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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2020]

* Issued as received, in the language(s) of submission only.

Institutional deprivation of rights and violence against indigenous and afro-descendant people in Nicaragua

Whereas the human rights situation in Nicaragua has received some international attention in recent years, violence and deprivation of rights faced by indigenous and afro-descendant communities has largely been ignored. Recent attacks against the Alal, Wasakin, and Miskitu communities are evidence for the increased violence faced by the indigenous communities in the Caribbean Coast Autonomous Regions. Indigenous and afro-descendant groups have been confronted with years of land grabbing driven by mining companies, logging and industrial cattle ranching.

There have been 22 violent incidents against these groups since January 2020. For instance, in January 2020, the indigenous Alal community in the Bosawas Biosphere Reserve was attacked by over 80 armed men connected to land grabbing. They killed four people, injured dozens and burned 16 horses. Since then, eight people from the Mayangna and Miskitu communities in the North Caribbean Coast Autonomous Region have been killed during land invasions, bringing the total number of killings since 2015 to 44. Additionally, many have been intimidated, injured, kidnapped or have just disappeared. Thousands have been displaced due to the land invasions. Illegal settlers (“colonos”), corporations and ranchers have been cutting down rainforest to establish cattle ranches and lumber operations, ruining the environment and livelihoods of the indigenous and afro-descendant communities. The forest cover in Nicaragua has dropped from 76 percent in 1969 to 25 percent in 2020 and the water has been polluted by the mining companies, which affects the fish population. After the displacement of indigenous and afro-descendant communities from the forests and the lands where they have hunted, fished and farmed for generations, they now face hunger. Ninety percent of the indigenous and afro-descendant people are facing food shortages due to intermittent conflicts and the resulting degradation of their territories.

Despite the existing legal framework, the rights of indigenous and afro-descendant communities are systematically denied through forced dispossession. Law 28 of the Nicaraguan Constitution guarantees the inalienability of the indigenous land and establishes any decision concerning the use of natural resources in the autonomous regions to be made by these communities. Furthermore, law 445 guarantees the full recognition of their rights of communal property and establishes the autonomy of indigenous and other traditional communities in the management of their land and natural resources. Law 445 also contains provisions for “*saneamiento*”, which is the last step of the titling process of ancestral lands and assures the clearing of indigenous territories of non-indigenous settlers as well as corporations, who are using the territories without a lease agreement with the community. Since 2006, the Sandinista Government in Nicaragua permitted the titling of 23 indigenous territories; however, the Government has failed to enforce *saneamiento* and to provide protection to the indigenous communities. In the face of continuous land invasions and violence against indigenous and afro-descendant people, Society for Threatened Peoples warns that land titling remains an empty promise if *saneamiento* is not fulfilled. Furthermore, despite of the validity of these titles, the Government has issued hundreds of private titles within the areas of indigenous territories.

The Government of Nicaragua has made millions of hectares available for mining, logging, and cattle ranching – attracting transnational corporations and driving thousands of illegal settlers to the two autonomous regions inhabited by indigenous and afro-descendant communities, without their prior consent. Illegal settlers are used by big companies to clear the land. They occupy and often trade fraudulent land titles. As illegal settlers pour into these regions, land conflicts arise and indigenous groups are often pushed aside by armed violence. Government authorities are ignoring this volatile crisis, since many officials of the Sandinista Government have personal links to logging companies and the land grabbing business. Nicaraguan officials collude in illegal land sales and state-sponsored police repression of communities who resist dispossession. Examples can be found in the government-ordered repression against and arrest of protesters, who oppose the industrial mining projects of companies like Canada’s B2Gold, UK-based Condor Gold or Gold SA.

The Government also plays an active role in the colonization and exploitation by transnational firms, offering over 3.5 million hectares of land for logging projects (30 percent of the country) and over 7.1 million hectares for mining concessions (60 percent of the country) to potential investors. Over the past three years, the amount of land under mining concessions has more than doubled, reaching 2.6 million hectares, or 20 percent of the country. In order to circumvent lawful indigenous autonomy, the Government forms parallel governing bodies and handpicks indigenous representatives adhered to the Government to consult about the use of land and resources in the indigenous territories. These imposed leaders are not elected by the communities and therefore are not legitimated to represent them in those consultations.

While the Government fails to take measures to control and contain the spread of COVID-19, the pandemic poses a new threat to indigenous and afro-descendant people in Nicaragua. The Government is even encouraging colonization of indigenous territories and consequently, intruders can then spread the virus into the communities. During this pandemic, the situation of indigenous and afro-descendant communities is even more precarious, since they do not have access to basic health care, are facing food shortage and are threatened by daily violence. In the wake of the pandemic, the invaders take advantage of a moment when the world attention is focused on the pandemic to intensify their business, much to the disadvantage of indigenous and afro-descendant communities.

Society for Threatened Peoples therefore calls upon the UN Human Rights Council to urge the Government of the Republic of Nicaragua to:

- guarantee the rights of indigenous and afro-descendant people ensuing and enforcing *saneamiento*, which is part of law 445,
 - prevent migration of non-indigenous people onto indigenous territories and repress illegal trade of fraudulent land titles in indigenous territories, investigating and punishing land invaders,
 - withdraw any concessions for mining or forestry companies on indigenous territories; no further concessions should be granted,
 - provide proper assistance to the indigenous and afro-descendant communities regarding the pandemic, supplying them with food and medical assistance,
 - consult with indigenous community leaders about the use of their territory, which are elected by the communities; refrain from conducting consultations with supposed leaders who are imposed by the Government, respecting the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Indigenous and Tribal Peoples Convention (No. 169) of the International Labour Organization (ILO) ratified by Nicaragua in 2010.
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