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

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1. 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. Baracco & González, 2016b; Galanova, 2017; Herlihy, 2016; Parker, 2016; Robles, 2016).

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; Larson et al., 2016; Mairena, 2014).

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, 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 & Ruiz, 2008; Larson et al., 2016; Lorío, 2014; Mairena, 2014; Martínez & Ramírez, 2013). 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 de la Cadena, 2001; Canessa, 2006; Field, 1998; Hale, 2005; 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 Nygren, 2004; Peluso, 2008; Sundberg, 1998).

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.

2. 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. Finley-Brook, 2007; Gordon, Gurdián, & Hale, 2003; Gurdián, 2004; Hale, 1994; Offen, 2003a). 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 & 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 & 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 & 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]

2.1 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 (Baracco & González, 2016a; Vilas, 1989). 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 (Larson et al., 2016; Mairena, 2014). 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 (Finley-Brook & Offen, 2009; Pineda, 2006); 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, 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 (Finley-Brook, 2007; Finley-Brook & Offen, 2009; Gurdián, 2004). 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 (Larson et al., 2016; Nietschmann, 1989). In general, the attitude towards indigenous people continued to be paternalistic and romanticizing (Baracco, 2016; Sánchez, 2007). 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 (Hale, 2011; Nietschmann, 1989).

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) (Baracco, 2016; Finley-Brook, 2007). These areas correspond to approximately 50 % of the national territory, with 12 % of the total population in Nicaragua (Mairena, 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 & Lewis-Mendoza, 2012, p. 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 (Mairena, 2014; Vandermeer & Perfecto, 1998).

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 Gould, 2004b; Hale, 1996; Offen, 2003b). 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 (Gurdián, 2004; Offen, 2003b). 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 (Finley-Brook & Offen, 2009; Mollett, 2016; Stocks, 2003). 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 Awas 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 & Grossman, 2002; Wainwright & Bryan, 2009). The court ruled in favor of Awas 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, 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) (Larson et al., 2016; Mairena, 2014). These territories are now awaiting saneamiento—the last phase of indigenous land demarcation.

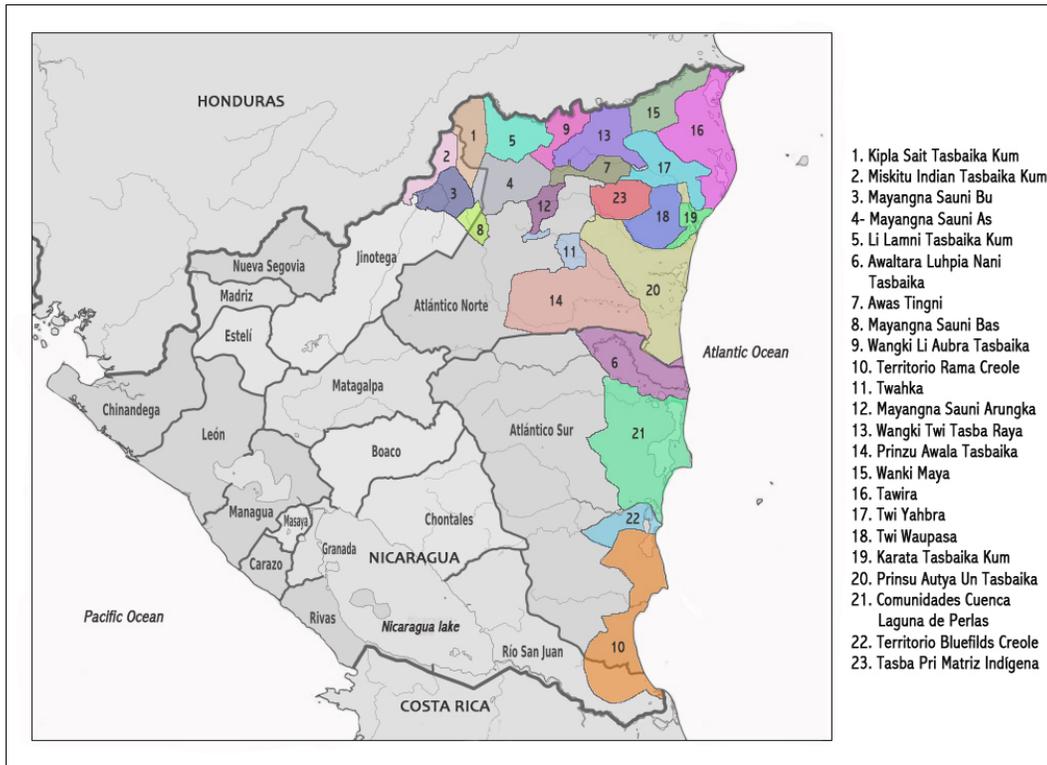**Figure 1.** Indigenous territories on Nicaragua's Caribbean Coast. Source: Modified from a map produced by CONADETI.

3. What is saneamiento?

3.1 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).
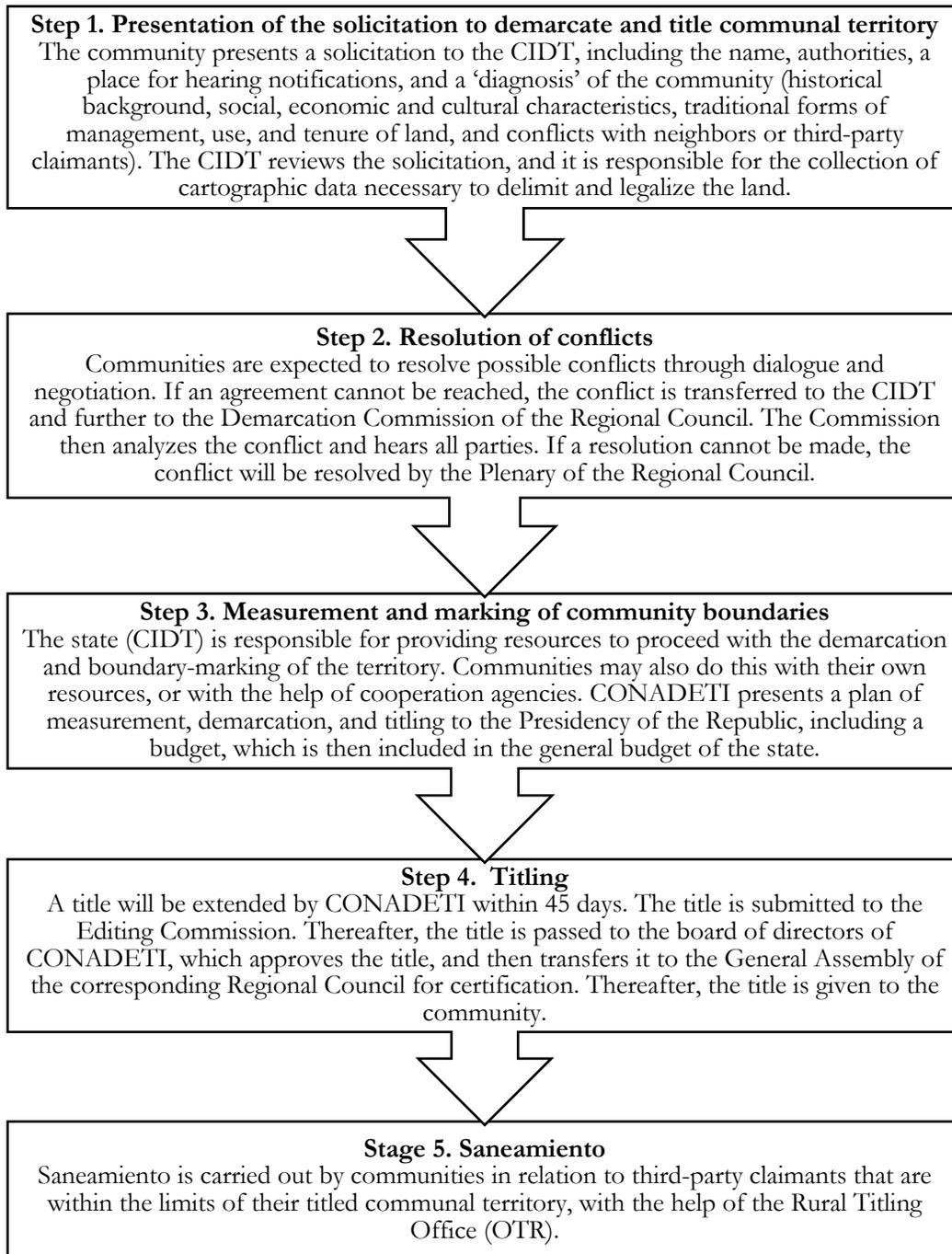
Step 1. Presentation of the solicitation to demarcate and title communal territory
The community presents a solicitation to the CIDT, including the name, authorities, a place for hearing notifications, and a 'diagnosis' of the community (historical background, social, economic and cultural characteristics, traditional forms of management, use, and tenure of land, and conflicts with neighbors or third-party claimants). The CIDT reviews the solicitation, and it is responsible for the collection of cartographic data necessary to delimit and legalize the land.

Step 2. Resolution of conflicts
Communities are expected to resolve possible conflicts through dialogue and negotiation. If an agreement cannot be reached, the conflict is transferred to the CIDT and further to the Demarcation Commission of the Regional Council. The Commission then analyzes the conflict and hears all parties. If a resolution cannot be made, the conflict will be resolved by the Plenary of the Regional Council.

Step 3. Measurement and marking of community boundaries
The state (CIDT) is responsible for providing resources to proceed with the demarcation and boundary-marking of the territory. Communities may also do this with their own resources, or with the help of cooperation agencies. CONADETI presents a plan of measurement, demarcation, and titling to the Presidency of the Republic, including a budget, which is then included in the general budget of the state.

Step 4. Titling
A title will be extended by CONADETI within 45 days. The title is submitted to the Editing Commission. Thereafter, the title is passed to the board of directors of CONADETI, which approves the title, and then transfers it to the General Assembly of the corresponding Regional Council for certification. Thereafter, the title is given to the community.

Stage 5. Saneamiento
Saneamiento is carried out by communities in relation to third-party claimants that are within the limits of their titled communal territory, with the help of the Rural Titling Office (OTR).

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 (2014); and República de Nicaragua (2003).

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 INRA[6] 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*" (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 & Lewis-Mendoza, 2012, p. 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, 2014).

3.2 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, 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 & Soto,

2012; Mairena, 2014; Martínez & Ramírez, 2013). 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, 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 (Bonilla, 2013; Díaz & Ruiz, 2008; Mairena, 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 CONADETI's demarcation and titling manual as to absolve this central state entity of any such responsibility (Bonilla, 2010).

3.3 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 & 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).

A title exists — No title

Before March 1999 in protected areas — After March 1999 in protected areas — Title revoked

Before 1987 — After 1987 — Supplementary title — Title deemed not valid

Land not occupied before 1987 by the claimant — Land title not acknowledged

Actual or Agrarian Reform title

Prior and continuous occupation of land — Occupied by the owner or in a continuous manner — Unoccupied or not occupied by the owner — Land title not acknowledged

Occupation and title coincide. No irregularities — Irregularities or errors related to the title

The rights claimed by the tercero have a legal basis — It is prohibited to sell land to other terceros

The status is determined by the Chapter VII of the Law 445, and the legal alternatives are identified: Eviction with or without compensation

Figure 3. A framework to determine the status of a tercero in an indigenous territory, based on Law 445. Source: Acosta, 2010 (my translation)

Table 1 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 (Acosta, 2010; Bonilla, 2013). 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).

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

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 & 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 (Acosta, 2010; Bonilla, 2010; Finley-Brook & Offen, 2009). 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 & Offen, 2009). Supplementary titles based on occupation are not valid in indigenous territories (Mairena, 2012).

3.4 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, 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 (Bonilla, 2013; Larson & Lewis-Mendoza, 2012; Lorío, 2014; pers. obs., 2017). Mairena (2014) estimates 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 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 (Herlihy, 2016; Mairena, 2014; 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).

4.   What is problematic about saneamiento?

4.1 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; Mollett, 2011; Muehlmann, 2009). This shift coincided with neoliberal 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 (Andolina, Radcliffe, & Laurie 2005; Hale, 2005; Postero, 2000).

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 (Bryan, 2011; Hale, 2005, 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 (Canessa, 2006; Hale, 2005): "security for some creates radical insecurities for others who find themselves 'out of place', and subject to violent exclusion" (Li, 2002, p. 365). Neoliberal multiculturalism requires difference-making, because rendering social groups as differentiated, homogenous, and legible facilitates the neoliberal project (Hale, 2002, 2005; Jackson & 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 & 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 (Bryan, 2011; Finley-Brook & Offen, 2009; Hodgson & Schroeder, 2002). Cartographic conventions are unable to accommodate multiple identities, and they naturalize the link between identity and place (Gupta & Ferguson, 1992). As Kosek (1998, p. 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 Brosius, 1999; Conklin & Graham, 1995; Coombes, Johnson, & Howitt, 2011; Field, 1998; Finley-Brook & Offen, 2009; Hale, 2005; Jackson & Warren, 2005; Malkki, 1992; Pineda, 2006). 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 Andolina et al., 2005; Hale, 2002; 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 Hale, 2005; Hartigan, 1997; Stoler, 1989). 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 Babb, 2001; van Heijningen, 1994; Vilas, 1989).

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 homogenous "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 (Mayangna Sauni Bas [MBas], 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.

4.2 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 (Hale, 2011; Muehlmann, 2009). 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 Bryant, 2002; Muehlmann, 2009; Sundberg, 1998; Valdivia, 2005).

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 (Forest Carbon Partnership Facility, 2013; Gobierno de la Républica de Nicaragua & Programa de las Naciones Unidas para el Desarrollo [PNUD], 2010; Martínez & 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. Brosius, 1999; Dove, 2006; Howard, 1998; Sundberg, 2006; Walker & 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 & 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.

4.3 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. Cordón & Toledo, 2008; Herlihy, 2016; Howard, 1998). This focus plays off of tropes that suggest that such conflicts are natural and inevitable, due to inherent cultural difference and incompatibility (see Mendoza & 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. Andersson, Brogaard, & Olsson, 2011; Blaikie & Brookfield, 1987; McSweeney, 2005; Nygren, 2004; Peluso, 2008; Robbins, 2004). 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 (Gurdián, 2004; Vandermeer & Perfecto, 1998; Vilas, 1989). 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 (van Heijningen, 1994; Vilas, 1989). 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 (Díaz & Ruiz, 2008; Vandermeer & Perfecto, 1998; Vilas, 1989). This tendency continued: the Somoza era had devastating impacts on the poor, who were deprived of land, social services, and natural resources (Sinreich & 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 (Larson et al., 2016; Stocks, 2003). 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; Mendoza & Kuhnekath, 2005; Nygren, 2004). 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 & 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 & 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 & 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 Finley-Brook, 2016; Hale, 2011; 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 Bonilla, 2010, 2013; Díaz & Ruiz, 2008; 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, 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. Bonilla, 2013; Mairena, 2014).

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 & 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.

5. 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, p. 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 Mairena, 2012; Peluso, 2008).

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, 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, 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:

[1] Full 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)

[3] The 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, exact interview dates, or the locations where the interviews took place.

[4] Because 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.

[5] Bolivia 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 (Aylwin, 2011; Larson et al., 2013; Mollett, 2013; Offen, 2003b; Stocks, 2005).

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

[7] Some have translated saneamiento simply as "cleansing" (Herlihy, 2016, para. 2; Offen, 2003b, p. 61; Reyes-García et al., 2014, p. 280), or even as "ethnic cleansing of the targeted 'others' from the land claim" (Finley-Brook, 2007, p. 855). Finley-Brook (2016, p. 339) refers to saneamiento as the "clarification of legal land rights and land recovery". González (2012, p. 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, p. 320). He also refers to saneamiento more simply as "the removal of non-indigenous illegal settlers" (González, 2016, p. 313). Similarly, Herlihy (2016) suggests that the term refers to the "forced removal of *colonos*" (para. 2).

[8] CONADETI'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, p. 432).

[9] The 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.

[10] It 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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