then the limitations they face, particularly in relation to the use and protection of the territory and their commons.
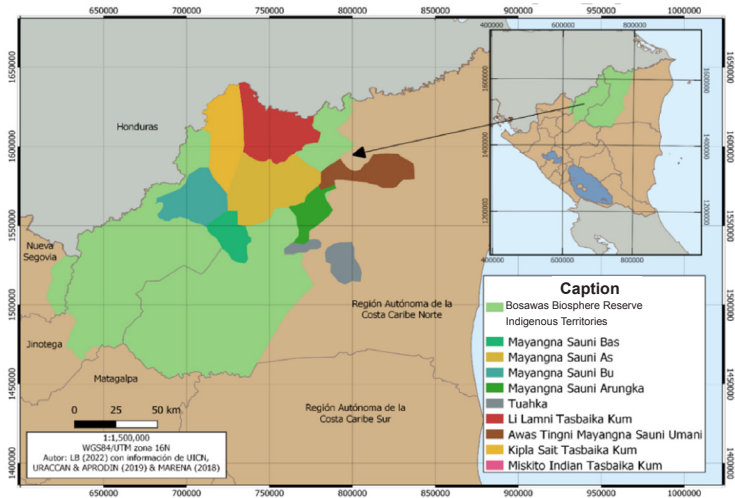
Illustration 1: Map showing the location of the Mayangna territories in the Northern Caribbean Autonomous Region

Since ancient times, the Mayangna communities have considered themselves part of the same people, even though geographically they are located in different places. They recognize their extensive territory and have their own forms of communication with other Mayangna communities. The nine Mayangna territories include 78 communities located in the

northern and southern Caribbean region of Nicaragua as well as in the Alto Wanky Bocay Special Regime Area. The communities, "most of them are settled on the banks of the most plentiful rivers of the Caribbean Coast: Waspuk, Wawa, Uliwas or Prinzapolka headwaters, Umrawás, Walakwás or Lakus, Bambana and Amak-Boca" (del Cid, 2017:99).

Currently, the nine defined Mayangna territories have collective property titles (see map), most of them within the BOSAWAS Biosphere Reserve. These territories have approximately 5,000 km2 of tropical rainforest (UN 2015:332). In 2016, it was noted that the territorial area accounted for 8,101 km2, which would be equivalent to 6% of the total indigenous and Afro-descendant land of Nicaragua (Nación Mayangna, 2018:4).

The discussion and reflection events that took place for the study were done in four of the nine Mayangna territories: Sauni Arungka, Sauni As, Tuahka and Awas Tigni Mayangna Sauni Umani (also known as AMASAU), as shown in the map. In these territories, group discussions were organized with community and territorial leaders, as well as individual interviews with some of the people involved in the sale of land or in discussions with settler-mestizos, allowing them to occupy and use the community land. The group discussions included 57 people (47 men and 10 women) with a level of responsibility in the community or territorial government structures of the four territories. The people individually interviewed were five community members from two territories (Tuahka and Awas Tigni) where the largest illegal occupation of communal land has occurred, either through informal agreements of some leaders with mestizo settlers, or through the sale or rental of land, or barter (exchange) of land for animals or other goods.

The field phase of the study coincided with the increase in the number of Covid-19 infections in the country, the electoral period and the heavy rainy season, which made it difficult to stay in the communities. On the other hand, the economic resources to cover the cost of mobilization and work in the communities were insufficient to invest more time to extend the discussions in the territories, and in particular to implement other reflexive methodologies with the communities that require more time.

The article begins with a background description of governance systems that change over time and cause internal and external tensions over the availability and use of collective goods (land, forests, water, biodiversity, etc.) in the territories. This is followed by a discussion of

the concepts of indigenous autonomy, regional multi-ethnic autonomy and Nation-State autonomy, to show that not only are they different, but that the latter ends up being imposed on the others. It then continues with an analysis of the four main challenges being faced by the Mayangnas and it closes with a conclusion.

III. BACKGROUND, TENSIONS AND CONFLICTS IN GOVERNANCE

Over time, the Mayangna people have survived multiple colonial and capitalist practices whose purposes have been acculturation and assimilation. These two concepts occur in relationships between groups with distinct languages, cultures and identities, where one seeks to make the other adapt to, or assimilate its culture, dissipating and eliminating what gives the other its own identity. It is as Garcia (2014) points out in the case of the Mixe indigenous people in Oaxaca, Mexico: acculturation based, for example, on evangelization, although it has faced indigenous resistance, it is subtly taking place until the language, idiosyncrasy and identity are reduced or lost.

In Nicaragua, the Mayangnas preserve their identity, language, ways of life and territorial self-governance, which are becoming increasingly tense as other groups with dominance in the State or in the market approach them and seek to incorporate them into other dynamics that come from colonialism, patriarchy and capitalism, as pointed out by indigenous Mayan women such as Lorena Cabnal (2012), Aura Cumes (2018), or Aymara women such as Julieta Paredes (2017) and Adriana Guzmán, the latter conceiving themselves as community feminists; or others such as Ayala et al. (2017), who explain how extractivism, which is part of this triad of colonialism-patriarchy-capitalism, has given rise to the predominant concept of development. In this concept of development, economic growth and unlimited accumulation of capital are key, and to achieve them it is necessary to exploit nature and human beings, based on the commodification of labor and common goods such as land, water and others. It is with these practices and predominant concepts that the mestizo State establishes governance over indigenous territories, and this is what causes tensions and conflicts among the indigenous population.

Although the Nicaraguan State defines itself in its constitution as multicultural and multiethnic, in everyday reality it continues to reproduce neocolonial, racist, patriarchal and capitalist practices that affirm the predominance of a mestizo-westernized worldview in the system of governance, both in the relationship with nature and in social structures.

In a multicultural state it is assumed that "the different cultures are in permanent interaction and dialogue, aimed at the existence of relationships between people and collectives, knowledge and practices that are culturally different. In the same way it needs constant discussions and negotiations that allow building spaces for dialogue and partnership between different beings, knowledges and practices" (Hooker, 2014:10). In an ideal process, this interaction between one and the other opens the door to mutations of some practices on both sides, without this representing a strict assimilation. However, this notion is far from the situation experienced by the Mayangna, Miskitu, Ramas and other indigenous peoples in the country, whose elimination has been attempted as they are subjected to the mestizo rationale rooted in neocolonialism, patriarchy and capitalism

A. Governance system: advances, tensions and conflicts

Changes in the modes of organization and internal governance have been generating, little by little over time, tensions and internal resistance as a result of the influence of other groups such as the Miskitu and the Mestizos, particularly as the latter control the Nation-State. The Mayangna governance structure historically included the Council of Elders and people who were appointed to perform certain activities or to make specific arrangements on behalf of the community (de Deuren, 2017), in other words, there were no elected leaders to govern the community for specific periods.

In 1974, a National Association called SUKAWALA (Sumu Kalwahai Lani) was created, with the objective, as stated in an article in Envío Magazine, of representing and defending the interests of 66 Mayangna communities (Envío Digital, 1987). SUKAWALA leaders defined the role of the organization more in terms of social development than political representation of the communities. However, in the context of the Sandinista Revolution, some of the leaders argued that a clearer political definition was needed, which these leaders de-

fined as "independent and in favor of the Revolution" (Ibid.). Van de Deuren (2017) points out that leaning in favor of the Revolution meant freeing themselves from the subordination to the Miskitu, an issue that is barely discussed openly now, but which is still alive in Mayangna memory.

SUKAWALA, as the first organization of territorial expression, was transformed in 2009 into what is now known as the Mayangna Nation, in an attempt to be a representative structure for all Mayangna territories. Although some Mayangna leaders are skeptical of this substitution, nowadays this is the political and representative organization that brings together all Mayangna communities.

The territorial authorities and the Mayangna Nation have a partisan political relationship with the current government. From their perspective, they seek to develop good relations with the objective of obtaining prompt responses from the government to the social and historical demands of the Mayangna communities. However, community members who resent this position of the Mayangna authorities point out that, in practice, this position has produced almost no results, and rather generates tensions with the communities. In the authorities' attempt to build good relations with the national government, what happens is that the government takes more political advantage than the Mayangna Nation. Because they are friends, the authorities of the Mayangna Nation and the territorial governments do not manage decisively the legitimate demands of the communities.

On the other hand, in terms of territorial composition and governance structures, most of the Indigenous Territorial Governments (GTI, Spanish acronym) are mono-ethnic structures. Out of the nine Mayangna territories, only three of them share the governance structure of the Miskitu: the Umra territory, which is located within the Miskitu Li lamni territory on the Coco River; the Walakwas territory, which is located within the Miskitu Miskitu Indian Tasbaika kum territory; and the Ulwah territory, located in the multi-ethnic Awaltara territory, at the river mouth of Rio Grande in the Autonomous Region of the Southern Caribbean Coast. In general, as governance structures, they have internal regulatory frameworks for the management of resources within the territory and communal property: the Free Prior and Informed Consent (FPIC) and the indigenous community justice, which promote changes in the ancestral basis, which had been oral or unwritten rules, and which are moving more recently towards the codification of their internal affairs.

This codification is embodied, for example, in the Statute of the Sauni As Autonomous Government; the Constitution of the Sauni Arungka Territorial Government; the Constitution of the Sauni Umani and Awas Tigni Territory (AMASAU), the Regulations for the Governance of the Communal Property of the AMASAU Territory; the Procedural Regulations for the Governance of the Sauni Arungka Communal Property and the Bio Protocol of Consent of the Sauni Arungka Territory. Other regulations are the Communal Property Regime of the Mayangna Nation; the support or advice of Mayangna professionals to territorial authorities and community leaders; the initiative of community schools for the training of young people and leaders in issues of governance, law, critical thinking and political economy, as implemented in the AMASAU territory on August 19, 2021.

These governance structures are recognized by the State. The Constitution (Article 2, 05, 89) and other laws, such as Law 28 of the Statute of the Autonomous Regions of the Caribbean Coast of Nicaragua (of 1987 and reforms of 2014), Law 445 (Law of Communal Property Regime of the Indigenous and Ethnic Communities of the Rivers Coco, Indio and Maíz) of 2003; the United Nations Declaration on the Rights of Indigenous Peoples (2007), ILO Convention number 169 (1989) and the American Declaration on the Rights of Indigenous Peoples (OAS 2016).

In parallel, the Special Rights of Indigenous and Afro-descendant Peoples, mainly from the Caribbean Coast, have been incorporated into other laws such as Law 217: Natural Resources and Environment Law, which includes the distribution of the percentages generated from the use of natural resources and joint management issues of protected areas, which establishes that it will be executed in accordance with the provisions of Law 445 and Law 28. In other cases, ordinary laws do not include them, for example, the INPESCA Law 489 omits the exclusive maritime rights of Caribbean coastal communities and there are no indigenous representatives in the National Fisheries and Aquaculture Commission (CONAPESCA, Spanish Acronym), which is the highest level body where fishery policies are discussed.

B. Resisting the Mestizo State's mode of governance

The Multicultural Autonomy Statute was a step forward in the recognition of several rights, although it did not emphasize economic rights. The negotiation process for the demarcation and titling of the territories included that by law the State must return 25% of the taxes collected from the exploitation of resources in the territories to the indigenous communities, who are considered owners of the natural resources in their territories. Although the payment of this percentage could be considered as progress, in reality it is uncertain whether the amount returned to the territories is the amount that they are entitled to, since there are no auditing mechanisms in the communities that would allow them to quantify and verify what they are actually entitled to from the use of a given natural resource. In addition, there is no information or transparency from the State regarding the volume of funds raised. In addition, there is no effective accountability from the territorial governments, and the use of these funds ends up being an element of conflict to the extent that the communities complain about being in a worse situation instead of improving.

On the other hand, since 2015 the State of Nicaragua, through the Ministry of Finance and Public Credit, annually transfers a budget line for institutional strengthening of territorial governments. In 2021, the nine territorial governments received 16,684,999 córdobas (U\$ 474,584.00), of which 20% went to the structure of the Governing Board of the Government of the Mayangna Nation, (MHCP, 2021). For the year 2022, C\$18,185,000 (US \$517,207) have been allocated, of which 60% is current expenditure for salaries of technical staff and mobilization expenses of the members of the Governing Board of the Territorial Governments. The remaining 40% is for investments in public infrastructure (MHCP, 2022) such as improvements to schools, health facilities, or basic construction of GTI offices, which are not always functional. The lack of transparency in the way in which budgets are allocated to the GTIs, the negotiation processes established by the GTIs with other power structures (Regional Government, the Executive Branch and the Mayangna Nation) associated with the imbalance between the percentage for current expenses and investments and the lack of community participation in the formulation and control of the GTI budgets, is aimed at strengthening a type of government structure that the community members consider to be clearly

subordinated to the State-Party. In other words, the Mayangna Nation and the GTIs reproduce the forms of governance of the colonial and patriarchal Mestizo State. These budget allocations are limited and do not match the real demands of the communities. In many cases, municipal mayors' offices and other state entities burden territorial governments with their social responsibilities when they argue that they do not have a budget.

As noted above, community members resisting mestizo invasions of their territories have consistently expressed concerns and question these forms of governance adopted by the GTIs. In their opinion, funds should be invested in territorial defense, as this is the main problem they face. Community rangers in territories with more conflict due to invasion often request funds to cover expenses related to food, first aid materials or equipment (alcohol, bandages), batteries or capes that are required for patrolling the territory to maintain a presence in the territorial limits and prevent new settlements by invaders. However, this economic support is being postponed from one year to the next (Sauni As forest rangers' personal communication, November 2021).

From the discussions held, personal communications and interviews conducted, there is a perception that these "funds are more counterproductive than positive... Since the GTIs are receiving these funds, they dedicate most of their time to ensure that the resources are requested and executed, thus diverting them from their original mandate of focusing on finding solutions to the challenges of territorial governance" (Personal communication, Miskitu Researcher, January 20, 2022). In previous years, when International Cooperation had more presence in the country, some GTIs took steps to strengthen their governance systems and community social agenda. GIZ cooperation, for example, focused on carrying out diagnoses and territorial development plans for which it was necessary to hire technical teams to work on their implementation. Other initiatives were undertaken through KFW, under the Nuevo FISE investment program, as well as some programs of the Ministry of Economy that, following national guidelines, do not adequately fit the realities of the territories. In 2010, the Sauni Arungka GTI, under the administration of Mr. Noe Coleman Damacio, organized a project with Japanese cooperation, obtaining US$100,000 in funding for the construction of a secondary school in the community of Mukuswas. In this relationship with the State and cooperation agencies, indigenous territorial governance has been re-

duced due to the departure of cooperation agencies and the closure of national and international non-governmental organizations, which has slowed down the development of territorial governance. On the other hand, the scarce funds that the State transfers to the GTIs do not allow them to meet the demands of the population. Territorial governance seems to be confused with an administrative exercise of having an office (often outside the territory) and managing the budget that comes from the State, complementing their search for money with cooperation agencies or other organizations, consolidating a structure similar to a mestizo governance at territorial level. As community rangers note: "the main concern of GTI directors is to increase their salaries, to spend money outside the community on meals, transportation and hotels"; "it seems that they work for the State and not for the territories" (Discussions among community rangers in Bonanza and Siuna between February and June 2021). As the administrative structures of the GTIs have been established, they have distanced themselves from the communities, disregarding the broad consultation processes - the community assemblies - for collective decision making. This behavior of the territorial authorities is questioned by the communities because it is susceptible to manipulation and corruption to serve foreign interests to the detriment of the community's interests and territorial integrity.

The corrective mechanism used by the communities is to push for a change of leaders or territorial authorities, assuming that these are individual practices, when in fact what happens is that there is an established and subordinate system of governance that leads them to generate practices that are resented and questioned by the communities. Despite this, and as part of the existing complexities, it has also been observed that in recent times there has been a gradual improvement in the management of territorial rights in some of the territorial governments, especially in those that receive fewer resources and are more distant. Despite the changes introduced in the election mechanism and the irregularities in the established electoral system, and despite the internal problems among the Mayangnas generated by a war that pushed them to move to refugee camps in Honduras, there is evidence of the forging of social fabric and cohesion, which leads to a more consistent effort to recover their territory, particularly in the case of Sauni As and Sauni Arungka, who are experiencing violent events of territorial dispossession and murders by invading settlers, who they call "LAND THIEVES".

However, community dissidence and resistance expressed through legitimate decisions to change the authorities has been countered with the imposition of territorial authorities more loyal to the structures of the governing party. The communities of the Sauni As territory, for example, have repeatedly elected new people to the governing board of their GTI, without getting the Regional Council to certify such elections and thus accepting the will of the population. Instead, the Regional Council has opted for ratifying the certification of authorities in the GTI, an action that, in the opinion of the community members, is a political maneuver of subordination to the governing party. This phenomenon has become generalized in almost all indigenous territories. For example, in July 2019, Princess Barberena, who was elected as president of the Rama and Kriol Territorial Government, filed a writ of amparo against the President of the Regional Autonomous Council of the South Caribbean Coast (CRACCS, Spanish acronym) Shaira Natasha Downs, who issued Board Resolution 1131 -14-06-2019 resolving the internal conflict of the Rama de Sumu Kaat indigenous community that disregarded the community elections that took place on December 9, 2018 and ratified the previous authorities, actions that were reported on social media (see (4) Noticias De Bluefields - Publications | Facebook). In this context, defenders of indigenous peoples' rights have pointed out that:

Without having the legal competence to do so, the Regional Councils refuse to certify the authorities legitimately elected by the communities and extend the term of the governments that are aligned with the ruling party; they illegally order the communities to hold new elections and impose all or part of the members of the already constituted communal and territorial governments, mainly imposing the coordinators/presidents of the indigenous and/or Afro-descendant governments (Acosta, November 12, 2021).

Faced with mestizo government impositions, at the beginning of 2022, close to a thousand people from the Sauni As territory traveled on foot or by bus to the municipal capital of Bonanza, 15 kilometers outside of the territory, to participate in the Territorial Assembly to elect the new GTI board of governance. In the opinion of the community leaders, holding this Territorial Assembly in the municipal stadium of Bonanza, instead of in the community of Musawas, where the elections are historically held, was a maneuver by the authorities in collusion with the mestizo government structures, seeking to elect people who would follow the same line of subordination as their predecessors. The community understood the maneuver and mobilized

to elect people they liked. The new elected officials, although they are recognized for their affinity with the government party, received a call from the community members to first think as Mayangnas and defend the territorial integrity, hoping that they will carry out actions that will allow the initiation of the territorial reorganization process.

In summary, territorial governance has become significant for securing indigenous rights; however, at the same time, tensions and conflicts have emerged, which require monitoring and analysis. The following section discusses the conceptual relationship of the autonomies to frame the analysis of the challenges for the governance of the Mayangna territories.

As in other regions of the world, indigenous peoples in the country have historically been diverse and precede the National State (Personal communication, May 2020), an important aspect that in historical evolution marks the relationship between indigenous autonomy, the multi-ethnic regional autonomy enacted in 1987 and the political autonomy of the Nation-State. Although the Statute of the Regional Autonomy Law was a substantive step forward in the struggle of the Mayangna, Miskitu and Rama indigenous peoples and for the Afro-descendant Creole and Garifuna groups, it did not fully meet the expectations of these peoples regarding self-determination. In this sense, regional autonomy was interpreted by some as "a starting point and not a goal" (Ortega 1997:99); while for others autonomy was "alive and in a continuous search" (Díaz-Polanco, 1999:1).

Recurrently over time, community leaders have stated that before the presence of the Mestizo State, they enjoyed effective autonomy, given that they could "live and circulate freely in the territory, enjoy our traditional food sources and have secure access to our natural resources, but we have been deprived of this autonomy" (W. Mclean, personal communication, December 2021). When speaking about indigenous autonomy, what does it mean? and what is its relationship with other concepts of autonomy? The following section conceptually discusses the differences between indigenous autonomy and multiethnic regional autonomy, which ends up being part of the autonomy of the State as a nation.

C. Indigenous autonomy

For the Mayangnas and Miskitu, indigenous autonomy is about free self-determination, freedom of territorial self-governance based

on their own ways of understanding life, their own decisions, their own community structures and their historical coexistence processes that have given meaning to the collective identity. Larson and Soto (2012:35) emphasized that the Mayangnas of Matumbak referred to "the defense of autonomy in resource management and ancestral decisions and rights... a political-social concept of territory". In the particular case of the Miskitu, they also defend their autonomy to govern their territories due to the fact that they have achieved international recognition, not only of their own existence, but above all of the possession and domain of their territories recognized by the British, although this recognition from the others - the dominant people at that time - ends up being in some way a process where assimilation or acculturation begins. The Zeledón-Wyke treaty, or better known as the Managua treaty of 1860, signed between the Government of Nicaragua and Great Britain, which at that time had a protectorate in the Caribbean region, included that:

> the "mosquito Indians...shall enjoy the right to govern themselves and to govern all persons residing within said district, according to their own customs and in accordance with the regulations that may from time to time be adopted by them, not being incompatible with the sovereign rights of the Republic of Nicaragua" (Alvarez, et al, 1944, quoted by Zapata, n.d. p.31).

To emphasize in that treaty that the rights to govern themselves should not be incompatible with the other rights of the mestizos who governed in a sovereign manner over the larger territory, was nothing more than to put them in the position of cooptation in order to continue with recolonization.

Alvarez et al, quoted by Zapata, also points out that, since each country (Great Britain and Nicaragua) and the miskitos themselves interpreted the letter of the treaty in their own way, generating tensions, a third party had to be called in to settle the conflicts. That third party (the Emperor of Austria) said the following in 1881:

> - The sovereignty of the Republic of Nicaragua is not full, but is limited by the Autonomy of the Mosquitia (self-government) established in Article 113 of the Managua Treaty - That the Republic of Nicaragua has the right to hoist its flag in the

Mosquitia and that the Government of the Mosquitia could also hoist its flag next to the flag of Nicaragua - That the Republic of Nicaragua has the right to "maintain a commissioner in the territory of the Mosquitia". That the Republic of Nicaragua "does not have the right to grant concessions to exploit the natural resources" of the Mosquitia, that this right belongs to the Government of the Mosquitia .... --That the Republic of Nicaragua had to pay to the Government of the Mosquitia the money established in article #5 of the treaty, including interest on arrears" (Zapata n.d:33).

These agreements were ignored by the Nicaraguan government, and through the military and a decree of the National Assembly in 1895 incorporated the territory of the Mosquitia to the State of Nicaragua, an act that was experienced in resistance and struggle. As Zapata states in his text:

By scrutinizing the available sources on the subject, it is possible to say that the from the coast, practically from the beginning, after shaking off the trauma of the surprise military takeover of the Mosquito Reserve, began to conspire, with the help of some foreigners especially the English Consul Mr. Hatch, to reconquer the political status they had prior to the incorporation to Nicaragua and their status as normal human beings, from that moment on and throughout their history (ibid:34).

A century later, in 1987, Law 28 was passed as a way to achieve peace. The Statute was a step forward in the struggle process, despite the fact that it did not meet the expectations of full autonomy. In 2004, the Council of Elders of the Mosquitia read the document "Precepts and Norms of the Community Nation of the Moskitia", page 8 reads as follows:

"the concept of the Moskitia Community Nation refers to our traditional and historical forms of community coexistence and to the legal framework from the past that identified us as an internationally recognized territorial unit and therefore subject to international law. This law gives us the right to determine our own ways of life. We will keep the name

Moskitia Community Nation for as long as we decide on our own free will and if in any area of our territory other nations and peoples decide to identify themselves in their own terms, they will simply be exercising their own right to be sovereign communities" (quoted in Figueroa and Gonzalez, 2021:13).

Figueroa and González point out that the decision of the Council of Elders in 2009 to proclaim itself as an authority different from the official institutions of multiethnic regional autonomy and to self-proclaim once again the independence of the Mosquitia, constitutes the " re-emergence of anti-autonomist sovereignty, as it challenged not only the rhetoric of sole sovereignty of the colonial-republican/national Nicaraguan state but also its most recent creation, the multiethnic regional autonomy regime" (p.13). These statements are perceived by the Mestizo Nation-State as an orientation to separation, to the division of the country, demonizing "a social aspiration rooted in the indigenous social memory and above all its decolonizing sense" (ibid). In Mayangna language, indigenous autonomy is expressed through the words "alas yalahna làni", whose translation is "to live according to one's own rules", as expressed in the workshops with 54 community leaders (December 2021) who were part of this study. During the previous consultation process for the definition of the autonomy statute, the Mayangnas referred to the concept of autonomy as "living our way of life", "living a harmonious freedom" (Envío Digital, 1986); they also referred to it as "living in harmony" [kalpakwi yalahna], which means "living in unity, peace and brotherhood [kalwahai] among all its members, sharing material and spiritual wealth (del Cid, 2017:99).

Autonomy, said the participants of the workshops for this study, is part of "the strength of their own ways of life, to have their own laws, identity, to move freely in their territory developing the relationship between the Mayangna Balna and nature, as well as to exercise their full rights as a people, without interference from third parties". Or as defined by the Mayangna leader Ronas Dolores (r.i.p.), a native of the Tuahka territory: autonomy is "living on our own with our groups, breathing fresh air and bathing in our crystalline and fresh rivers".

This notion of autonomy clashes with the vision of the Mayangna Nation leaders, who work in the integration of Ma Paki (community), Asangni (territory) and Sulani (Mayangna Nation) in a complex

process, due to the different positions that result in contradictions and tensions between Mayangnas from the communities and the leaders of the GTI and Mayangna Nation who live outside the territory and are more susceptible to acculturation, assimilation and corruption.

For the leaders of the Mayangna Nation, it is about structuring a genuine government system by assuming the concept of Nation, trying to move towards a kind of Plurinational State, which, even though Nicaragua does not define itself as a Plurinational State, from the perspective of some Mayangnas this is what they are trying to establish in practice. On the other hand, van Deure (2017:197) relates this rather to what is known as "shadow governments", that is to say that they exist, but are not legally recognized as such. Neither Law 28 nor Law 445 speak of the Mayangna Nation, but the Nicaraguan government legitimizes it by not only establishing relations with it, but also by directly supporting it financially with the assignment of an annual budget, as mentioned above. Shadow governments "seek to integrate themselves into the institutional structures by adapting to the circumstances, seeking opportunities or alliances and adopting roles or functions that serve to officially integrate them into the state structures". It is this integration into institutional structures that many community members living in the territories question, "because they perceive a subordination and domination on the part of the State to the detriment of the communities" (ibid).

D. Multi-ethnic regional autonomy in the Coast controlled Caribbean

The Statute of Autonomy of the Atlantic Coast Regions approved in 1987 states that the communities of the Atlantic Coast "are an indissoluble part of the unitary and indivisible State of Nicaragua and its inhabitants enjoy all the Rights and Duties that belong to them as Nicaraguans, in accordance with the Political Constitution" (Article 2). It also states that: "the Regions where the Communities of the Caribbean Coast live enjoy, within the unity of the Nicaraguan State, an Autonomy Regime that guarantees them the effective exercise of their historical and other rights, as set forth in the Political Constitution" (Article 4) (National Assembly, 2016).

The Statute refers to regional and multiethnic autonomy by recognizing: "in the political sphere, the different forms of governance of

ethnic groups other than the national ethnic group and guarantees the inclusion of autonomous entities to the organization of the State, providing a constitutionally protected general regulatory framework. The inclusion of different forms of governance of autonomous entities is generally considered to have the potential to transform the state" (van Deuren, 2017:44). That potential for transformation would be given, however, by more freedom, flexibility or decentralization on the part of the State; however, the most recent experience of the indigenous peoples of the Northern and Southern Caribbean, without exception, is a reverse process where the inclusion of autonomous entities, such as regional governments or indigenous territorial governments, results in subordination, instead of transformation of the State dominated by mestizos with a centralist and authoritarian vision.

The election of government and regional council authorities is carried out by national political parties, as is the case with the election of mayors and members of municipal councils, reaffirming a structural inequality in the political participation of the native population, in terms of their own ways of electing leaders, authorities or representatives.

The process of electing communal and territorial authorities increasingly resembles what political parties do (appointment of candidates at convenience and certification of those elected through documents), and in the worst cases, as explained above, illegally replacing the territorial government structures which, without being elected, end up being certified as community representatives. As Mirna Cunningham pointed out in an interview with DiazPolanco (1999: 7), when she was the dean of URACCAN: "the fact that people are elected as councilors by a national party, ties their loyalty to that party and not to the autonomous region... it has been very easy to block the operation of the Regional Councils with the decision of a national party..." (DiazPolanco, 1999: 7). The seats of national political parties in the Regional Councils actually have the purpose of re-concentrating power, and this "is a factor that also hinders the advancement of the autonomy process" (van Deuren, 2017:98).

The same procedure used by the national political parties with the regional authorities is reproduced in a downwards cascade.

The procedure applied by the Mayangna Nation to secure their power as regional government over the Mayangna territories is to put their supporters as authorities in the ter-

ritories. In concrete terms, this means that they help their supporters to obtain enough votes in the territorial assemblies for them to take a seat in the GTI of their territories. To this end, the Mayangna Nation provides funding that is used for election campaigns or for distribution among Mayangna candidates; they also support their candidates in making strategic speeches, boycott rival candidates by spreading rumors, and use their political mandates and contacts in political parties to obtain certification of territorial authorities that were not elected by the territorial assembly (van Deuren, 2017:131).

In the communities, community members often point to these changes as clear signs that they encounter when trying to live and govern themselves with autonomy, and they are part of the challenges they face in their daily struggle to defend their territorial identity.

IV. CHALLENGES FOR TERRITORIAL GOVERNANCE

As described in the previous sections, the Mayangna communities face enormous challenges, and below we list those that they consider the most urgent to address and resolve.

A. Surviving the territorial invasion of new settlers

The first challenge underlined by community members is to survive the invasion of settlers, with an authoritarian State, centralizing power and indifferent to the problems faced by the Mayangnas in their territories. The multicultural State implies not only the recognition of different cultures but above all the respect, care, protection and development of different worldviews, languages and ways of life. But this type of State exists only on paper, since in practice what there is an anti-liberal unipartisan State whose characteristic is authoritarianism (Applebaum, 2021).

Since 2015, the Mayangna have been suffering from increased invasion of their territories and from multiple forms of violence that result in killings, dispossession of their lands, insecurity to move in their own territory and food problems due to the constant incursions of invaders who take possession of parts of the territory's forests (see map) and deforest them to convert them into areas of monoculture and pasture for cattle ranching. Other indigenous peoples, such as the Miskitu and the Rama-Kriol in the southeast of the country, are in a similar situation.
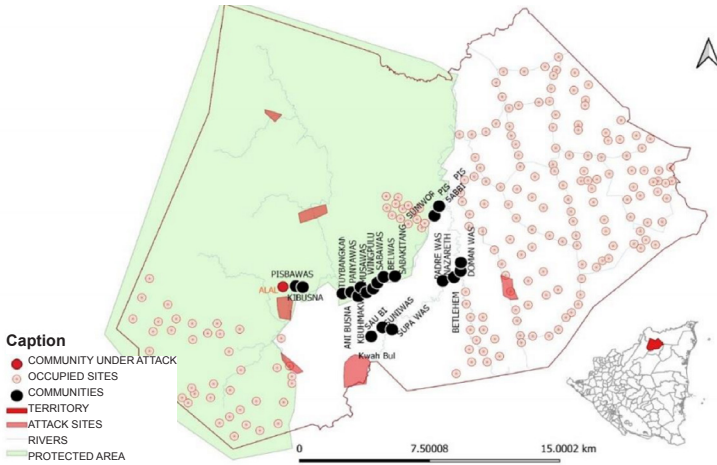
Illustration 2: Map on the colonization of community lands, the example in Sauni As. Source: Boletín No. 1 de los Guardabosques comunitarios del TMSA, June 2021.

The Mayangna territories such as Sauni As, Sauni Bu, Tuahka and Sauni Arungka live in a constant situation of violence resulting in deaths and wounded. Between August and October 2021, the Inter-American Commission on Human Rights noted "that there were events of violence against the Mayangnas, including violent deaths. The Commission also notes that, despite the complaints made internally, the representation has questioned the lack of investigation into the acts of violence" (IACHR 2022:10). In February 2022, the Observatory for the Protection of Human Rights Defenders, a joint program of the World Organization Against Torture (OMCT, Spanish acronym) and FIDH requested an urgent intervention in Nicaragua after receiving information about acts of intimidation and the imminent risk of attack against indigenous communities and defenders in the Mayangna Sauni As Territory (OMCT, February 11, 2022).

In order to survive the invasion of Mayangna territories and the multiple forms of violence, it is essential to respect the laws. However, how can this be done in a context where the State appears passive, indifferent? The lack of internal response leads the communities to seek external support. At least 3 Mayangna indigenous communities of the Sauni As territory, currently have precautionary measures granted by the IACHR through resolution number 9/2022, which in

light of Article 25 of its regulations, requests the Nicaraguan State to: (a) adopt the necessary and culturally appropriate measures to safeguard the life and personal integrity of the indigenous people of the Musawas, Suniwas and Wilú Communities of the Mayangna Sauni As Territory in the Autonomous Region of the Northern Caribbean Coast; (b) agree on the measures to be implemented with the beneficiaries and their representatives; and (c) report on the actions taken in order to investigate the alleged events that led to the adoption of the present precautionary measures and thus avoid its recurrence.

Surviving invasion and the lack of response from the State also involves an internal process of strengthening the communities to openly and fearlessly question territorial authorities, leaders and community members when they become accomplices of foreign interests, and to expose them by name, just like a group of community forest rangers have done through newsletters. Beyond the fact that this community action is perceived as an internal conflict among the Mayangnas, it represents a genuine process of struggle for ethnic and territorial identity. At the same time, groups of young and adult Mayangnas are urgently seeking that others, outside their territories, have information about what is happening and that community members themselves, living in the territory, expose to public opinion, through social media and digital communication media, the seriousness of the situation they are facing. This communication process seeks not only to denounce, but above all to create support and solidarity networks that support, at least morally and emotionally, the defense of their way of life, the collective ownership of forests, water and land and the right to govern their territories outside the logic of capital accumulation based on productivism for economic growth.

Surviving the invasion also leads them to internal reflection processes as a community to correct, and to weave support networks with other groups of the society that recognize that supporting them is also part of securing the protection and preservation of the forests, water sources and biodiversity that is so necessary.

B. Unmasking the colonialism, racism and patriarchy that lead to ethnocide

With years of struggle and despite the progress achieved in terms of recognition of the existence of the indigenous peoples, including

the demarcation and titling of community land, the immediate challenge is to unmask the colonialism, racism and patriarchal nature of the mestizos who dominate the State, political parties and business groups, as well as to unmask the practices of internal and patriarchal colonialism practiced by some Mayangnas who have become authorities, spaces to which few Mayangna women have access. By exposing these practices, there is hope that they will be reduced and that they will lead to actions for change, because not only do they generate conflicts for indigenous peoples (probably women are the most affected), but they also don´t allow the recovery and strengthening of the "alas yalahna lǎni" (living by one's own rules) of the Mayangnas, the good living of other indigenous peoples or the welfare of a truly multicultural and multilingual state.

Community testimonies, such as the empirical observation of multiple practices carried out by state officials and politicians of the governing party, allow us to argue that the Nicaraguan state will not cease to be colonial, racist, patriarchal and classist because these are precisely the anchors that sustain it. Hence the need to consider indigenous autonomy, which is based on other ways of understanding human life, the relationships between Mayangnas according to gender-age, their relationship with ecosystems and the cosmos, as well as their relationship with the State and other groups. In view of the daily practice of the Mestizo State to reinforce the colonial, patriarchal, classist, and racial aspects to the detriment of indigenous rights and the exercise of indigenous territorial autonomy, it is essential to expose the deliberate practices of the State to weaken the aspirations of territorial self-determination, as well as to wear down the structures of indigenous territorial governance, in a process that leads to dispossession, extermination, or ethnocide.

The review of these practices underlines the persistent implicit rejection of multiculturalism and multilingualism when simultaneous translation is omitted in meetings and negotiation processes, imposing the use of Spanish, which means that leaders and authorities tend to be deceived and manipulated and that their actions have serious repercussions on the collective interests of the communities. They are made to sign documents in Spanish without a full understanding of what is being signed. Often in the Mayangna language there are words that cannot be translated into Spanish, or vice versa. Central and regional government authorities do not take responsibility for translating documents into the native language, there are no qualified interpreters, the

importance of interpreters in conversations is not valued and learning Mayangna as a language to be used by the mestizos is not encouraged.

The practice of colonialism is also expressed in the recruitment of leaders to subordinate them to foreign interests so that they respond to the interests of the Mestizo State and the ruling party and not to the interests of the communities in the territories. As a community member pointed out in reference to the recent election of authorities in Sauni As: "We know the party to which most of the elected people belong, but they were elected because they were trusted by the territory, we elected them because otherwise the others (the previous territorial government authorities) would be reelected and we did not want that; in other words, those we elected have not held such positions in the past and we expect them to do things well" (Confidencial, January 27, 2022).

In addition to turning leaders to their side, the internal statutes of the communities and the traditional ways of electing community and territorial authorities are disrespected, which leads, as mentioned above, to the imposition of authorities that are convenient for the mestizos, but not for the Mayangnas. There is manipulation or creation of contradictions between the traditional forms of election (community assemblies and by show of hands), what is regulated in the written community statute (more recent) and what is established in Law 445. This leads to the suppression and transformation of the traditional institutions of community and territorial governments. Today's leaders do not enjoy the representativeness and legitimacy they had in the past, that is, when, far from the State, they legitimately represented the community before the State and before others (NGOs, companies, natural third parties, private companies).

Community leaders also pointed out the racial discrimination they face when, in their legitimate right, they may aspire to have salaried employment in the framework of a multicultural state but are relegated to inferior jobs or are not employed, despite the fact that many (mainly men) have studied and graduated from university. For example, in the December 2021 workshop in Wasakin, it was noted that for the water and sanitation project to be implemented by the Emergency Social Investment Fund (FISE, Spanish acronym) the engineer hired "does not speak our language and does not know our experiences in the communities, but they gave him the job and he is sent to our communities. They don't give us space when the community has qualified people" (Workshop with community members in Wasakin, December

7, 2021). Often, mestizos are convinced that Mayangnas are not qualified, or doubt if they are, to perform an administrative, technical or professional role in the public sphere. This is where the complexity of multiculturalism comes into play, which is being simplified and eliminated. This statement has two implicit problems that are important to mention. On one hand, given that there is only one regulated or regularized system to perform administrative, technical or professional roles that responds to the mestizo predominant perspective, performing such roles as mestizos do would be like renouncing to be Mayangna, at least from the mestizo predominant perspective. However, for some professional Mayangnas, having the opportunity of salaried employment could imply a dilemma: either the opportunity to contribute by showing that there are other ways of thinking and doing things, thus enriching the processes in the management of public affairs in a multicultural State, even if they have to "swim against the current", or else end up deepening acculturation by abandoning their ethnic identity. In any case, the exclusion of Mayangna professionals from the public sphere outside their territories is clear when the State is not interested in allowing other spaces for the emergence, development and consolidation of other ways of thinking and working in the governance of the territory, other ways of understanding life and collective well-being. Doing this is in opposition to the authoritarian way in which the country is governed, to the centralization of power and to the total subordination of others.

Colonialism and racism is also reflected in the constant refusal to receive and investigate complaints of usurpation of communal territory and other related crimes that aggravate the loss of territorial rights, while the settlers who have invaded communal land are protected by state institutions (police and judicial authorities) and the governing party, because they belong to the same ethnic group (mestizos) that share the same vision of development based on the exploitation of common goods (land, forests, water) and the exploitation of human beings, unbridled economic growth and unlimited accumulation of capital. The State of Nicaragua does not listen to the demands of the Mayangna communities to stop and reverse the invasion of settlers to the collective property, despite the recurring events that generate deaths and wounded due to the usurpation and occupation of the territory. The lack of support to stop and reverse the invasion of community land, as well as the practices of taking control over territorial authorities and the Mayangna Nation seem to be very clear indicators

that they are invested on exposing the internal differences between Mayangnas for the governance of the territory, making them appear as the cause of ethnocide, otherwise there is no explanation for the lack of response from the State to the high level of violence that some of the territories are experiencing, as a result of the invasion.

Some public officials argue that the conflicts in the territories derive from internal problems between Mayangnas, that is, the problems are not caused by mestizos as individuals invading other people's land, and even less by the Mestizo State, which is blind, deaf and mute when it comes to these conflicts. The latest murders investigated by the National Police in Mayangna territories indicate that the causes of these murders have been "quarrels between Mayangnas" and the detainees are Mayangnas, not Mestizos. Thus, there is an attempt to present the internal differences between Mayangnas, like the differences that may exist within other groups or peoples, as the reason behind the conflict. In general, the mestizo conception of territorial governance ignores or underestimates other ways of life, knowledge or ways of being that are not rooted in the private ownership of land, the exploitation of nature, dispossession or accumulation of capital.

C. Less hierarchical and unequal power structures and relations between the State, territories and communities

The country's governance structures privilege the national level over the regional, and the regional over the municipal, leaving the territorial level behind, which ends up doubly subordinated to the municipal and regional levels, despite the fact that the territorial governance of the 23 indigenous territories represents 31.3% of the national territory (CONADETI 2018). An important aspect highlighted by the community leaders of the territories where the reflections and discussions took place is that the country's legal system does not recognize the plurality of justice systems. Community judges do not have the competence to take concrete measures against the invasion of settlers in the territories. The State only allows them to hear cases of minor crimes and those committed by indigenous community members. Article 20 of the penal code states that "crimes and offenses committed by members of the indigenous peoples and ethnic communities of the Atlantic Coast within the communities and between community

members, whose penalty does not exceed five years of imprisonment, shall be judged according to customary law, which in no case may contradict the Political Constitution of Nicaragua".

In the Sauni As territory, for example, due to constant invasions, on several occasions land usurpers from the mestizo group who are not natives of the area have been detained, but it is not possible to judge them according to customary law because the law excludes community judges from having jurisdiction over the invaders. These people, as invaders, are handed over to the police authorities or to the local court, which then ends up acquitting them without criminal charges. The law also gives the right to community members who commit crimes to decide if they want to be judged by the communal judge or by the State authorities. When Mayangnas are involved in crimes of selling communal land and are questioned by the communal authorities, they can choose to resort to the State entities where they can easily be released because they have links with politicians or other State authorities.

This unequal method of applying justice in the indigenous territory seeks to weaken the traditional Mayangna justice system. Acts of corruption involving some leaders or authorities of the territory are not investigated or sanctioned in accordance with traditional Mayangna regulations. On the other hand, it has been observed that communal judges are becoming less effective in the exercise of indigenous justice. The above is being established as a kind of legal trap that prevents community judges from applying community justice and reduces their function due to the lack of cases to attend to. The direct consequence of this is impunity. This inequality is aggravated while the processes of traditional indigenous justice are weakened. State authorities point out that in order to strengthen the application of justice, constant training processes are required for communal and territorial judges, who are the authorities in charge of ensuring indigenous justice.

In these training events, when they occur, it is often observed that the rationale, vision and interests of the State's justice system predominates, assuming that it is superior, with very little effort and commitment from those who provide the training on the judicial system to understand the rationale, vision and interests of the other party -the indigenous people.

In parallel, other regional authorities and local government officials, such as the National Police, the Ministry of the Environment

(MARENA, Spanish acronym) or the Ecological Battalion created to protect areas such as the BOSAWAS Biosphere Reserve, which overlaps with Mayangna territories, respond in the first instance and operate under the rationale of the national guidelines of the Mestizo State. Therefore, there is the easy argument that they can do nothing about the invasion and deforestation of broadleaf forests to make way for livestock and other crops, causing changes in ecosystems that will later have repercussions in terms of temperature increases, heat waves, shortening of the rainy season and, therefore, less availability of water for human and animal consumption, thus disrupting and changing the living conditions not only of the Mayangnas but also of other non-human beings living in the territories.

Facing this challenge requires to strengthen community organization, because this is the basis that sustains or gives strength and meaning to the organization and defense of territorial integrity. In order to strengthen community organization, it is necessary for community members to have access to transparent and constant information on everything that territorial governance implies in the context of a multicultural and multilingual State. In parallel to access to information, it is required more than ever to have spaces for discussion, reflection and analysis that involve the majority of the community, and not only those who hold a position in the communal or territorial governments. These spaces for discussion and reflection need to address how the communities want to be in their present and future as a community-territory, clarifying better, for themselves and for others, how they want to live as families-community, how they want to work and how they want to make a living, how to relate with the State and with other groups, how they want to be treated or considered by the State and by others. How they conceive and desire their way of life and territorial governance system.

D. Standing up to divisive policies and disregard for the community proposal

In a context of growing authoritarianism, the State, in collusion with big businesses managed by the elites of economic power, impose the dominant vision of capitalism that uses extractivism as a divisive policy in indigenous territories, with the slogan of reducing poverty and ensuring economic growth for the elites. Looking at the indigenous

territory as a source of wealth to be used "for national purposes", although is not something new, highlights the colonizing and capitalist vision of the State. In reality, what is taking place is the promotion of the excessive accumulation of capital by certain agricultural, logging and mining entrepreneurs and the State itself, all from outside the territory. On the one hand, corporate extractivism is condoned and encouraged, and on the other, the invasion of indigenous territories is allowed, which leads to deterioration of the living conditions of the native population, who find it more difficult to live in peace in the family, community and territorial environment.

The expansion of extractivism and the failure to stop the invasion of Mayangna territories are the most visible signs of this capitalist rationale that seeks accumulation through territorial dispossession. Extractivism, in the three dimensions pointed out by Gudynas (2013): the volume of resources extracted without processing, the intensity of extraction, and the destination of the resources, has expanded and intensified in the region even with the arrival of progressive governments and constitutes a substantive part of predatory capitalism. As Svampa (2019:12) points out, in the current context the rule seems to be: "the more extractivism, the less democracy, which is reflected in the flexibilization of the already scarce existing environmental controls, as well as by the hardening of the contexts of criminalization and the increase in murders of environmental activists, in the context of the dispute over land and access to natural resources".

One of the divergent policies is the "Bio-Climate project: Integrated Climate Action to Reduce Deforestation and Strengthen Resilience in the BOSAWAS and Rio San Juan Biosphere Reserves" project (Green Climate Fund, 2019), which has given initial evidence of going in a different direction, judging by the acceptance by the Independent Redress Mechanism (IRM) of a complaint about the project which concludes that:

> *... there is prima facie evidence of adverse impacts caused or likely to be caused to the complainant(s) by the project's non-compliance with GCF policies and operating procedures. The issues raised are serious enough to justify a compliance investigation...the MIR has decided to initiate a compliance investigation...the project added an activity that seeks to regularize the illegal occupation of lands titled to indigenous people and there is no documentation to demonstrate the im-*

pact of the PCRA on the 5th stage of titling" (the removal of illegal settlers).... there is non-compliance by the project with the GCF Provisional Environmental and Social Safeguards (Performance Standards 1, 5 and 7) and the GCF Indigenous Peoples Policy regarding the adequacy of the assessment of adverse impacts... this non-compliance may lead to increased violence and further invasion of indigenous lands by illegal settlers (Green Climate Fund, 2021:20-21).

The BioClima as a project is not only unknown to most people living in Mayangna territories. It will be implemented in places to generate and protect forest areas with the capacity to capture carbon, but paradoxically, these are the sites where land invasion is currently taking place, forests are being destroyed, water sources are being endangered and biodiversity is being lost and with it the different forms of life. This project has implicit contradictions between what it proposes (recovering forest areas with the capacity to increase carbon sequestration) and what actually occurs (violent dispossession of territories). It is contradictory to the expansion of mining concession areas granted by the State to new companies such as Colibri Mining.

This is in line with colonial behavior, given that there are protocols for Free, Prior and Informed Consultation (FPIC) that have been proposed by some territories such as Sauni Arungka, which have been scorned because they are proposed by the territory. This protocol includes 7 steps. Step 4, for example, establishes the following:

the proponent must submit the information in Spanish and to the extent possible it must be submitted in Mayangna language. The documents must be supplied in a timely manner before the proposal is implemented. This should include technical environmental and social impact studies; as well as diagnostics and/or external studies including the scope, positive or negative effects on the territory and on the collective and cultural rights that may be affected (IUCN, 2014:98).

Often the territories find that the State carries out quick consultations through workshops that last not more than six hours, in one or two days, with a small group of government leaders, similar to the pattern followed for the design of the proposed National Avoided Deforestation Strategy (ENDE, Spanish acronym - REDD). Facing this

dilemma implies that the Mayangnas make progress in the definition of their own FPIC protocols, including the involvement of independent mechanisms for the implementation and evaluation of FPIC processes, exchange of information and experiences between territories, processes that should be supported by civil society organizations and the State itself..

V. CONCLUSIONS

Although in general terms the country has made progress in terms of the rights of indigenous peoples, this progress is the result of the peoples' struggle and not of the benevolence of the State. There are substantive differences between indigenous autonomy and the multi-ethnic regional autonomy approved by the State as a means to subordinate communities and territories to the logic of domination of the Mestizo State. We have found that there is diversity in the Mayangnas' visions and ways of relating to the Mestizo State and to other groups, which generates tensions, particularly because of the subordinate ways in which some relate to the power structures of the State, since this means the loss of autonomy and identity in territorial governance.

In the process we have studied, there is a governance model with three interrelated levels that the Mayangna Nation seeks to conduct as a territorial governance structure that is imposed on the territories. These three levels are based on the Ma pâki (community), the Asangni (Territory) and the Sulani (Mayangna Nation). We have seen a deterioration of the autonomy of the Mayangna communities with respect to the territory as the interference of the State and political parties increases and strengthens. The invasion of territories, the degree of violence that has been generated since 2015, with an increasing number of murders in the last two years and a lack of response from the State, is putting the Mayangna territories on the path to ethnocide.

With the above in mind, territorial autonomy faces four major challenges today: surviving the invasion of territories; unmasking the colonialism, capitalism, the patriarchal nature and racism of the State; fighting to ensure less hierarchical and unequal power structures and relations between the State, communities and territories; and confronting policies that generate division and become contradictory, as well as confronting the State's disregard for proposals that come from the territories. To meet these challenges, the three interrelated levels of governance need to be strengthened in parallel: the community, the territory and the group of territories, with an emphasis on strengthening community organization, as this is the basis on which the terri-

tories are built and ensuring greater participation of adult and young women. These actions require access to transparent and continuous information that allows them to intensify the discussion, reflection and analysis on how to face these challenges and how to develop or manage their relations with the State, political parties, businesses and other forms of organization used by the mestizos as a majority group, for those who were born in the autonomous regions as well as for those who live in other parts of the country. At the same time, there must be a discussion on how to prevent internal differences between communities and territories from being used against them to delegitimize their struggles and proposals. Access to information, spaces for discussion and collective reflection also require a discussion about their history, their roots, their cosmovision, their identity, but at the same time, to inquire about how they wish to live their present and their future in terms of family equality, access to land for farming, hunting, fishing, and about their ways to interact with other groups outside the territory.

Through discussion and reflection, articulate the arguments as to why the proposal for peaceful coexistence has been made to those who have invaded their territories, exposing them, under the current conditions, to extermination, both of biodiversity and of themselves as a people, taking as a reference what has happened with other indigenous peoples of the north, center and pacific, as well as the damage to the life ecosystems where producing food and living is becoming increasingly difficult. Emphasize that peaceful coexistence is possible, but it requires as a basic condition, the strengthening of community organization, a change in ideas and practices that destroy nature, respect for the rights established in the laws, non-violence, and to imagine other ways of life that are not governed by colonialism, racism, unlimited accumulation of capital, social inequality and exclusion.

Finally, to emphasize that the Mayangna territories need to improve their FPIC protocols, for community justice, for improvement in the participation of adult and young women in territorial governance, as well as innovation in other procedures that are nurtured when studying international parameters on the rights of native peoples, the regulatory particularities of the country and the needs of internal regulation of each territory on the issues that seem most urgent for their continuity as native peoples.

VI. References

Acosta, M. L (8 de febrero 2020). Nicaragua: La masacre de Alal es solo la punta del Iceberg. Recuperado 12 enero 2022 https://debatesindigenas.org/

Acosta, M.L. (12 de noviembre 2021). El diablo, la coaptación del Estado y de los Gobiernos Indígenas en Nicaragua. Revisado 10 marzo 2022 https://agendaestadodederecho.com/la-cooptacion-del-estado-y-de-losgobiernos-indigenas-en-nicaragua/

Applebaum, A. (2021). El ocaso de la democracia. La seducción del autoritarismo. Madrid, Debate.

Asamblea Nacional (2016) Ley 28 Estatuto de Autonomía de las Regiones de la Costa Caribe de Nicaragua con sus reformas incorporadas. La Gaceta, Diario Oficial N°. 155 del 18 de agosto de 2016

Ayala, M., Zapata, E. and Cortés, R. (2017). Extractivismo: expresión del sistema capitalista-colonial-patriarcal; en Ecofeminismos y ecologías políticas feministas. P.60-66 Fundación ENT / Icaria editorial.

Cabnal, L. (2012) Feministas Siempre. Feminismos diversos: el feminismo comunitario. ACSUR. Recuperado 13 marzo 2022 https://porunavidavivible.files.wordpress.com/2012/09/feminismoscomunitario-lorena-cabnal.pdf

CEJIL (2019). Resistencia Miskitu: lucha por el territorio y la vida. San José, Costa Rica.

CIDH (16 de febrero de 2021). La CIDH amplió medidas caute-la- res a favor de las comunidades indígenas Mayangna de Mu- sawas, Suniwas y Wilu del territorio Sauni As. Revisado en febrero de 2022, en http://www.oas.org/es/CIDH/jsForm/?File=%2Fes%2Fcidh%2Fprensa%2Fco municados%-2F2022%2F032.asp

CIDH (2021) Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho. Revisado marzo 18 2021 https://www.oas.org/es/cidh/informes/pdfs/2021_Nicaragua-ES.pdf

CIDH (2022). Medida Cautelar No. 505-15 Indígenas de las Comunidades Musawas, Suniwas y Wilú del Territorio Mayangna Sauni As en la Región Autónoma de la Costa Caribe Norte.

Resolución 9/2022. http://www.oas.org/es/CIDH/jsForm/?- File=/es/
cidh/prensa/comunicados/202 2/032.asp

Confidencial (22 enero 2022). Nuevas autoridades de Gobierno

Territorial mayangna de Sauni As controladas por FSLN. Revisado
18 marzo 2022 https://www.confidencial.com.ni/nacion/nue-
vas-autoridades-de-gobiernoterritorial-mayangna-de-sau-
ni-as-controladas-por-fsln/

CorteIDH (2001) Caso de la Comunidad Mayagna (Sumo) Awas Tingni
Vs. Nicaragua. Sentencia de 31 de agosto de 2001 (Fondo, Re-
paraciones y Costas) Recuperado 41 12 febrero 2022 https:// www.
corteidh.or.cr/docs/casos/articulos/Seriec_79_esp.pdf

CorteIDH (2005). Caso Yatama Vs. Nicaragua. (Excepciones
Preliminares, Fondo, Reparaciones y Costas). Recuperado en febrero
2022 en https://www.corteidh.or.cr/casos_sentencias.cfm Cumes, A.
(208) Un patriarcado colonial somete no solo a las mu-
jeres. Entrevista en línea de Bárbara Barrera en Palabra Pública – Uni-
versidad de Chile. Recuperado abril 15, 2022 https://palabra-
publica.uchile.cl/2018/07/23/auracumes-escri- tora-un-patri-
arcado-colonial-somete-no-solo-a-las-mujeres/

Del Cid V. (2011). Capítulo Nicaragua, Tomo II. *Diagnóstico sobre la
situación de los derechos humanos de los pueblos indíge-
nas de américa central*. Recuperado febrero 2022 en http://
oacnudh.org/wpcontent/uploads/2012/10/NICARAGUA.pdf

Del Cid, V (2017). La cultura Mayangna, una etnografía por imáge-
nes. Revista nicaragüense de antropología, año 1, número 1.

Diaz-Polanco, H. (1999). Los desafíos de la autonomía en Nicaragua.
Entrevista con Mirna Cunningham. Desacatos No. 1, ciudad
de México, CIESAS.

Envío Digital (No. 57 marzo 1987). Los indígenas Sumus de la Costa
Atlantica. Revisado diciembre 10, 2021 en https://www.en-
vio.org.ni/articulo/483

Expediente Público (8 de septiembre 2021). Policía encubre a colonos
y acusa a indígenas por masacre del 23 de agosto. Recupera-
do 11 marzo 2022 https://www.expedientepublico.org/ni

Figueroa, D. and González, M. 2021. Violencia política en los már-
genes del Estado: Autonomía comunitaria afro-indí- gena
en la Costa Atlántica de Nicaragua, Canadian Jour- nal
of Latin American and Caribbean Studies / Revue ca- na-
dienne desétudes latino-américaines et caraïbes, DOI:
10.1080/08263663.2021.1970410

García, C. (2014). Aculturación del pueblo indígena Mixe, Oaxaca, México. ESTUDIOS HISTORICOS – CDHRPyB- Año VI - Julio 2014 - Nº 12 – ISSN: 1688 – 5317. Uruguay

Gobierno de la Nación Indígena Mayangna, (2016). ¿Qué es la Nación Mayangna? Documento interno.

Gonda, N., Flores, S. Casolo, J. (por publicarse) When struggles for autonomy meet environmental (un)governance: Rethinking resilience through socioecological conflicts in Nicaragua.

González M, Figueroa, Barbeyto (2006). Género, etnia, partidos políticos en las elecciones regionales de la Costa Caribe: Retos de la diversidad. BICU WANI número 43.

GTI Sauni Arungka (23 de marzo 2022). Comunicado 03-22-03- 22 Sobre el asesinado del líder indígena Salomón López Smith. https://www.facebook.com/111624848122922/posts/122750120343728/

Green Climate Fund (2019) Concept Note Bio-CLIMA Nicara- gua: Integrated climate action for reduced deforestation and strengthened resilience in the BOSAWÁS and Rio San Juan Biosphere Reserves. Recuperado, 15 Enero 2022 ht- tps://www.greenclimate.fund/sites/default/files/documen-t/21710-bio-climanicaragua.pdf

Green Climate Fund (2021). Reporte de Evaluación de cumplimiento, caso C-0006- Nicaragua. Recuperado 15 marzo 2022 https://irm.greenclimate.fund/sites/default/files/case/c0006-nicara-guaeligibility-determination-espa-ol.pdf

Hooker, A. (2014). Resiliencia y trayectoria de las mujeres garífunas y afrodescendientes en Centroamérica, particularmente Guatemala. Revista CARIBE No. 14, URACCAN Bluefields, Nicaragua.

Larson, A., y Soto, F. compiladoras (2012) Territorialidad y Gobernanza: tejiendo retos en los territorios indígenas de la RAAN Nicaragua. Instituto Nitlapan-UCA, 1ra edición, Managua.

M. Ortega H. (1997). El régimen de autonomía en Nicaragua: contradicciones históricas y debates recientes.

Monte, A. y Gómez, J.P. (2020). Autoritarismo, Violencia y Elites en Nicaragua. Reflexiones sobre la crisis (2018-2019). Anuario de Estudios Centroamericanos, vol. 46, Universidad de Costa Rica.

OMCT (11 febrero 2022) Intervenciones Urgentes, Nicaragua: Riesgo inminente de ataque contra comunidades defensoras indíge-

nas. Recuperado 23 febrero 2022 https://www.omct.org/es/ recursos/llamamientos-urgentes/nicaragua-riesgoinminente-de-ataque-contra-comunidades-defensoras-ind%C3%ADgenas

Onda Local (25 de agosto 2021). Colonos asesinan a 11 indígenas en el cerro de Kiwakumbaih, territorio Mayangna. Recuperado 23 febrero 2022 https://ondalocalni.com/ni

Paredes, J. (2017) El feminismo comunitario: la creación de un pensamiento propio. CORPUS (en línea) vol. 7 No.1 publicado 30 junio 2017, consultado 14 febrero 2022 https://journals.openedition.org/corpusarchivos/1835

Svampa, M. (2019). Las fronteras del neoextractivismo en América Latina. Conflictos socioambientales, giro ecoterritorial y nuevas dependencias. Primera edición, CALAS.

Stevenhagen, R. (1998). Derecho Indígenas y Derechos Humanos en América Latina. El Colegio de México- IIDH, primera edición -México.

The Oakland Institute (2020). Nicaragua's Failed Revolution: The Indigenous Struggle for Saneamiento. Retrieved on March 15, 2022 https://www.oaklandinstitute.org/nicaragua-failed-revolution-indigenousstruggle-saneamiento

MHCP (2021). Informe de Liquidación del Presupuesto General de la República 2021. Cuadro 8 Gastos Totales Asignaciones y Subvenciones. Recuperado 10 abril 2022 http://www.hacienda.gob.ni/documentos/presupuesto/informes/2021/Informe
%20de%20Liquidacion%20del%20Presupuesto%20Gene- ral%20 de%20la%2 0Republica%202021.pdf/view

MHCP (2022). Proyecto de presupuesto general de Nicaragua 2022. Asignaciones y subvenciones. Recuperado 10 abril 2022 http://www.hacienda.gob.ni/hacienda/presupuesto2022/pgr/41.EstructuraFun   cionalGastoAsignacionesSubvenciones.pdf

UICN (2014) Bio-Protocolo de Consulta y Consentimiento libre, previo e informado (CLPI) del pueblo Mayangna Sauni Arungka, Territorio Matumbak. San José Costa Rica, 126 paginas.

Valle, A. 2016. Manual de Derecho Internacional Público, 3a. ed. Managua 260 p.

Van Deuren, C. 2017. Las dinámicas conflictivas en relación a la autonomía territorial en espacios geográficos multiétnicos y áreas protegidas. Un estudio sobre las experiencias de los indígenas

mayangna en la Reserva de la Biosfera de Bosawás, Región Autónoma de la Costa Caribe de Nicaragua. Tesis doctoral Colegio de San Luis de Potosí, México.

Wainwright, Joel, and Joe Bryan. 2009. "Cartography, territory, property: postcolonial reflections on indigenous counter-mapping in Nicaragua and Belize." cultural geographies 16 (2):153-178.

Zapata, Y. (s.f.) Una historia diferente. Manual de educación ciudadana intercultural y autonómica. Una publicación de Fundación Ford y URACCAN.

Although the Mayangna indigenous people are protected by the Constitution, the Autonomy Statute (Law 28) and the communal property regime (Law 445), they face the challenges of surviving the invasion of their territories, unmasking the colonial, patriarchal and racist nature of the State, fighting for less hierarchical and unequal power structures and relations between the State, the territories and the communities, and confronting divisive policies and the State's disdain for the proposals emanating from the territories.