CHAPTER FOUR

Mapping, Knowledge, and Gender in the Atlantic Coast of Nicaragua

Isabel Altamirano-Jiménez and Leanna Parker

Much has been written in recent years about Indigenous knowledge—about the nature of this knowledge, the appropriate ways to study and apply it, and the epistemological foundations on which it rests. It is now well recognized that Indigenous knowledge offers insights into ecological systems that can aid in environmental protection and that plans for development cannot simply ignore a local community’s rights and interests in the land. It is also abundantly clear that the knowledge and skills held by Indigenous women differ in many respects from those held by men. Gender influences patterns of access to resources, as well as the relative capacity of men and women to control and use these resources. In turn, the degree to which the knowledge specific to women is recognized and respected has an impact on women’s livelihoods and overall status and well-being. However, even though the existence of gendered bodies of knowledge is well established, it is commonly assumed that the knowledge held by Indigenous women pertains to domestic matters, an assumption that not only blinds us to the variety of contexts in which gender relations are produced but also has the effect of effacing women’s presence on the land (Bryant 1998; Peet and Watts 1996).

Taking as an example the lawsuit brought by the Mayangna community of Awas Tingni against the government of Nicaragua, we focus in this chapter
on the creation of land use maps, with the goal of examining how the use of such maps as legal tools, in tandem with Western knowledge and conceptions of property rights, reinscribe patterns of colonial, racial, and gender inequalities. We argue that by making Indigenous women’s knowledge and contributions to subsistence and market production invisible, women are effectively excluded. The Awas Tingni complaint was lodged after the Nicaraguan government unilaterally granted a concession to a logging company on lands claimed by the community as its traditional territory. The legal battle culminated in 2001, when the Inter-American Court of Human Rights decided in favour of the community.¹ The court held that, by virtue of the international human right to the enjoyment of property, Indigenous peoples have a right to the protection of their customary lands and that Nicaragua had violated that right (see Anaya and Grossman 2002, 1–2). The court further ruled that when an Indigenous community lacks legal title to their lands, proof of traditional land use and occupation is sufficient for them to obtain official recognition of their property (IACHR 2001, para. 151).

This outcome is considered to be an important legal victory not only for the Mayangna but for Indigenous peoples worldwide. The case set a legal precedent for the recognition of Indigenous property rights as a human right to be enjoyed and protected. Questions have arisen, however, about the methods by which maps used to secure legal recognition of land rights are produced. Specifically, critics have noted that such maps, which are typically based on information provided by some members of the community, reveal a bias toward the representation of the practical knowledge held by elder men. David Natcher (2001, 118) further warns that an incomplete representation of diverse Indigenous land uses can generate patterns of use that “appear historic, static and unrefined” and can seem to support the conclusion that “traditional” land use is being abandoned in favour of participation in the modern wage economy. Moreover, emphasis on masculine economic activities and Indigenous land rights as granted by the state privilege a masculine subjecthood and reinforce the power of the state in defining access to land. These critiques raise important questions about how gender is implicated in the process of securing collective land rights.

The Nature of Knowledge: Indigenous Women’s Relationship with Place

In recent years, efforts have been made to incorporate gender into the management of natural resources and related policy development. Indigenous women and children have been targeted populations of climate mitigation policies (UNIFEM 2008, 8–9). A review of the literature on gender and the environment reveals two general orientations. The first advocates for liberal correctives to gender-blind perspectives that inform development policy and implementation. Criticism of this approach focuses on the fact that it tends to regard women as a homogenous category, thereby failing to take into account differences of race and ethnicity, geographic location, degree of education, and level of income. The second adopts a relational perspective that emphasizes the binary power relations between men and women that exist in particular local settings. Despite their differences, both approaches recognize that relationships to the environment are gendered. Accordingly, they acknowledge that men and women have specific interests, roles, responsibilities, and knowledge in connection with the environment.

Especially during the 1980s, writers with a broadly ecofeminist orientation theorized that there is a direct link between women’s oppression and the domination of nature. From this perspective, rural women are conceived of as “caretakers” of the environment (Rodda 1991; Shiva 1988). Others, such as Karen Warren (1987) and Bina Agarwal (1992), rejected the notion that women have an innate understanding of the natural world, focusing instead on “the material practices that bring women closer to nature and which thus give them learned, practical knowledge of ecosystems” (Nightingale 2006, 165). Accordingly, the knowledge that women develop of the environment stems from the work they do to sustain a livelihood for themselves and their families. Because women do much of the household work, the tendency has been to assume that women’s knowledge of the environment is exclusively related to domestic activities. Moreover, as Melissa Leach (2007, 75) points out, while a focus on natural connections between women and the environment may provide a corrective to liberal, gender-blind policies, it ended up essentializing women’s roles.

More recently, the focus has shifted from women to gender. Recognizing that gender is inherently relational and is continually renegotiated through individual actions, scholars have explored the implications of the gender-environment nexus for the distribution of power between men and
women. Differing degrees of access to and control over resources, as well as the gendered nature of environmental knowledge production, have meant that, especially in the context of land and resource development, men and women are not equally empowered (see, for example, Nightingale 2002). Local environmental struggles are, moreover, frequently embedded in the global political economy (Schroeder 1997; Altamirano-Jiménez 2016). Importantly, these studies acknowledge that, far from being confined to social reproduction, the household is also a site of production. Thus, knowledge held by women extends to the territory and the use of natural resources.

This approach to the intersection of gender, environment, and natural resource management is significant in that it shifts the direction and emphasis of analysis. Rather than seeing gender as structuring people’s interactions with the environment, stress falls instead on how the social construction of nature and the economy produces categories of social difference, including distinctions of gender. As Shubhra Gururani (2002) suggests, for instance, forests are not simply biophysical entities but are spaces structured by the social politics of work, access, and control. Building on the insights offered by feminist theorizing on gender and space, Nightingale (2006, 166) argues that gender is better understood as a process: gender is “not constant and predetermined materially or symbolically but rather becomes salient in environmental processes through work, discourses of gender, and the performance of subjectivities.” As she goes on to point out, these gendered subjectivities “are defined and contested in relation to particular ecological conditions” (171). Gender itself is accordingly both constituted and reinscribed in and through the discourses, practices, and policy implementation associated with specific local environments.

While the above perspectives all shed light on the intersection of gender and environment, they continue to operate within a framework that posits society and nature as two separate domains. Feminist geographers have, however, produced an important body of work that reflects on the spatiality of cultural practices, identity formation, and meaning production. They argue that because people’s lives unfold in specific locations and environments that are socially constructed, we need to consider what meanings people attribute to place and the relationships they build with and within those places (Domosh and Seager 2001; Desbiens 2007). From this point of view, Indigenous women’s knowledge derives not only from the specific roles, activities, and responsibilities assigned to women but also from the
relationships that women establish with a particular natural and cultural landscape (McKinley 2007). In other words, not only is Indigenous women’s knowledge place specific, but place is also crucial in defining subjectivities—“what it means to be a ‘woman’ or a ‘man’” in the context of a specific location (Nightingale 2006, 171).

Place can thus be understood as an intricate web of economic, political, social, spiritual, and environmental relations that together constitute people’s surroundings. Place is defined not merely by a physical location but also by a sense of belonging to that place and by the practices that shape people’s livelihoods, social relationships, and identity (Harcourt and Escober 2005, 5). Place is, in other words, a way of knowing and inhabiting the world (Coulthard 2010, 79–80). Indigenous places are produced by people’s relationships to the land but also to other-than-human beings that inhabit a place, such as animals and spirits. These relationships are central to Indigenous knowledge, and, by acknowledging this centrality, we are able to move away from exclusively anthropocentric landscapes.

Indigenous peoples have developed their knowledge systems not only by living on the physical land but by establishing social and spiritual relationships with place and with the beings that inhabit it. Indigenous knowledge is experiential, holistic, and evolving, and knowing involves acknowledging and respecting relationships. As Aileen Moreton-Robinson and Maggie Walter (2009, 5) point out, in a holistic Indigenous world view, knowledge cannot exist in separation from relationships and the principles by which these relationships are governed. Similarly, Indigenous law cannot exist in separation from such relationships. Law both sustains and reflects these relationships and the pattern of creation that is the world. Law is part of a larger way of knowing the world, one that is formed by a living landscape in which time is measured by cycles, not lines, and the “space” of place is both physical and metaphysical (Moreton-Robinson and Walter 2009, 6).

Place is also fundamental to Indigenous economies and social organization. As in other societies, Indigenous women play a central role in Indigenous economies. Today, these are most often mixed economies, still largely driven by subsistence activities but incorporating some degree of participation in the market economy (in the form of wage labour, for example, or the sale of handicrafts), as needed to sustain the social organization. Besides being an economic activity, Indigenous economic practices are an expression of who people are collectively and culturally (Kuokkanen 2011, 219). In the Atlantic
Coast region of Nicaragua, Mayangna women have a rich knowledge of diverse medicinal and edible plants and also depend on the forest in carrying out their daily responsibilities, which include cooking, feeding livestock, gift giving, and cultivating plants. Whereas men tend to make use of an extended area, but chiefly for the purpose of hunting and trapping, women generally make more localized use of the land but depend on its natural biodiversity to provide constant and reliable support for their families. Women contribute to their families and communities in indispensable ways. They look after their extended family, they grow rice, beans, cassava, and corn, as well as looking after the livestock they have in their yards. Women also collect, conserve, and commercialize edible plants and produce that account for an important percentage of their dietary requirements.

The Mayangna women who live in the Awas Tingni community often participate in hunting as well, another important subsistence activity. Entire families travel for days looking for deer and wild boar. Travelling through the Awas Tingni territory on hunting expeditions reinforces relations not only among community members but also with their ancestors and the spirits that inhabit the mountains and control wildlife. Disrespecting these spirits puts the well-being of the community at risk. Thus, hunting is better conceptualized as a collective enterprise that relies on the work of both men and women. As is the case for other Indigenous peoples, access to their territory and resources is crucial to the ability of Mayangna women to sustain themselves and their families and to maintain their relationships with spirits, animals, and the supranatural forces intrinsic to place. As Sámi political scientist Rauna Kuokkanen (2011, 219) notes, these relationships are “premised on an ethos of reciprocity in which people reciprocate not only with one another but also with the land and the spirit world.”

Like Indigenous men, women can be considered “local specialists” who possess knowledge of the environment, of human interactions with animals and with the spirit world, and of their customs and cultural heritage. Indigenous women’s roles and experiences as mothers, wives, members of their communities, and economic producers constitute specific sites of their knowledge. As Moreton-Robinson and Walter (2009, 6) suggest, even though individual experiences differ, the “worldview and reality of being an Indigenous woman is intertwined with lived experience.” As they go on to point out, all Indigenous women understand the “intersecting oppressions of race and gender and the subsequent power relations that flow from these into the social, political,
historical, and material conditions of our lives” (6). Contemporary Indigenous territories offer one means through which we can understand these experiences and the many specific ways of being both Indigenous and a woman. At the same time, these territories provide an opportunity to explore the power relations that naturalize oppression and asymmetries in how knowledge is conceived of. By looking at mapping and the knowledge it excludes, we hope to make such gendered asymmetries visible.

Mapping Indigenous Knowledge

Because territorial rights, as well as conflicts over the use of the associated natural resources, are among the most pressing issues for Indigenous peoples, it is crucial that we consider how power and knowledge shape the processes through which territorial rights are secured and, in the process, gender inequalities reinscribed. The legal protection of Indigenous lands has opened the door to new economic opportunities, but it has also contributed to the reconceptualization of Indigenous land tenure. As we have seen, “land” is not merely a geophysical entity: it is also socially constructed space and, as such, both creates and reflects gendered distinctions. Typically, however, the methods used to secure Indigenous rights to land operate on the assumption that information is gender neutral, with the result that no systematic effort is made to ensure that women have an equal part in the process. Rather, their participation is incidental and informal. In this way, Indigenous women’s voices are silenced and their knowledge discounted, even though the rhetoric surrounding the protection of Indigenous rights and ways of life frequently emphasizes the central role of women in Indigenous livelihoods.

Maps are increasingly used for the purposes of securing Indigenous land rights. J. B. Harley (1988, 278) observes that “maps are never value-free images.” Rather, as a form of discourse, they are inherently ideological and represent a specific understanding of the world. As a number of scholars have suggested, however, maps can also work to redress this imbalance. In colonial contexts, the capacity of mapping to render power visible can yield profound insights about settler-Indigenous relations and may even contribute to a shift in power toward Indigenous peoples and other marginalized groups. In recent decades, mapping has accordingly become a key strategy in efforts to document Indigenous land title and to resolve disputes between Indigenous peoples. For example, Matthew Sparke (1998) illustrates how the Gitxsan and Wet’suwet’en used maps based on oral history to describe
their traditional territory and to counter the maps placed into evidence by the Crown. Similarly, Nancy Lee Peluso (1995) discusses “counter-mapping” in Indonesia as a response to government forest planning that ignored the customary forest rights of Indigenous peoples. By appropriating the techniques of the state, the Indigenous peoples were able to legitimate, in the eyes of the state, their customary claims to forest resources and to defend their territory from further encroachment.

By creating their own maps, Indigenous peoples can also reinsert people into the landscape, thereby challenging efforts on the part of the state to depict the land in question as “empty” or “unused” and hence to claim that plans for resource development will have no significant human impact. As Peluso (1995, 386–87) argues:

Maps can be used to pose alternatives to the languages and images of power and become a medium of empowerment or protest. Alternative maps, or “counter-maps” as I call them here, greatly increase the power of people living in a mapped area to control representations of themselves and their claims to resources. . . . Counter-maps thus have the potential for challenging the omissions of human settlements from forest maps, for contesting the homogenization of space on political, zoning, or property maps, for altering the categories of land and forest management, and for expressing social relationships in space rather than depicting abstract space in itself.

Indigenous peoples can, in short, use the techniques of the state to reassert their claims to the land and protect the resources on which they depend. This has given rise to what Joel Wainwright and Joe Bryan (2009) call the “legal-cartographic” strategy, in which maps are used as a legal tool to claim territorial rights. In many cases, including that of Awas Tingni, Indigenous peoples have employed this strategy to defend their lands and resources. Likewise, in Canada, the courts have established and repeatedly reaffirmed the government’s duty to consult and accommodate when resource development projects or other plans for land use might infringe upon the rights of Indigenous peoples. Among many Indigenous communities, and increasingly government and industry, land use studies have become the standard means to describe and attempt to mitigate land use conflicts between Indigenous communities and resource developers.

Although the legal-cartographic approach has produced some victories for Indigenous communities, it is not without its drawbacks. In the context
of Aboriginal rights in Canada, Natcher (2001) has questioned the value of land use studies on the grounds of their methodological limitations as well as the cultural misrepresentations that tend to inhere in them. As Anthony Stocks (2003) argues, researchers have focused almost exclusively on gathering and preserving traditional knowledge without thinking about or working toward the recognition and protection of Indigenous land rights. Importantly, Peluso (1995) has noted land use mapping has created new ideas of Indigenous territoriality. As she suggests, in connection with this new understanding of territory, one must ask whether tradition has been reinvented in a way that undermines customary laws, practices, and patterns of resource distribution and how the involvement of external experts has altered Indigenous peoples’ access to and control over resources (393). Similarly, Wainwright and Bryan (2009, 161) point out that although maps have become a popular instrument for settling land claims, they do not guarantee justice, first, because those who participate in the process of creating maps are not necessarily able to read them in the way that judges and other legal authorities will and, second, because not everyone in the community is given equal authority to participate in mapping. In particular, Indigenous women tend to be wholly or partially excluded from the process, as they “are often not seen as bearers of the sort of geographical knowledge that should be mapped to define the community’s territory.” Rather, this authority is generally awarded to elder males.

Land use studies, in Canada and elsewhere, have indeed focused for the most part on subsistence activities that are assumed to be the responsibility of men—namely, hunting, fishing, and trapping. In maps solicited by Western law, Indigenous land uses are understood as a set of practices that are culturally regulated and which are performed in specific ways. The focus on “man the hunter” obscures the fact that Indigenous economic practices are organized by an interdependent gender division of labour (Frink 2007; Bodenhorn 1990. Staples and Natcher (2015, 148) warn that when women’s activities are not recorded on land use maps, information about “nested activities”—the chain of activities performed by women to guarantee the survival and social reproduction of the household—is lost. Moreover, as Caroline Desbiens (2007) has demonstrated, maps that neglect women’s knowledge obviously produce a skewed portrait of the interdependence of Indigenous men’s and women’s activities. Although the need for a more inclusive portrait of gender roles in Indigenous economies has been recognized,
women are not often interviewed during the collection of information to be represented in the maps, even when their activities on the land are related to subsistence production.

As Natcher (2001, 118) argues, this omission can have serious consequences for women’s livelihoods. If a map records only men’s areas of activity on the land, certain areas may appear to be used quite sporadically are in fact used fairly consistently by women. Thus, land management and planning decisions may be made on the basis of maps that present an incomplete, and hence distorted, picture of Indigenous land use. For example, whereas the cultivation of large fields—a typically “male” activity—is usually captured on maps, home gardens, often managed by women, may not be recognized as part of agricultural activities. Similarly, areas in between gardens or adjacent areas of bush where women gather or extract uncultivated resources may be defined as “pristine” or “unused” in order to justify the appropriation of the land for new uses.

As Desbiens (2007, 362) reminds us, the division of labour—far from reflecting differences grounded in biological sex—is a function of the constructed division of space on the land, which in turns serves to shape gender roles. In the West, spatial frameworks create a division between public and private spheres, and specific forms of labour are then assigned to each of these spheres, with men generally operating within the public sphere, while women are relegated to the private sphere. In Indigenous societies, these spheres are not quite so rigidly separated, in practice, men and women cross the gender barriers to overcome unforeseen obstacles, such as resource scarcity, illness or injury, or death, in order to ensure the survival of their families. Land use studies typically focus on activities performed in the “public” sphere (hunting, fishing, and trapping), and women are excluded as a result. Problematically, these economic activities are emphasized on the grounds that they are the most traditional and closer to nature than those of non-Indigenous peoples, reproducing an ahistorical and idealized conception of Indigenous peoples’ identity.

Related to this gender issue is a broader problem around the representation of land and resources. The focus of most land use studies falls on the productive dimension of Indigenous land, that is, on how the resources available on the land are used to sustain the community. In other words, land and resources are primarily perceived in economic terms—an approach to land and resources that is more Western than Indigenous. Conventional land
use planning and resource management accordingly focuses predominantly on the physical landscape, thereby largely ignoring legal, social, and cultural features. Kinship ties and other interpersonal relationships, exchange networks, principles of reciprocity, and linkages between landscape and the spirit world are all central to Indigenous economies and social organization, yet such intangibles are difficult to depict and interpret, with the result that they are rarely factored into conventional development planning and modelling. From the perspective of Western resource management, land is a resource, not a place embedded in social relations and imbued with dynamic meanings. By privileging an economic view of territory as a source of productivity, however, mapping skews our understanding of how Indigenous peoples relate to their territory and its resources. Even though songs, sand paintings, and other Indigenous records have been accepted as evidence of Indigenous land rights, their admission is contingent upon experts’ ability to represent them in cartographic form.

This reconfiguration of Indigenous peoples’ relationship to territory can be even more problematic for Indigenous women, who have already seen their rights and their place on the land eroded through colonialism. While Indigenous practices around access to land and allocation of resources and exchange networks were organized around gendered lines, in Indigenous societies both men and women were provided with opportunities to fulfill their responsibilities and gain status and recognition. The process of colonization imposed conceptions of property and the nuclear family, based on hierarchical and patriarchal assumptions. In this view, women are consigned to a subordinate role in property ownership, economic exchange, and resource management. As a result, Indigenous women suffered even more from colonial reconfigurations than did men. To the extent that land use studies reproduce this Western understanding of land and resources, they continue the process of the exclusion of women from the land that began with colonization. Although in some communities of the Atlantic Coast Indigenous women sketched their use of their land, these records remained subordinate to what was required by law.

In Latin America, international conservation organizations and financial institutions such as the World Bank have insisted on the value of using maps to stabilize property regimes. Since the early 2000s, Indigenous communities in the region have resorted to mapping in order to gain title to their lands and prevent them from further fragmentation (Llancaqueo
Toledo 2005). The discourses of ethno-development employed by the World Bank’s International Development Association and the International Monetary Fund are particularly interesting, as they link the titling of Indigenous and black communities’ lands to private investment in and development of these lands (Hoekema and Assies 1999; for an example, see World Bank 2009). From the perspective of these international organizations, the issue is not about recognizing Indigenous territorial rights but about recognizing a relation to property that is compatible with economic development (Altamirano-Jiménez 2016). As Wainwright and Bryan (2009, 156) note, “When indigenous communities and their allies produce maps and lawsuits, they do so under conditions not of their choosing. These struggles unfold within an already-mapped world where one cannot elect to live outside of sovereignty, territory, or the law.”

Awas Tingni Versus Nicaragua: Producing “Differential Empowerment”

If as Wainwright and Bryan suggest, Indigenous communities pursuing legal recognition of their title must adhere to Western law and spatial understandings of the world, what patterns of colonial, gender, and racialized inequalities are reproduced? What Wainwright and Bryan (2009, 161) call “differential empowerment” refers to the symptomatic inequities that are reinscribed through the cartography legal approach. Before initiating this discussion some historical context is required.

The Atlantic coast of Nicaragua has had a history of land conflicts. The origins of these conflicts can be found in the imperial competition developed between Spain and England. The Spaniards colonized the Pacific and the British the Atlantic coast, effectively creating two different geographic regions that barely interacted with one another. On the Atlantic coast, the English established a relationship of commercial and political cooperation with the Miskito people. The appointment of Jeremy I, the first Miskito King, in 1687 consolidated Miskito dominance over other Indigenous peoples, including the Mayangna, and guaranteed that the British would have unrestricted access to natural resources and slaves of the region. The forced African migration as well as intermarriage between Indigenous people and Black Caribs resulted in the existence of ethnic groups that consistently rejected the mono-cultural Mestizo society that was the project of the Nicaraguan state (Tompson 2004, 21). In the 1970s, the encroachment of Mestizo
peasants on Indigenous lands fuelled new conflicts that were addressed by titling land for a few Miskito and Mayangna communities (Instituto de Estudios Políticos para América Latina y África 1986). According to the Nicaraguan state, the Atlantic coast was inhabited by “savage tribes” that could not govern themselves and needed to be reconquered (Pérez Batodano 2003, 397). As Gordon, Gurdian, and Hale have argued, Indigenous communities on the Atlantic coast have revolted against the dispossession of their lands and the assimilationist state project (2003).

The conflictive relationship between the Nicaraguan state and the Indigenous communities was further exacerbated by the Sandinista Revolution in the early 1980s. The revolutionary movement, concerned with overthrowing the Somoza regime and ending oppressive class relationships, undermined the relevance of Indigenous identity. The economic problems that precipitated the fall of the Somoza dictatorship in the Pacific region ultimately reached the Atlantic coast as industrial agriculture and cattle-ranching displaced thousands of poor Mestizo peasants, who then invaded Indigenous lands (Gordon, Gurdian, and Hale 2003, 375). The Sandinista government’s nationalist approach to fighting American imperialism clashed with an emergent Indigenous nationalist consciousness that emphasized conceptions of territory and self-determination (Hale 1994).

Seeking to create an economically and culturally unified nation, the Sandinistas pursued policies that trampled on the rights and customs of the Indigenous peoples living in the Atlantic coast region. Resentment and discontent created the conditions for recruiting Miskito militia and forming the “contra revolution,” a movement against the Sandinistas, financed by the United States. In 1981, armed conflict erupted, with guerrilla groups fighting against government forces. The civil war lasted almost ten years, from 1980 to 1989, and influenced the creation of two Autonomous Indigenous Regions on the Atlantic coast of Nicaragua, the North Atlantic Autonomous Region (NAAR) and the South Atlantic Autonomous Region (SAAR). These two regions represent approximately forty-two percent of the national territory and contain important natural resources, including marine resources and major forests (Kaimovitz 2002). In 1987, the Sandinista government enacted the law Autonomy Statute for the Regions of the Atlantic Coast of Nicaragua. In addition to dividing the Atlantic coast into two autonomous regions, the statute recognized the rights of the Indigenous peoples living in the region to retain their cultural identity and, in
particular, to benefit from their natural resources and practice their traditional subsistence activities.²

After the electoral defeat of the Sandinistas in 1990, Miskito leaders, who represented the majority of the Indigenous population and were committed to advancing Miskito land rights, were elected to political offices in the government of the North Atlantic Autonomous Region, the region in which the Awas Tingni community is located. Although the rights of Indigenous peoples were constitutionally recognized, subsequent national governments consistently undermined the territorial rights and political basis of the autonomous regions on the grounds that these were “national lands.” The Mayangna, who represent only a very small fraction of the Indigenous population of the region, were even more vulnerable than others.

The Awas Tingni community consists of approximately 150 families, who hold the land communally. In 1995, the community learned that the Nicaraguan government was planning to grant a logging license to a Korean lumber company, SOLCARSA, on 63,000 hectares of the community’s land. Although the Autonomy Statute provided protection for all Indigenous communities in the Atlantic Coast, the government argued that the members of the Awas Tingni community neither held title to their land nor were making use of it. The government further contended that because the local village was built in the 1940s, Awas Tingni was a “new” community and hence could not claim ancestral rights to the territory. The Mayangna’s customary practice of creating new villages once the population of the mother community had grown too large or faced specific challenges thus became the target of government attacks—claiming the Mayangna’s “new community” could not be considered ancestral. The government’s arguments also misrepresented Mayangna subsistence practices—agriculture, logging, fishing, and hunting—as not being traditional enough. In the Awas Tingni community,

² For example, section VII of the preamble to the statute stipulates that the granting of autonomy “makes possible the effective exercise of the right of the Communities of the Atlantic Coast to participate in working out how to make use of the region’s natural resources and how to reinvest the benefits from these in the Atlantic Coast and the nation, thereby creating the material basis for the survival and development of the cultural expressions”: Autonomy Statute for the Regions of the Atlantic Coast of Nicaragua (Law No. 28), http://calpi.nativeweb.org/doc_3.html. The rights of the Indigenous peoples of the Atlantic Coast region were further affirmed in Nicaragua’s Constitution, also promulgated in 1987.
each family farm includes several crop fields, each of about 1.5 hectares, on which they cultivate plantain, beans, rice, corn, and bananas using the slash-and-burn method. In this method, the land is cultivated until the soil is exhausted, at which point it is allowed to lie fallow for up to five years in order to replenish its nutrients. Although this agricultural technique has been praised for maintaining healthy ecosystems, the Nicaragua government represented it as unsustainable.

Seeking to protect their rights, Awas Tingni decided to pursue the cartographic legal approach by taking their case to the Inter-American Court of Human Rights. In addition to an ethnographic study, participatory mapping was used to establish the Awas Tingni community’s long-standing relationship to and use of their lands (see Anaya and Macdonald 1995). The Mayangna community produced a map in order to legally document their occupancy and use of the land from time immemorial. As noted earlier, in order to be considered a legal tool, such a map and the legal case itself needed to adhere to Western law and cartographic understandings of connections to the land. Because as a form of property Indigenous land title is equated with economic uses of the land, the tendency is to represent the economic practices that are considered to be closer to nature based on the information provided by those considered most knowledgeable, often elder men. Since Indigenous women’s access to land has been mediated by their relationship to men, ongoing unequal access to land touches on the core structure of this cartographic legal approach. This unevenness is intertwined with patriarchal ideologies that extend beyond Indigenous communities.

These cartographic representations supported the claims that the Mayangna are an Indigenous people and that the Nicaraguan state had violated their rights to property established by their customary use and occupancy of that territory. However, this understanding of property replicated a patriarchal understanding of man, the breadwinner, which reproduced Mayangna women as housewives, whose contributions to their household and community’s economies have no value. In its decision, the Inter-American Court of Human Rights referred to the American Convention on Human Rights (OAS 1969), to which Nicaragua is a signatory. Parties to the convention are obliged by article 1 to “respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms.” In other words, it is not enough that the rights of Indigenous peoples are recognized in Nicaragua’s Con-
stitution and in the Autonomy Statute. As a party to the convention, the
government of Nicaragua must also take steps to ensure Indigenous groups
are able to make effective use of these rights—which, the court argued, it
had not.

Specifically, the court found that Nicaragua had violated article 21 (1) of
the American Convention on Human Rights, which states that “everyone has
the right to the use and enjoyment of his property.” Importantly, the court
established that “property” includes the communal property of Indigenous
peoples, as defined by their customary use, arguing that “possession of the
land should suffice for indigenous communities lacking real title to property
of the land to obtain official recognition of that property” (IACHR 2001,
para. 151). As a remedy, the court ordered the government of Nicaragua
to use the map to proceed with demarcation and titling of Awas Tingni
territory. Furthermore, the court recommended that the Nicaraguan state
develop procedures to guarantee property rights not only for Indigenous
communities but also for black communities in the region. Property rights
do not refer to ownership of the land itself but to the performance of spe-
cific activities on the land. As such, the titling of property rights redefined
Mayangna’s relationship to their land by assigning them a bundle of rights
to act on the land. Although, in 2008, the Nicaraguan state did grant a title
to the Awas Tingni community, titling cannot be completed until their ter-
ritory has been fully demarcated, and demarcation cannot proceed until
overlapping claims to land use are resolved.

As noted by Wainwright and Bryan, although the Court decision has been
considered a victory, it has also reproduced structural inequities that extend
both within and beyond indigenous communities” (2009, 161). By delineating
relationships between people and places, maps contribute to the representa-
tion of specific understandings of community, valued land uses, and rights.
Under the guise of securing Indigenous land rights, the titling of Mayangna
landholding has created the conditions for the dispossession of this people’s
lands and resources and for the appropriation of women’s invisible labour.
For this reason, it is not enough for Indigenous peoples to create their own
maps of their territory—that is, their place—when such representations
are structured through laws, norms, institutions, and knowledge that are
not Indigenous. As shown earlier, reducing territory, or place, to a set of
economic activities and notions of property rights erases the Indigenous
ontological framework that sustains relationships with place and knowledge.
In this regard, Paul Nadasdy (2002, 242) argues that, as a socially constructed concept, “property” reflects the set of norms and gendered values embodied in the national state. By accepting the notion of property rights, Mayangna communities authorize judges, government institutions, and bureaucrats to impose those norms and values upon them, thereby foreclosing the possibilities of envisioning alternative ways of being in the world. In other words, the communities are forced to play by the rules of the state. Moreover, by accepting the notion of property rights, Indigenous communities must accept the fact that it is the state that extends this right to Indigenous peoples. This situation raises questions about whether Indigenous rights to communal property can be protected if Nicaragua’s domestic law does not provide for communal land ownership (Pasqualucci 2009, 65).

As can be seen in the case of the Awas Tingni in Nicaragua, the cartographic legal approach can have a number of unintended consequences. The emphasis on the priority criterion as the basis for recognizing Indigenous title underlines cultural practices and lifestyles that are claimed to be more ancient, more traditional, and different facilitating overly static interpretations of Indigenous peoples histories and relations to the land. By selectively engaging with certain aspects of Indigenous peoples’ identity and cultures, both the law and cartography combine to envision a new socio-spatial order for Indigenous communities.

Conclusion

The practice of creating and using maps as legal tools to secure Indigenous land rights is an important site to explore how power relations and hegemonic conceptions of the world are reproduced and contested. The analysis

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3 The concept of property is enshrined in Nicaragua’s Family Code (1987), according to which all property brought into or acquired during marriage is jointly held. In the event of separation or divorce, all property and income are divided equally between the spouses, and, in case of death, half remains with the surviving spouse. At the same time, customary practices can prevent a widow from inheriting her husband’s property. In a study of gender and land tenure in Bolivia, for example, Lastaría-Cornhiel et al. (2003) note that, when a husband dies, all of the couple’s property is sometimes passed directly to his heirs, without taking the widow into account. Further research is needed to determine whether Mayangna women face similar situations or, more generally, into what happens when customary practices surrounding personal property conflict with state law.
of the Awas Tingni case shows that the legal efficacy of maps largely depends on their capacity to represent Indigenous uses of their land in terms of cultural survival. Thus, Indigenous land rights must be protected to guarantee the collective survival of the Mayangna people. Although this case set an international legal precedent for Indigenous peoples around the world by establishing that the benefits of property is a human right, it also raises questions about the potential for human rights to secure a meaningful future for Indigenous peoples for several reasons. First, the use and enjoyment of Indigenous property rights emphasizing “traditional,” unchanged economic practices. Indigenous communities are not isolated from the market economy and some would likely want to respond to initiatives to exploit their resources in however sustainable ways. Second, neither international law nor cartography are neutral, both are shaped by Western knowledge, actors and values. Moreover, although Indigenous land and body are inseparable, absent in the cartographic legal approach is how Indigenous women have walked and continue to walk on the land. This situation shadows the celebratory potential of maps as tools to empower Indigenous communities. Who is empowered when racial and gender hierarchies are reproduced is not an irrelevant question and it forces us to think about how Indigenous rights are driven by governmental rationalities.

If Indigenous mapping is to have the potential to benefit Indigenous peoples, maps must be constructed in ways that challenge Western concepts and norms implicit in current approaches. Rather than produce maps that defer to Western frameworks, Indigenous mapping must be used to build Indigenous peoples’ capacity to articulate and revitalize their legal orders. Indigenous laws, knowledge, allocation of resources, and relations to land are not, nor were they ever, static. If Indigenous maps are to reflect Indigenous knowledge and histories, they must be able to represent different ways of inhabiting the world. Given that colonialism and land dispossession disempower Indigenous men and women to differing degrees, Indigenous maps need to place women back at the centre of their geographies and represent the epistemologies shaping peoples’ interactions with territory and the non-human world. Not only are Indigenous relationships and obligations to the land and the non-human world critical to an accurate portrayal of Indigenous ontologies, but they serve to challenge Western conceptions of land and natural resources that exist exclusively to be exploited.
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References


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