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The Politics of Land Distribution: Ingenio Victoria de Julio- El Timal, a Case Study of Nicaraguan Rural Conflicts after 1990

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The Politics of Land Distribution: Ingenio Victoria de Julio- El Timal, a Case Study of
Nicaraguan Rural Conflicts after 1990.

An Honor Thesis

Presented to

The Department of Political Science

Of the University of New Orleans

In Partial Fulfillment

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by

Brenda Siles

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Abstract

One of the greatest legacies of the Sandinista Revolution was agrarian reform. Despite the amount of land redistributed, this process happened without any form of legal documentation to support the transfer of property from one owner to the next. The end of the civil war, the peace accords and the transition of power from left to right-wing parties produced conflicting policies that would bring high levels of complexity to the system of land tenure in the country. The case of the state-owned sugar mill, Ingenio Victoria de Julio – El Timal is of one the most emblematic examples of how slow and inefficient Nicaraguan institutions have been in solving land tenure issues in 26 years.

Keywords: Land Tenure, Rural Conflicts, Agrarian Reform, Nicaragua, Ingenio Victoria de Julio, El Timal

Introduction:

Many people around the world first heard about Nicaragua in the early 1980s, when in the context of the Cold War the Somoza dictatorship was overthrown by the Sandinistas, a Marxist revolutionary movement with close links to Cuba. Profoundly influenced by the socialists ideas of Marx, Lenin and the experience of the Cuban Revolution only twenty years earlier, the Sandinista government set out to reform Nicaraguan society, a society that was characterized by an immense economic, social, and political gap between rich and poor. The Sandinistas understood that only a radical change affecting the social structure of the country would bring about the change Nicaragua needed in order to move to more egalitarian forms of social organization.

With that in mind one of the first projects of the revolutionary government was reform of the land tenure system. The Sandinistas were determined in carrying out a project of land redistribution through which the rural communities of Nicaragua could be developed and better integrated into the economic activities of the country. Unfortunately, neither the government nor the people were ready to undergo such a big change. Despite of the efforts the Sandinistas made to make the agrarian reform work, it was met with great opposition from many of the peasant farmers in the countryside; furthermore, the economic conditions and the civil war made it hard for

the government to allocate resources to the project, which little by little became harder to manage.

Beginning in 1990, after the Sandinistas lost the presidential election to the UNO Coalition Party, the new administration led by Violeta Barrios de Chamorro drove the country in a very different direction: neoliberalism. Despite of the new governmental policies to reduce the role of the government in the economic arena, Chamorro's government made a compromise to continue what the Sandinistas had started and to grant property titles to people who had been benefitted from the agrarian reform. It was 1991 when the compromise was made; it has been twenty-five years since the compromise was signed and there is still considerable work to do in order to solve land tenure issues in the country.

This paper analyzes the case of one of the biggest industrial sugar mills that operated in the country during the Sandinista government, Ingenio Victoria de Julio-El Timal, to understand how conflicts over land came to be in post-civil war Nicaragua. The formerly state-owned enterprise is one of the most emblematic cases related to land tenure issues in Nicaragua. A great deal of attention has been given to the mill due to the violent outbreaks that have taken place over time in connection to property disputes. This case study outlines the policies with which the governments, starting in 1990 to the present, has dealt with the problem of land distribution and what the effects these policies have had on the inhabitant of the mill. From there, I will try to draw some conclusions as to why it has taken the government such a long time to come up

with a response to the issues regarding land tenure in the country, a common problem among developing countries with similar of land redistribution disparities.

The structure of the paper is as follows: the first part comprises a historical narrative of the status of land tenure before and during the revolution; the second part explores the case of Ingenio Victoria de Julio - El Timal, while looking at the evolution of land tenure issues as governments changed; and the third part is made up of my conclusions, where I present some factors that might be useful in explaining the slow process of land titling in Nicaragua.

Historical Context:

The Nicaraguan economy has historically been based on agriculture. Starting in the 1950s Nicaraguan economy focused on the production of popular cash crops for export; dominated by the production of coffee, Nicaraguan agricultural practices began to diversify, cultivating other popular crops, such as sugar cane and cotton. This kind of harvest requires intensive labor and vast amounts of agricultural land in order to produce significant revenue. With the intention of creating stable and profitable businesses based on the several cash crops Nicaragua was able to produce, the best agricultural lands of the country were reserved for the harvest of export crops; the

areas assigned for national consumption were less fertile areas¹.

Once the coffee, sugar cane and cotton plantations had been successfully established and as they became profitable enterprises, new crops were introduced into the agricultural system, namely, banana and tobacco. The strong orientation toward development through the expansion of export-oriented agricultural production led to the creation of a system of production that was highly exploitive of the land, as well as the workers. In this scenario, the campesinos, or peasant farmers, who were unable to compete with the big, capitalist plantations that were now occupying the lands that had once belonged to them, were forced to move to the wetlands of the Atlantic,² an area far from being as productive as their former properties had been.

Land tenure in Nicaragua was configured to a great extent by the economic model of export-led growth. "In 1971, farms no larger than 10 manzanas, or approximately 7 hectares, of land accounted for 41.6% of the total number of farms, but were only 2.2% of the total area; in contrast, larger farms of 500 manzanas, or almost 350 hectares of land, represented 1.8% of the farms, but held 47.6% of land in the country."³ This unequal distribution of land meant that many rural families who were landless were absorbed into the system as rural workers in the big plantations. With a

¹ Instituto Nicaragüense de Reforma Agraria, *La Revolución y el Campo*, Publicacion para los Brigadistas dela Cruzada Nacional de Alfabetización, Nicaragua, 1980.

² Jaime Wheelock-Román, "Enfoque del FSLN sobre el Problema Agrario." In *La Reforma Agraria Sandinista: 10 Años de la Revolución en el Campo*, 39-68.1st ed. Managua: Vanguardia, 1990.

³ Instituto Nicaragüense de Reforma Agraria, *La Revolución y el Campo*, 4.

growing gap between social groups – those who were landowners, rural capitalists, and those who were landless – this economic system also led to the unequal development of different economic sectors of the Nicaraguan economy. Under such circumstances the role of Nicaraguan industries was undermined by the prominent role agriculture came to have in governmental policy, by creating more favorable conditions for the growth and development of agricultural activities than those related to industrial production.⁴

Unlike other parts of Latin America, the agrarian structure of Nicaragua did not have strong feudal relations in which confrontations between campesinos and landholders, or terratenientes, were able to flourish. Neither did it have large plantations controlled by foreign capital that would spark nationalism among the workers to rebel against the system. Lastly, the Nicaraguan peasantry lacked a collective consciousness of being part of a greater indigenous community that had rights over the lands that had been under their control in pre-Columbian times, with the exception of indigenous groups living in the Atlantic Coast region of Nicaragua.⁵ These characteristics of Nicaraguan rural life describe important obstacles in the creation of an effective and strong peasant movement that could potentially undermine the agriculturally based economic system.

⁴ Ibid., 5.

⁵ Eduardo Baumeister, “Políticas y Acciones de Reforma Agraria y Desarrollo Rural (1979-1989). In *Estructura y Reforma Agraria en Nicaragua (1979-1989)*, 173-203. Managua: Ediciones CDR-ULA, 1998.

Under the export-led growth model, the Nicaraguan economy was able to grow steadily for twenty-seven years. The effects of the economic system were manifested in the creation of an economically polarized society, which consequently modified the social structure of the country. The one piece of Nicaraguan society that had been left unchanged was the government. The Somoza regime had been established in 1936, by Anastasio Somoza Garcia, the first in the Somoza family to become president of Nicaragua⁶; his sons, Luis and later on, Anastasio Somoza Debayle would eventually continue their father's legacy, establishing a family dictatorship that would rule Nicaragua for over forty years. During that period, Nicaragua underwent a contradictory process of modernization. On the one hand, the state aimed at creating a renewed productive force; on the other hand, it retained an obsolete authoritarian political system that was unable to legitimately coexist with the social transformations of the modernizing Nicaraguan society⁷.

The Sandinista Revolution

The entrenched polarization of the country, as well as losing key international allies such as the United States⁸, led to a popular insurrection led by the Sandinistas in

⁶ Arturo Cruz S., "¿Qué Ocurrió en Nicaragua?", Programa de las Naciones Unidas para el Desarrollo, 2005. Accessed December 15th 2015, http://memoriacentroamericana.ihnca.edu.ni/index.php?id=251&tx_ttnews%5Btt_news%5D=1825&cHash=491c6ac43e8257c1402b3c57ad372a90

⁷ Baumeister, *Estructura y Reforma Agraria en Nicaragua (1979-1989)*,175.

⁸ The Somoza dictatorship had a tradition of having close economic and political ties to the United States; however, during the administration of President Jimmy Carter, the United

1979 that overthrew the Somozas. With the revolution, Nicaragua was now able to modify not only the political system into more democratic practices, but also the socioeconomic conditions of the country by laying out an economic system that would do away the deep disparities between Nicaraguan economic classes⁹.

It was clear that in order for a real transformation to take place within the socioeconomic structure of the country, big changes would need to take place at an economic level. In order to do this, the Sandinista government was set to carry out an agrarian reform through which land would be massively redistributed in favor of the landless peasantry by eliminating the large rural estates that perpetuated the campesinos' condition as landless agrarian workers under the premise of "*la tierra es de quien la trabaja*", land belongs to those who work it.¹⁰ In this sense, the agrarian reform was a political tool of the Sandinistas to expand their support base in the countryside, as they represented the largest social group in 1980s Nicaragua.

The first properties to be confiscated were lands that had belonged to the Somozas and their inner circle. These expropriations allowed for the creation of a land

States abandoned its friendly position towards repressive regimes in Latin America, including the Somozas in Nicaragua. The lack of support from the United States would play a key role in exacerbating the conditions under which the Sandinista revolution would flourish.

"Carter en la Historia de Nicaragua," *La Prensa*, July 1, 2014 accessed April 6, 2016, <http://www.laprensa.com.ni/2014/01/06/politica/176948-carter-en-la-historia-de-nicaragua>

⁹ Cruz, "¿Qué Ocurrió en Nicaragua?", 13.

¹⁰ Wheelock-Román, *La Reforma Agraria Sandinista*, 44.

bank from which all land redistributions were to be conducted.¹¹ One of the significant features of the Sandinista agrarian reform was the establishment of peasant cooperatives, known as UPES, to administer land as well as all the means needed to work it; as many as 1200 cooperatives were created in a ten year period. Parallel to the first land redistributions¹², the government had planned to expand the industrial production of sugar cane, vegetable greens, cacao, African oil palm as well as the cattle industry by developing governmental projects particularly designed to achieve such goal, which would allow the country to expand its export-led economy. With the creation of national projects in the areas of El Timal, Sébaco, Río San Juan and Chiltepe, the government was also aiming at transforming rural temporary workforce into permanent, agroindustrial workers¹³.

It was not long before the revolutionary government began to face opposition from its neighbors in the north. In the mid 1980s, the United States established a trade embargo on Nicaragua; at the same time, resistance groups were becoming more organized into formal institutions leading to the outbreak of civil war. This period had a critical impact in course of the agrarian reform, especially since the rural areas of the

¹¹ Ibid.,51.

¹² Ibid.,55.

¹³ Vera Gianotten, Ton de Wit and Rodrigo Montoya, "Problemas en el Campo Nicaragüense". In *Nicaragua: Cuestión Agraria y Participación Campesina*, 79-92. Lima: DESCO, 1987.

country became the main stage for the armed conflict¹⁴. The war also helps explain the deteriorating conditions of the economy, due to the embargo and allocation of workers into the defense sector.

As the crisis deepened the demand for land grew. At this point it was more than clear that the former Somoza lands would not be enough to supply for all the landless peasants in the country¹⁵. This meant that the government would have to confiscate land from owners who could not be associated with the Somoza regime. In order to remain loyal to the frame of national unity that had emerged during the revolution, the Sandinistas thought the less problematic solution to approach the issue of supply was to expropriate idle lands, meaning land that was not being worked, or inhabited by its owners. ¹⁶The civil war came to play a key role in the dynamic of the agrarian reform. From this point forward the reform took a more political role which justified the expropriation of counterrevolutionaries' lands, the redistribution of such lands to Sandinista-friendly peasants, and the incorporation of peasant cooperatives into military units, as well as the creation of communal areas to which peasants had been evacuated¹⁷.

In the last months of the Sandinista government there was a tendency towards

¹⁴ Cruz, "¿Qué Ocurrió en Nicaragua?", 17.

¹⁵ Gianotten, *Cuestión Agraria y Participación Campesina*, 81.

¹⁶ Wheelock-Román, *La Reforma Agraria Sandinista*, 56.

¹⁷ Baumeister, *Estructura y Reforma Agraria en Nicaragua (1979-1989)*, 180.

the distribution of land to individual owners rather than rural cooperatives; nonetheless, when looking at the total percentage of land that was redistributed, 72% was done in the form of communal property under the ownership of peasant cooperatives¹⁸. Despite of the changing nature of the agrarian reform, especially in the context of civil war, the Sandinista government was able to redistribute some land. In 1971 landless and small peasant farmer families accounted for 64% of total families in the country; by the end of the period of the Sandinista administration the number of landless families was reduced to 40%¹⁹.

Toward the end of the Sandinista revolutionary period (1984-1989), the government negotiated with the peasant resistance movement, popularly referred to as “La Contra”, to stop the seizure of their land as part of the ceasefire; on the one hand this limited the government's ability to accumulate land, on the other hand it led to a more rational use of the land that was already available in the land bank. With this in mind, the government kept redistributing land, collectively as well as individually, and even added new beneficiaries to the program. Members of the peasant resistance and of the Sandinista army, who were beginning to be demobilized, were now to be included in the pool of people waiting for land²⁰.

¹⁸ Ibid., 191.

¹⁹ Ibid., 186.

²⁰ Jan P. de Groot and Jan Plantinga, “*Perspectivas de la Reforma Agraria Nicaragüense en los Años ‘90s*”, Managua:UNAN/Departamento de Economía Agrícola,1990.

In an effort to revert the economic crisis Nicaragua was undergoing in 1989, the Sandinistas carried out a number of policies that allowed for some improvement in the economy. They were able to increase agricultural exports by favoring large and medium businesses in the field, reducing the peasantry's role in the export-led economy. The government tried to push farmers into a form of farming dedicated to the production of agricultural products for national consumption; nonetheless, with the lack of an agrarian policy directed towards the development of the rural areas, it was really hard for the peasants to get anything done, forcing the government to import most of the goods for national consumption²¹. This led to a continuation of an unemployment and indebtedness spiral that did not seem to have an end.

1990 – 2000s.

The new government, the UNO coalition, led by Violeta Barrios de Chamorro had enormous tasks ahead of it: stabilize the economy, continue the demobilization process, and to finalize the land redistribution process that had begun under the previous administration. Chamorro's government, under the conditions of the Washington Consensus, began reforming the state by reducing its role in the economy. This would have significant consequences in the process of demobilization and land redistribution, which required a strong, central state. Yet the opposite was happening in Nicaragua.

Doña Violeta, as President Chamorro is commonly referred to, made it clear that

²¹ Ibid., 6-7.

the peasants who had received land during the Sandinista government would be able to keep their land. Nonetheless, her government opened a channel, by issuing the 11-90 decree, for people whose land had been expropriated under the Sandinistas, to have the government analyze their cases and determine whether the expropriation was carried out in an adequate, legal manner. Under this decree, nearly every parcel of land, with the exception of land once belonging to the Somozas, could be brought under government scrutiny. This situation created great insecurity among peasant families who had been granted land but no property titles. The Chamorro administration assured campesinos no evictions would take place unless the expropriation had been done unlawfully. Peasants would be allowed to keep their land, and the government would compensate the previous owner either by paying for the property, or by giving them new land²².

The 10-90 decree also allowed the state to lease state-owned lands to private actors as an incentive to increase agricultural production²³. Private capital could expand their agricultural businesses focused on exportation. This process had a negative impact for the peasant population, who unlike the private sector, were unable to accumulate capital, workforce and techniques that would allow them to become a significant actor within the economy. In this sense, the Nicaraguan peasantry had an unfavorable position that made them highly dependent, in financial terms, on third

²² Ibid., 6.

²³ Ibid.,6.

parties, making production even more expensive²⁴. In the long run, these changes would lead to a reversal in the conditions of campesinos, who would once again be used as cheap labor and as providers of cheap food for national consumption, just as it had been during Somoza times.

Despite of the Chamorro government plans to continue distributing land, there were pressing concerns about the completion of such plans. First, it is important to keep in mind that the economic situation of the country had been especially tough on the peasant population, leaving many of them seriously indebted. While land titling is an important step in guaranteeing the peasant farmers' ability to survive as well as solving property conflicts, this would only have a positive effect on farmers who were able to retain their property under their authority. The level of indebtedness many farmers were experiencing could, and would – in many cases – lead to a counter process of agrarian consolidation, helping reverse the process of land distribution.

A second element to consider while studying land tenure issues in Nicaragua is the actual supply of land. The land bank was made up of a limited and rather small stock of land. The most viable solution to respond to this problem would be to transfer state land (from state enterprises) to landless families. When analyzing this option, it fits the economic model of the UNO government to perfection. Privatizing these lands would provide the government with resources to balance its budget while also

²⁴ Ibid.,8.

allowing for the reinforcement of a capitalist class²⁵. Nonetheless, this measure was not welcomed by agrarian workers who feared a reversal to pre-revolutionary conditions.

The problem of legal land tenure in Nicaragua only became more complex as time passed. The Sandinistas had massively redistributed land, but did not provide the new owners with the respective legal documents that could backup their tenure; this task was to be carried out by the following administration, doña Violeta Barrios de Chamorro's. Nonetheless, during this period, property issues were aggravated by the implementation of neoliberal policies that cut back on government investment and pushed for the privatization of state-owned assets. Additionally, the demilitarization process and demobilization of the armed forces of the country, as well as the Chamorro government policies to revise expropriation and grant land returns to former owners, only deepened and entangled land tenure issues further ²⁶.

Historically, land distribution and tenure issues in Nicaragua have been exploited by the political class in their pursuit of power. 1995 pointed towards a different outcome; The Carter administration and the Nicaraguan government, during the last years of the Chamorro government, tried to directly address the property issues in the country by putting together legislation that could be used to regulate any kind of commercial or legal action in regards to land that had once been owned by the

²⁵ Ibid.,11-12.

²⁶ Equipo Nitlapán-Envío, "*Propiedad:El Hilo Rojo*,"Envío 180, March 1997:accessed Feb. 14, 2016, <http://www.envio.org.ni/articulo/272>

state.²⁷ In spite of having issued Law 209, Ley de la Propiedad, the government achieved little progress in solving the issue. 1996 was an election year, and as expected, one of the candidates ran a campaign largely based on the land tenure issue. Arnoldo Alemán, who would become president of Nicaragua in 1997, was that candidate. He further politicized the property issues by questioning the legality with which expropriations and returns of land were carried out by the two previous administrations.

Alemán had a very simplistic view on the issue. He proposed to solve the problem by doing two things: first, he wanted to give all the poor people who had benefitted from the agrarian reform property titles to their land; and second, he wanted to carry out a review of all the expropriations and land returns that had been done in such a way that appeared illegal; in those cases, where the appropriate legal grounds to justify the proceedings were not present, the benefactors would have to either return their property to the state or pay for the property at market value.²⁸ The Sandinistas, who still remained a force in government by holding several seats in the National Assembly, agreed to his policies on the property issue; however, they recommended poor people's titling process should be the top priority and revisions would have to come in second place. Once in practice, Aleman's plan shifted, prioritizing revision

²⁷ Ibid.,1997.

²⁸ Ibid.,1997.

over legalization of land titles for the poor.²⁹ Suddenly, the position the government assumed questioned the legality of nearly the entire redistribution process; as well as rejected the peace accords signed in 1991 and 1992 through which workers of national enterprises had been granted prime agricultural land once belonging to the state. In some cases these lands would account to nearly half of the shares of the entire company at the moment of privatization.³⁰

It was more than clear that the issues regarding land tenure in Nicaragua would not disappear anytime soon. Even after Alemán finished his presidency, and Enrique Bolaños took over the executive, land conflicts were still relevant for the country. By 2003, several groups from civil society, especially those retaining connections to the agricultural field, as well as former combatants, came together to open talks with the government in order to put an end to the land tenure issues which have had a significant role in making rural areas unsafe. Disputes over land increased, and so did the violence surrounding them as a means through which people felt entitled to protect their property rights in an extralegal manner³¹. In the following years little progress was accomplished as the issue of land tenure took a back seat in the agenda and other issues related to corruption among government officials became the focus of national

²⁹ Ibid., 1997.

³⁰ Ibid., 1997.

³¹ “*Problemas de Propiedad Revientan en Todo el País*,” La Prensa, July 21, 2003, accessed January 30, 2016, <http://www.laprensa.com.ni/2003/07/21/nacionales/858641-problemas-de-propiedad-revientan-por-todo-el-pas>

attention. With the return of the Sandinistas to power in 2007 many hoped that the problems related to land distribution would once again be brought to the table; despite of the many relief programs the Sandinista government – headed once again by Daniel Ortega – had, land redistribution and titling in rural areas were not given enough emphasis as other social and economic programs were. Nonetheless in the second consecutive term in power, the Sandinistas initiated new programs to provide poor people with legalized parcels of land. These programs have little by little begun some advancement in the issues facing legal tenure of land in Nicaragua.

Case study: Ingenio Victoria de Julio - El Timal

The case of Ingenio Victoria de Julio-El Timal is a well-known example of the property issues facing Nicaragua. The situation that evolved in El Timal provides the perfect scenario to analyze agrarian conflicts in the country after 1990, as it contains elements that were common to the national agrarian problem; in this section, the case of el Timal will be used as a magnifying glass to study the issues of land tenure in Nicaragua.

The construction of the sugar cane mill, Victoria de Julio, began in 1982 but did not start operations until 1985³². The sugar mill, also known by the name of *El Timal*,

³² Price Waterhouse. “Complejo Agroindustrial Azucarero de Reforma Agraria Victoria de Julio.” Nicaragua: Agency for International Development, 1992.

short for Tipitapa-Río Malacatoya, was one of the most important agroindustrial projects of the Sandinista government. Funded by the Cuban government, El Timal was built on land that had been expropriated during the agrarian reform in the 1980s. It was made up of nearly thirty-seven properties, including some once belonging to the Somoza family. The sugar mill is located in the shores of Lake Xolotlán, in the outskirts of Managua and in the municipality of Tipitapa, and its total area accounts for approximately 18,171 hectares of land³³. El Timal was the second largest of the seven sugar mills that operated in the country and was originally set up as a collective farm during the first Sandinista government. If something stood out of this project it was the level and quality of the technology that was used for sugar production. In addition to the cultivation and processing of sugar cane, El Timal would also be part of a hydroelectric project, utilizing the waters of the Malacatoya River to provide energy for the mill³⁴.

In order to be able to understand the complexity of property issues in El Timal it is necessary to have a clear understanding of whom the actors and what their interests were. Actors in this case, aside from the government, could be organized into three groups: the first one was made up of the former employees of the mill; the second, after

³³ “Restituyen Derechos a Legalización en el Timal,” last modified Jul. 26,2011, <http://www.cornap.gob.ni/index.php/gestion-2011/item/106-restituyen-derechos-a-legalizacion-en-el-timal>

³⁴ Price Waterhouse, “Complejo Agroindustrial Azucarero de Reforma Agraria Victoria de Julio,” IV,1.

1991, of the demobilized combatants of the Sandinista Army and the National Resistance movement; and the third of former Somoza supporters whose land had been expropriated during the Sandinistas government³⁵. Despite of the great differences between these groups, all three shared two common goals: to receive some kind of compensation from the government (land or money) as a result of the agrarian reform, and to have the government fulfill the compromises it had made with each one of the groups individually ³⁶. On the other hand, the interest of the government was to stabilize the country after almost a decade of war, prioritizing the improvement of the national economy as well as the demilitarization process. As governments succeeded one another, the role land tenure came to have during each administration changed considerably. For the most part this resulted in the reversal of national policies implemented by previous governments, not only discarding any progress made towards finding a solution, but also adding up to the complexity and entanglement of the land tenure issues in Nicaragua.

Post-Civil War Period (early 1990s)

Until 1992, El Timal and all the other sugar mills in the country had been under full government control³⁷. As part of the economic reforms that were taking place in

³⁵ Institut de Recherches et d'Applications des Méthodes des Développement, "Estudios sobre la Tierra, Parte I," France:2000, accessed December 12, 2015. http://www.agter.asso.fr/IMG/pdf/iram_MM_2000_09_Nicaragua_I.pdf

³⁶ Ibid.,

³⁷ Ibid.,III.6.

Nicaragua in order to stabilize the national economy, the Chamorro government decided to privatize El Timal. In 1993 the mill was sold to Noveau Latin America Ltd., a foreign company that would remain in control of the mill until 2000³⁸. In 1992, a year before the sale took place, "the Nicaraguan government agreed to allow workers of the mill to acquire a maximum of 25% of the property; transferring the legal rights of the land along with all the improvements and irrigation system to the workers; while the remaining land that was not purchased by the workers would be sold to private investors"³⁹.

This agreement would not have been achieved without the mounting pressure of sugar mill workers. They were the most important workforce for the country's economy in 1991, and they pressured the government to consider their situation when it came down to negotiating the sale of six of the seven sugar mills in the country⁴⁰. The agreement between the government and the sugar workers, or *cañeros*, established a timetable to be used by the Chamorro government in order to carry out the privatization process of the sugar mills, El Timal included. When the government fell over three months behind the proposed schedule to begin redistributing land, workers were hesitant to believe the promises made by the institution. In the case of El Timal

³⁸ "Resituyen Derechos a Legalización en el Timal", 2011.

³⁹ Price Waterhouse, "Complejo Agroindustrial Azucarero de Reforma Agraria Victoria de Julio," IV,2.

⁴⁰ François Houtart, "Los Trabajadores de la Caña Piensan Así," Envío 125, April 1992: accessed Feb. 14, 2016. <http://www.envio.org.ni/articulo/713>

some of the industrial equipment from the mill began to be sold to private actors even before any change in ownership could take place; furthermore, workers' skepticism about the redistribution process grew stronger as the government made it very clear that the 25% of the land to be granted to the mill workers should, and could not affect the properties of those who owned the land prior to the expropriation carried out by the Sandinistas⁴¹.

It is important not to leave out the role demobilization of the revolutionary and counter-revolutionary armies came to have in land redistribution incentives. In the case of the El Timal the government also allocated part of the land to demobilized units, from both the resistance movement and the Sandinista military. This was part of the peace accords that ended the civil war in Nicaragua; the government was to compensate former combatants with land. In the case of many resistance fighters, this meant to have land returned to them confiscated by the Sandinistas in punishment for resisting the government. The transfer of property ownership was to be carried out legally. Nonetheless, the government was unable to fulfill its promises, which led to growing tensions, and even violence among the different groups occupying the land⁴². The situation only worsened when Doña Violeta's government decided to implement revisionist policies that would, in many cases, result in the return of expropriated land to its original owners, who were often times Somoza supporters.

⁴¹ Ibid., 1992.

⁴² "Resituyen Derechos a Legalización en el Timal", 2011.

Out of the 186 plots of land making up El Timal, averaging one squared kilometer in size each, around 49 plots were or would have had to be handed back to former owners in the early years of the expropriation revisions⁴³. " It was calculated that the land to be handed to former owners, after all revisions were finished, would amount to around 4,760 hectares, of which approximately 3,077 were cultivated cane land, for an average of 54 plots. Once privatization was completed, the cañeros would have access to almost 2,656 hectares of cultivated land, which would then be distributed among the mill workers. While this transfer of land would allow for the establishment of farms for self-consumption, the new owners were pushing workers to enter a formal contract in which they agreed to work the land as colonos and sell sugar to them."⁴⁴ The consequences of this process were worrisome, especially in the long run, because such practices of agricultural production did little to move away from the former elite-dominated system.

Overall, the focus points for the government regarding land tenure issues during this period (1990-1996) revolved around privatizing state-owned assets, ensuring some kind of compensation to people who had been expropriated during the revolution, and to a lesser extent, distributing land to some of the demobilized forces⁴⁵.

⁴³ Price Waterhouse, "Complejo Agroindustrial Azucarero de Reforma Agraria Victoria de Julio," IV,2-3.

⁴⁴ Ibid., VI,3.

⁴⁵ Institut de Recherches et d'Applications des Méthodes des Développement, "Estudios sobre la Tierra, Parte I," 2000.

In the case of el Timal all three policies were attempted.

1997-2001

It was clear that with the change of government, new policies regarding the issue of land would emerge. Arnaldo Alemán became president of Nicaragua in 1997. The Alemán administration took a patchwork approach to address the lack of formal land titles. During this period the government issued temporary documents of ownership as a means to circumvent the slow and ineffective titling process; nevertheless, these provisional documents were by no means a substitute to the actual property deed⁴⁶. The lack of formal documentation, just as it had been with the previous administration, still remained one of the utmost concerns of the landless population.

Very much like the previous liberal government, Alemán's government was invested in revising expropriations that had been carried out before its term in power, consequently, pushing the cause of landless farmers and ex combatants to a secondary level. The revisionist initiatives of the government became institutionalized through two pieces of legislation: Law 278 published in December 1997 and Law 290 published in June of the following year. The former dealt with the legal recognition of some of the land titles issued by previous government, as well as the establishment of a revision commission to deal with dubious expropriations. The latter, granted the

⁴⁶ Ibid., 48.

Ministry of Finance the duty of overseeing expropriation revisions, and requested the issuing of legal titles of all state property⁴⁷.

The issuing of these laws was extremely controversial, particularly in the case of Law 278, as many of its articles were considered to be unconstitutional. The law was so broadly written that there was no clear definition of who could be considered a legitimate beneficiary from the agrarian reform. The decision was the Ministry of Finance's duty in each case. Furthermore, if a person did not possess a formal – permanent or temporary – deed for his/her property, this law allowed for the expropriation and return of the property in favor of the state of Nicaragua. These laws thus deepened people's anxieties over the security of their properties, not only by opening channels for new expropriations to occur, but by making the titling process even more complex than it had been in the past⁴⁸.

El Timal was no exception to Alemán's revisionist policies. The president not only questioned the privatization of this sugar mill, along with that of other two sugar mills in the country, arguing that they were carried out illegally and in a corrupt manner; but also argued that El Timal had a growing debt of about forty million dollars to the state of Nicaragua; in the face of such situation the government proposed the eviction of all people who were currently occupying these lands as a result of the agrarian reform and the peace accords. The inhabitants argued that they had been

⁴⁷ Ibid.,49.

⁴⁸ Ibid., 53.

unable to pay for their debts because they had not managed to acquire title deeds over the land. Their inability to prove themselves to be the legitimate and legal owners of the land reduced, if not eliminated, their ability to get loans to develop and work their land altogether.⁴⁹ Evictions from their properties became more common;⁵⁰ however the majority of the population of El Timal remained on their land without any form of legal documentation certifying the ownership of the lands they inhabited.

2002-2006

Once Alemán's presidency ended, his successor Enrique Bolaños did very little to ameliorate the situation in the country, despite of having experienced expropriation during the revolutionary period himself. In order to address the land tenure issue in el Timal and other areas with similar conditions, the government developed a spatial planning project to create a national cadaster, which included all the properties belonging to the state. The cadaster would work as a property bank from which the state could take away land and redistribute it as the government saw fit. The government relied heavily on military and police presence in El Timal in order to maintain order and avoid outbreaks of violence between the different groups making

⁴⁹ Equipo Nitlapán-Envío, *"Propiedad:El Hilo Rojo,"*1997.

⁵⁰ "Nicaragua: Tensions Rising Over Issue of Land Ownership," The Associated Press Archive, accessed April 13,2016, <http://www.aparchive.com/metadata/youtube/017b0f9b19a7a3a41fc979ddcc7d4d4f>

up the population of the former sugar mill⁵¹.

In 2003 the vice minister of the Interior, Alfonso Sandino, made public the decision of the government to relocate landless ex combatants living in El Timal to other parts of the country; he mentioned fifty properties of the national cadaster that were under revision as viable lands to be handed to them. However, he was very clear in stating that the lands of El Timal were not even considered as a viable option to relocate members of the National Resistance movement or the Sandinistas forces⁵². This decision was key in continuing the policies of eviction in El Timal the previous government had begun. The Bolaños administration promised the evicted people's relocation would be carried out in a timeframe of twenty days⁵³; an agreement that, like many others before it, never took place.

Bolaños' agenda was dominated by anti-corruption initiatives and the pursuit of better and more democratic institutional practices that would open spaces for public

⁵¹ Nicaragua. Office of the President, "*V Informe de Gobierno 2006*." Managua: Presidencia de Nicaragua, 2006, accessed April 12, 2016, <http://sajurin.enriquebolanos.org/vega/docs/ANUARIO%202006%20cap%203.pdf>

⁵² Ary Neil, Patoja, "*Los Retazos del Victoria de Julio*," La Prensa, February 14, 2003, accessed April 12, 2016, <http://www.laprensa.com.ni/2003/02/14/nacionales/885438-los-retazos-del-victoria-de-julio>

⁵³ Mirna, Velásquez Sevilla, "*Ex Contras Abandonarán el Ingenio Victoria de Julio*," La Prensa, February 5, 2003, accessed April 12, 2016, <http://www.laprensa.com.ni/2003/03/05/nacionales/889309-ex-contras-abandonarn-ingenio-victoria-de-julio>

accountability⁵⁴. Overall, this approach prioritized the resolution of conflicts within the political class, leaving social and economic issues nearly out of the political agenda.

The scandals around former president Arnoldo Alemán were relevant and kept national institutions focused on the anti-corruption quest president Bolaños pursued.

2007- 2016

The return of the Sandinistas to power in 2007 created hope among some of the landless; Ortega's plan targeted the invigoration of rural life in the country. To a large extent, his policies pointed toward the creation of a strong agricultural sector, similar to the one Nicaragua had under the Somoza dictatorship. As part of the government's efforts to grow the role of agricultural output in the country's economy, this government created social programs aimed at the capitalization of the rural areas of the country – in the pacific and northern regions of Nicaragua – as well as creation of public policies that not only sustain growth in the long run, but also create immediate and closer ties between the government and rural communities⁵⁵.

In order for the Ortega's administration rural policies to work, the government needed to make significant improvements in solving the issues of land tenure in the country. This would prove a colossal task for the government as years of shifting

⁵⁴ Uriel, Pineda. "La Lucha Anticorrupción de Enrique Bolaños," *El Nuevo Diario*, November 21, 2012, accessed April 7, 2016, <http://www.elnuevodiario.com.ni/opinion/269927-lucha-anticorrupcion-enrique-bolanos/>

⁵⁵ Verónica, Rueda Estrada, "El Campesinado Migrante. Políticas Agrarias, Colonizaciones Internas, y Movimientos de Frontera Agrícola en Nicaragua, 1960-2012," *Tzintzu* 57, January 2013, accessed April 12, 2016, <http://www.scielo.org.mx/pdf/tzintzun/n57/n57a6.pdf>

policies by prior governments resulted in multiple legal titles for the same property, the cancellation of perfectly legal property titles, and multiple compensations to former property owners⁵⁶.

Despite all the measures the Sandinistas have taken to overcome the problems of land tenure in Nicaragua, it is impossible to deny how slow official action has been in providing people with an effective solution to the problem. The combination of all the institutional disarray regarding property titles along with the lack of functional bureaucracies are important elements in explaining the slow progress that has been made. By 2008, the majority of the people occupying the lands of Victoria de Julio-El Timal did not have any kind of formal adjudication of the property they occupied.⁵⁷ By 2009, about 586 property titles had been given to inhabitants of El Timal, but many remained landless.⁵⁸ What came to be an even more serious worry for the inhabitants of El Timal was the government's ruling that some of the property titles that had been issued by past governments were illegal. The government addressed this problem by issuing new titles retaining the same information as the previous ones, under a different format. However, because of their experience with land tenure issues people

⁵⁶ *"Fiscalía y Procuraduría dicen ir a Fondo con la Propiedad,"* El Nuevo Diario, April 24, 2007, accessed April 12, 2016, <http://archivo.elnuevodiario.com.ni/politica/208421-fiscalia-procuraduria-dicen-ir-fondo-propiedad/>

⁵⁷ *"El Timal es una Bomba de Tiempo,"* El Nuevo Diario, July 26, 2008, accessed January 30, 2016, <http://www.elnuevodiario.com.ni/politica/22471-timal-es-bomba-tiempo/>

⁵⁸ *"Contras Siguen Inconformes,"* El Nuevo Diario, February 29, 2009, accessed January 30, 2016, <http://archivo.elnuevodiario.com.ni/politica/257083-contras-siguen-inconformes/>

are unable to feel secure about their land possessions, fearing invasions of other landless farmers/ex-combatants.⁵⁹ In the years to come the resolution of the controversy was limited. People remained landless, and violence grew. In 2011 an entire family was killed as a way to settle a property conflict. Killing in El Timal occurs with frequency.

However, there was one important, and probably the most relevant, victory for the landless inhabitants of the former mill in that same year. The Sandinista government restored the legality of the 1990 peace accords that had been questioned by all other administrations. This moment was significantly important, as it brought the issue of El Timal back to the table. Later that year, 4,514 titles were issued to people in El Timal.⁶⁰ However significant these efforts have been, there is still a long way to go to finally resolve land conflicts in El Timal. In 2013, even after the government had begun to give away properties to landless farmers of El Timal, it was reported that in the period from January to June, seven people had been killed in the area and the causes were linked to property disputes.⁶¹ While the solution of land tenure issues and land titling might be well underway, it is imperative to consider other problems that have

⁵⁹ *“El Timal es una Bomba de Tiempo,”*2008.

⁶⁰ Daniel Ortega, “Speech in Tipitapa” (Managua, Nicaragua, October 10,2011) http://www.presidencia.gob.ni/index.php?option=com_content&view=article&id=376:entrega-de-4514-titulos-de-propiedad-a-pobladores-del-timal-tipitapa&catid=90:octubre-2011&Itemid=54

⁶¹ Hatzel Montes Rugama, *“Un Muerto y 4 Heridos en Disputa por Tierra en El Timal,”*El Nuevo Diario,June 29, 2013, accessed January 30, 2016, <http://www.elnuevodiario.com.ni/nacionales/290243-muerto-4-heridos-disputa-tierras-timal/>

emerged as consequences of the slow and long process of property legalization and the role they will come to have in the community even after full legalization of property titles is achieved.

Conclusions:

Land has had a particular importance in Nicaraguan history. This has to do with the composition of Nicaraguan economy, and the role agriculture has played as one of the country's largest economic sectors, and the maldistribution of ownership of the land. In 2014 nearly 40% of the total population in Nicaragua resided in the countryside; furthermore, the entire country is still largely dependent on the agricultural production of the rural areas, however and very ironically little attention is given these parts of the country.⁶² The lack of media coverage should not be understood as evidence of good and improved living conditions of the peasant population of Nicaragua; but rather, as highlights of the historical conditions in which the relations between the rural areas of the country and the national government have emerged.

The agrarian reform carried out by the Sandinista government in the 1980s had a crucial impact in the structure of land distribution in Nicaragua. It moved away from a

⁶² María Angélica Fauné, *“En la Nicaragua Campesina se han ido Acumulando Engaños, Decepciones y Enojos,”* Envío 386, May 2014: accessed February 2, 2016, <http://www.envio.org.ni/articulo/4842>

very unequal system of massive concentration of land among few people, to the opposite: more property owners with smaller parcels of land. These changes were made with the idea of creating channels for sustainable development in the Nicaraguan countryside.⁶³ Despite of the government's efforts to create a successful agrarian policy in relation to land redistribution and agricultural production, the agrarian reform was largely undermined by the civil war that broke out and the deteriorating economic conditions the country faced then. The numbers show that as early as 1994, about 14% of the land that had been redistributed during the revolution had already been sold off to private actors as a consequence of the indebtedness levels the rural population had acquired.⁶⁴

In the face of a dreadful economy, the Nicaraguan government, led by Violeta Barrios de Chamorro, took steps towards stabilization of the economy. The main policy of the government was to cut back on public spending. The Chamorro administration opted for the privatization of state-owned enterprises as one of its early steps to achieve economic stability. In terms of land this meant that all the property held by the state would be made available to private actors who were interested in buying it; nonetheless, in doing so the Chamorro government would have undone one of the most remarkable projects of its Sandinista predecessor – the redistribution of land, a cornerstone in the construction of a more egalitarian society. The Chamorro

⁶³ Equipo Nitlapán, “Descolectivización: Reforma Agraria,” *Envío* 154, November 1994; accessed February 16, 2016, <http://www.envio.org.ni/articulo/899>

⁶⁴ *Ibid.*, 1994.

administration understood that. Through several negotiations, including the peace accords in 1991 and 1992, it was agreed that workers and former combatants, both Sandinistas and counterrevolutionaries, along with landless peasants and former employees of national businesses were to be granted the right to purchase in some cases as much as 30% of state enterprises at the moment of privatization.

The government made it clear that they were committed to continue the process the Sandinistas had begun; but that did not happen. "What has happened from the 90s on, could only be classified as form of structural violence to deal with the peasant population of Nicaragua. From the time Violeta Barrio was president, throughout late 2000s, including the presidency of Arnoldo Alemán and Enrique Bolaños, forty-seven agreements were made to deal with the problems of rural property; for the most part, nonetheless, they were not fulfilled by the government."⁶⁵ This has resulted in the creation of an entrenched sense of mistrust against the government, who has done little to help the Nicaraguan peasantry.

From another perspective this situation has shed light upon the weak democratic practices of the state. On top of slow and rather inefficient institutional bureaucracies that made the titling process extremely difficult and expensive⁶⁶, the power struggles between the legislative and executive branches not only kept the

⁶⁵ Fauné, *"En la Nicaragua Campesina se han ido Acumulando Engaños, Decepciones y Enojos,"*2014.

⁶⁶ Equipo Nitlapán, *"Descolectivización: Reforma Agraria,*1994.

government from reaching a joint solution, but further politicized the issue. The persistence of the executive during the presidency of Alemán and Bolaños to carry out revisions of all the titles that had already been legalized, would eventually result in the collapse of the 1990-91 Peace Accords in which peasants, workers and former combatants gained legal rights over formerly state-owned companies.

Additionally, Nicaragua relied – and still does – heavily on foreign help, especially from the United States. In the closing years of the Chamorro administration, the United States developed a policy that linked Nicaragua's ability to acquire aid and loans from institutions such as the IMF and the World Bank to the land tenure issue. This policy came to be popularly known as "El Waiver". The logic behind this property waiver was to allow Nicaraguan-American citizens whose assets had been expropriated during the revolution to obtain some kind of compensation, either money or land, for the properties they had lost. In this sense, the Nicaraguan government faced external pressures that forced it into prioritizing expropriation cases of former elites rather than those of the poor rural farmers.⁶⁷

The inefficiency of the national government to respond to the needs of its rural constituency would lead the peasantry to take matters into their own hands. The fragmentation of collectively owned farms, which is the solution many farmers have found to provide for their need of land, was rather inevitable. In rural Nicaragua there was never a tradition of collectivization prior to the Sandinista agrarian reform; for the

⁶⁷ Equipo Nitlapán-Envío, "*Propiedad:El Hilo Rojo*,"1997.

average rural Nicaraguan person, life is understood in individual terms. Every achievement is the result of hard work and effort, whereas misfortunes are explained by the larger presence of a deity that puts people to test constantly.⁶⁸In many ways, this understanding of the world, and the lack of economic resources, along with the hostile attitude of the government towards the peasantry have slowed down the creation of peasant movements that are able to effectively participate within the government to voice the issues important to the Nicaraguan countryside.

The issues of land tenure have created violent and unsafe spaces for the rural population of the country. In the face of a state that has been unresponsive while dealing with countryside, and people's response in trying informally solve the problem themselves, Nicaragua has fallen into cycles of conflict as people feel the need to protect their property in any way they can. Statistics show that 1,600 criminal activities related to property issues took place in 1991; in 1992, the number of rearmed people in Nicaragua came close to 21,900, which was nearly the same amount of combatants that were active in 1990 before the peace accords were signed. By 1995 ex combatants began to rearm in different parts of the country, including the Atlantic Coast and the northern region of Nicaragua. In the latter case, 3000 men were mobilized and organized into 40 different units. The government spent countless resources in demobilizing these

⁶⁸ Fauné, *“En la Nicaragua Campesina se han ido Acumulando Engaños, Decepciones y Enojos,”*2014.

groups, who would eventually rearm to push for the resolution of land tenure issues⁶⁹. Unfortunately this kind of situation only ends up making life unsafe for everyone and aggravating conflicts between the inhabitants of particular communities. This also creates divisions among the peasantry, who now see each other as competitors over limited resources.⁷⁰

In the case of Nicaragua it is important to consider the lag in land tenure issues have brought to the countryside. While legalizing people's properties should be the most important goal for the government, it is essential to create programs alongside legalization for social and economic development in order to counter the lack of attention given to rural communities for over two decades. These initiatives could have significant effects in guaranteeing people's rights, especially women's rights, as well as moving towards the development and strengthening of better farming practices through which peasants have access to better crops, technology and financing to increase their production. A comprehensive approach to land redistribution and title legalization that is inclusive and targets egalitarianism would be beneficial in providing rural movements more and effective participation in the political life of the

⁶⁹ Verónica Rueda Estrada, *"Inserción Civil, Lucha Política y Delincuencia en la Posguerra: El Frente Norte 3-80 (FN 3-80) en Nicaragua,"* Policía y Seguridad Pública, May 2015, accessed April 12, 2016, <http://132.248.9.34/hevila/Revistapoliciayseguridadpublica/2015/vol1/8.pdf>

⁷⁰ Equipo Nitlapán, *"Descolectivización: Reforma Agraria, 1994"*

country.⁷¹

The problem in Nicaragua has been the lack of formal, legal procedures that would guarantee a secure transfer of land; that is, guaranteeing the new owner all the rights listed under the constitution. Despite of the efforts the current Sandinista government is making to finally solve the problem of land tenure in the country, there are a couple factors that should be taken into consideration. The issues related to land tenure are endemic in Nicaraguan rural life; therefore, in order to reach solutions that can finally put an end to the problem, it is necessary for the Nicaraguan peasantry to assume more politically active roles within the government. Looking at a larger picture, moving towards the solution of this problem will be a step further in consolidating Nicaraguan democracy.⁷²

⁷¹ Fausto Torrez, "*La Reforma Agraria en Nicaragua*," *Razones de Ser*, September 2004: accessed February 14, 2016, <http://www.razonesdeser.com/vernota.asp?d=1&m=9&a=2004¬aid=1189>

⁷² Equipo Nitlapán-Envío, "*Propiedad: El Hilo Rojo*, 1997.

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