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Land Rights and Garífuna Identity

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The history of the Garífuna people has long been tied to land. The Garífuna originate from the 17th century when, on the windward Caribbean island of St. Vincent, the island's indigenous Arawak-Caribs integrated runaway and shipwrecked African slaves into their communities. European colonists first referred to their progeny as "Black Caribs" and later "Garífuna," as they are still known. When the English pushed out the French settlers of St. Vincent and sought possession of the island, they encountered fierce resistance from the Garífuna. The conflict erupted into a yearlong war in 1772, ending in a treaty considered by most accounts to be the first signed between the British and an indigenous Caribbean population.

A second war broke out over the failure of the British to honor the terms of the treaty, but this time the overpowered Garífuna surrendered on British terms. The entire population was imprisoned for a year in a camp on a nearby island, where more than half perished. The survivors were then loaded onto the H.M.S. Experiment, no less, and transported thousands of miles away to the Honduran island of Roatán. From there, they fanned out throughout the Caribbean coast of Central America. Garífuna communities now ring the coast from Belize and Guatemala to Honduras and Nicaragua.

Honduras currently has the largest population of Garífuna at 250,000, according to the country's Special Office on Ethnicity and Cultural Heritage. Their communities reside, as they have for generations, along the northern coast of the country and La Mosquitia in the east. There, they have managed to preserve their language and many cultural practices, including unique musical, culinary and religious forms. The high degree of coherence and continuity that characterizes their cultural identity and residency patterns has become central to their renewed struggles to secure land.

In fact, the increasingly powerful Garífuna community in Honduras leads one of the more successful Afro-descendant land rights movements in Latin America. As part of their political mobilization, they have affirmed their racial and ethnic identity to strengthen their collective territorial claims. Indeed, the partial victories of the land rights struggles of Honduras' Garífuna cannot be understood without taking into account the ways in which this community has successfully politicized and linked identity and land, and forced the Honduran government to recognize this linkage.

Land conflicts have occurred regularly in Latin American societies for centuries, and they continue to do so despite the regional trend toward rapid urbanization. Access to land has long been documented to play a vital role in reducing rural poverty and remains an important political and policy issue in the region. Most Afro-descendant communities in Latin America are still heavily reliant on access to land for their cultural, economic, environmental and social security. In recent years, these communities have asserted collective claim to the lands they have inhabited since the colonial era, pressuring national governments to provide them formal title.

As a central element of this struggle, rural blacks across Latin America are demanding recognition as distinct ethnic groups with group-specific rights, including to land and territory. Here, the distinction between race and ethnicity is important. In the juridical context of most countries of the region, historically derived ethnicity, and not race per se, forms the legal basis for collective claims to a distinct territory. Not all rural black communities can successfully claim such rights: only those able to document their history as communities founded by escaped slaves. Thus, most Afro-descendant groups pursuing collective land rights have begun their struggles for land by first upholding a set of claims relating to ethnic lineage and historic residency. Typically, these groups first seek legitimation based on social memories of their battles, dating from the colonial era, against racial oppression. They also affirm their distinct ethnic identity and link this to longstanding occupation of a given territory, dating from before the founding of the independent Latin American nation-state. These claims confer upon them indigenous-like legal status.

This strategy stems from the constitutional reforms that became an integral part of the Latin American political landscape as democratization swept the region in the 1980s. While these reforms often legally enshrined authoritarian enclaves that shaped the emerging democratic regimes, they also contained elements of promise for the promotion of popular interests. In particular, they allowed for land reform, one category of which was ethnic-specific, introduced to address Afro-descendant and indigenous land claims. These reforms reflected increasing governmental acknowledgment of the pluricultural and multiethnic character of the region's populations.

As a result, in some Latin American countries rural Afro-descendant communities are now legally recognized as having a distinct ethnicity and as commanding the right to collective and communal land title. In 1988, the Brazilian Constitution adopted Transitory Article 68, which recognized the land claims of descendants of the country's escaped slave communities, known as quilombos.[1] In Colombia, the land rights of blacks on the Pacific coast gained constitutional recognition in 1991 with Transitory Article 55, which was implemented with the 1993 approval of Law 70.[2] Article 83 of the 1998 Constitution of Ecuador granted Afro-Ecuadorians collective rights to ancestral lands.

Indigenous groups have often been granted additional rights not afforded to Afro-descendant groups. In Colombia, for example, indigenous communities were granted not only rights over land but also political, jurisdictional autonomy, so that local, indigenous-led governments now govern their own territories. In sharp distinction, no such privileges have been granted Afro-descendant communities.

The legal logic behind ethnically based land claims can be both empowering and exclusionary. It is empowering insofar as it accepts the legitimacy of deeply rooted, ethnically distinct community identities. It

is exclusionary to the extent it demands strict ethnohistorical “proof” that draws potentially controversial boundaries within and between communities, excluding those unable to generate acceptable documentation. In the notable cases of Brazil, Colombia and Ecuador, for example, to be eligible to claim land rights a community must be able to clearly demarcate the territory linked to its historically rooted identity. In Honduras and Nicaragua, groups must show that they have traditionally used their lands. Such requirements imply the prerequisite of cultural or ethnic distinctiveness.

Although some Afro-descendant communities define themselves in ethnic terms, the dominant societies in which they exist insist upon viewing them still as strictly racial groups, negating these communities’ diverse self-conceptions.[3] Their social and political marginalization partly stems from their identification as racially Other and, complicating matters further, in some instances the communities themselves claim both ethnic and racial identities.[4] These issues of racial and ethnic identity further overlap with land titling and natural resource use and require better integration, both analytically and practically.

These complicated issues are all at play in the land struggles of Honduras’ Garífuna. The Garífuna are one of nine recognized ethnic groups in Honduras, which collectively represent about 13% of the country’s population. The Garífuna alone account for approximately 2%.

Among those practices that distinguish the Garífuna as a separate ethnic group are a particular set of subsistence activities and a related gendered division of labor. Garífuna men engage in non-commercial, low-intensity fishing in both the ocean and rivers. They also hunt, mainly deer and iguana. In agricultural production, men are usually responsible for soil preparation as well as slashing and burning, while both men and women are involved in the sowing, harvesting and storage of the crop. Women cultivate and grate yucca, dry it, and then bake it over hot coals into the finished product, cassava bread, some of which is reserved for local market consumption. Women are also responsible for the sale of surplus fish and agricultural products. (With massive male migration abroad from Garífuna communities, a growing non-traditional male subsistence role is the provision of remittances, while women increasingly assume the formerly male responsibilities of property transactions and maintenance.)

The Garífuna maintain other unique cultural practices such as the Garífuna language, a particular set of religious beliefs and associated practices, as well as culturally specific festivals. Many of these practices are inextricably linked to the group’s conceptions of land and territory: Community festivals mark the planting and harvest seasons and particular fishing activities, for example, and Garífuna cosmology invokes very specific notions about the land and how it is to be treated.

With respect to land rights, the Garífuna occupy a complex position. Legal and constitutional instruments are often too narrow to acknowledge the diverse ways in which Garífuna self-perceive and position themselves externally. Although they have been racialized within the categories of negro (black) and Moreno (dark-skinned), the Garífuna see themselves, and are seen, as both a racial and an ethnic group. As a group, they have experienced high levels of discrimination ever since their arrival in Honduras, characterized by the denial of social and civil rights. Historic indicators of their exclusion include their concentration in low-wage labor positions and their lack of access to public spaces and higher learning. In these ways, their experience recalls that of blacks in the United States during the Jim Crow era. Their “blackness” has also excluded them

from Honduran national identity, which, as in most Latin American countries, is characterized as mestizo. This concept incorporates a mix of European and indigenous qualities, but largely ignores and/or marginalizes Honduran society's African legacy. This exclusion from the hegemonic understanding of national belonging previously undermined the ability of the Garífuna to make group-specific claims. Active political mobilization, however, has largely attenuated the Latin American myth of the mestizo nation.

To the extent that the reality of cultural difference has been acknowledged and addressed in conceptions of national identity, legal frameworks and public policies in Honduras, this largely has been the accomplishment of indigenous people. These groups have successfully commanded official recognition as distinct, collective subjects with specific languages, cosmologies, and relationships to land and territory. Moreover, they have won special legal status by virtue of their pre-European presence in Honduras.

It is within this rubric of "the indigenous" that the Garífuna have gained political leverage. First, the Garífuna originated from a mixing of Africans with an indigenous Caribbean population. Significant elements of their language are Amerindian in origin, as are other elements of their unique, indigenous-like identity. For example, they organize their communities communally, especially with respect to land tenure and agricultural practices, much like their indigenous counterparts. Second, they are "indigenous" to Honduras in that they arrived before the republic won independence from Spain in the 1800s.

Garífuna leaders have used this indigenous framework to promote their case with the Honduran state. They have also reached out for international points of leverage, taking advantage of the overarching institutional framework characteristic of this era of globalization. For instance, they successfully pressured the Honduran state to recognize the applicability to their status of International Labor Organization Convention 169 on indigenous peoples. They have also gained considerable ground through analogous policies within multilateral development banks, such as the World Bank and the Inter-American Development Bank. These legal instruments and institutional policies, with their provisions for group land rights, have offered the Garífuna a critical foothold by which to proceed with their claims. Ironically, however, the same international bodies are also indirectly undermining Garífuna gains. The World Bank has provided the government of Honduras with a loan for coastal and tourism development, which may have profoundly negative consequences for Garífuna communities and their struggle for land.[5]

Since Garífuna communities are located along the country's spectacular northern beaches, the growth of tourism imperils their land claim efforts. Tourism has become Honduras' second largest source of foreign exchange. According to the National Tourism Institute, in 2001 tourism generated \$256.2 million from 483,300 tourists—the majority from neighboring Central American countries, about a third from the United States. The government projects a more than 5% annual increase in tourism and anticipates Honduras will attract one million foreign tourists and generate 30,000 direct and 40,000 indirect jobs over the next four years.[6]

Honduras' tourism plan centers on a combination of six attractions: archaeology, colonial cities, nature and adventure, beaches and *culturas vivas* (living cultures). As the centerpiece of the country's tourism effort, its ecotourism program offers an extensive system of national parks and protected areas created over the past

20 years. Through the coordination of the Honduras Tourism Institute and the Ministry of the Environment (SEDA), the government has made a concerted effort to attract foreign investment to the industry.

Foreign investment in the tourism sector necessitates clarity around existing land ownership. Honduran constitutional recognition of Garífuna land rights puts valuable lands under a communal titling regime that is, at least theoretically, immune to market logic. The representative political institutions of Garífuna communities, known as patronatos, hold the communal land titles. These titles grant the community rights to a given area in perpetuity. They may not sell the land or transfer its ownership outside the community. Improvements, such as houses and other buildings, can be bought and sold within the community, but the land remains inalienable.

Meanwhile, the tourism boom of recent years and the consequent demand for valuable beachfront property has created incentives for land invasions and intimidation, as well as bribery and outright violence against Garífuna communities. While other commercial interests have historically threatened encroachment on Garífuna lands, tourism has greatly amplified the intensity and dimensions of this threat. Some community members have responded by illegally selling their land to outsiders, often fearing they will lose their land without financial compensation if they refuse to sell. Some patronatos have also engaged in illegal land sales to outsiders. Because of such sales, and because Honduran political and legal institutions are often ineffective and corrupt, nearly all Garífuna territories suffer from multiple ownership claims. This has made foreign investment in coastal tourism contentious and difficult to manage.

These threats to Garífuna land have generated a massive grassroots political response. Since the late 1980s, a number of Garífuna-led organizations have arisen. Two are especially prominent: the Black Fraternal Organization of Honduras (OFRANEH) and the Ethnic Community Development Organization (ODECO), both of which have offices in La Ceiba, on the Atlantic coast. OFRANEH is a grassroots support organization. ODECO, the more powerful of the two nongovernmental organizations (NGOs) in terms of its international reach and funding, serves as an intermediary between international aid agencies and Garífuna communities. Both have played a key role in pressuring the Honduran government to honor its constitutional commitment to title Garífuna land. They are active in public education and consciousness-raising, political advocacy and lobbying, community organizing, development work and fundraising.

Until 1992 all the Garífuna communities in Honduras, with the exception of those of Cristales and Río Negro, possessed only títulos de ocupación (titles of occupation) for their lands. These titles acknowledged the community's presence on the land but not its right to full and legal ownership. In 1996, Garífuna NGOs and patronatos united under the umbrella of the National Coordinator of Black Organizations of Honduras (CNONH) to mobilize more than five thousand people for the "First Grand Peaceful March of the Black People of Honduras." This demonstration sought to pressure the Honduran government into addressing titulación (titling), ampliación (enlargement) and saneamiento (dealing with third parties) in Garífuna communities. The Coordinadora, as the coalition was known, succeeded in securing a meeting with a presidential commission, which resulted in an agreement to set aside the equivalent of \$227,000 for the National Agrarian Institute to title Garífuna lands.

Between 1997 and 2002, most Garífuna communities received formal ownership titles to a significant portion of land. This major accomplishment reflects the Garífuna's success in pressing for the recognition of their ethnic distinctness and their linking of this identity to lands of traditional occupation. In most cases, however, the titles are limited and apply only to the casco urbano of the community. In other words, communal titles have generally been granted only to areas where Garífuna houses are actually located, leaving untitled areas where the communities' agricultural activities take place. Yet these areas—in addition to those used historically by the community for hunting, fishing and other activities—comprise the majority of Garífunas' territorial claims. Mestizo cattle ranchers, real estate speculators, large businesses and foreigners target these territories for invasions. Powerful Honduran military, business and political actors hold land in these areas and have sponsored a number of legislative efforts designed to reduce the size of Garífuna territory. Although several Garífuna agricultural cooperatives did surmount these powerful competing interests and receive title in 1998, the struggle is clearly unfinished and the obstacles remain substantial.

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NOTES

1. See Coordenação Estadual dos Quilombos Maranhenses, CCN, SMDDH, PVN, "Documento Referente as Chamadas Terras de Preto no Estado do Maranhão," São Luis-Maranhão May, 1996; O Estado do Maranhão, "Comunidades Negras: Terras e cultural preservadas," São Luis Maranhão, May 21, 1996.
2. For more on blacks in Colombia, see Jaime Arocha, "Afro-Colombia Denied," NACLA Report on the Americas, 25(4), pp 28-31; Alexander Cifuentes, "Propuesta de desarrollo legislativo: del Artículo Transitorio 55 de la Constitución Política de Colombia," in A. Cifuentes, Al. Mauricio and J. Velasquez, editors. La Nueva Constitución y La Territorialidad en El Pacífico Colombiano (Cali: Corporación SOS Colombia, 1993). For more on land titling of black lands in Chocó, see Ministerio del Medio Ambiente and Instituto Colombiano de la Reforma Agraria - INCORA, La Capacitación y la Titulación Colectiva en los Territorios Afrocolombianos. For a grassroots activist's perspective, see Vicente Murrain, "Securing Legal Rights for Afro-Colombians: A Grassroots Organizer's View," in Margaret H. Frondorf, editor, Local People and Lawyers: Building Alliances for Policy Change (Washington, DC: Paul H. Nitze School of Advanced International Studies Program on Social Change and Development, The Johns Hopkins University), pp. 15-24.
3. For example, in Chocó, Colombia, residents refer to themselves as Afro-Colombian and view themselves as an ethnic group. Quilombos in Brazil often see themselves racially, however. In Honduras, some Garífuna see themselves as both racial and ethnic, depending on context.
4. In Panama, Colombia, Nicaragua, and elsewhere, mixed black/indigenous identities are common.
5. In July of 2001 the World Bank's soft loan window, International Development Association, approved a \$5 million, interest-free credit for The Sustainable Coastal Tourism Project. See [document](http://wbln0018.worldbank.org/MesoAm/UmbpubHP.nsf/917d9f0f503e647e8525677c007e0ab8/aa7c3cbbf399e7ee8525682c006f1889?OpenDocument) (<http://wbln0018.worldbank.org/MesoAm/UmbpubHP.nsf/917d9f0f503e647e8525677c007e0ab8/aa7c3cbbf399e7ee8525682c006f1889?OpenDocument>).
6. Edmund T. Gordon, "San Juan: A Case Study," unpublished manuscript, written for a World Bank-funded study on Garífuna and Miskito land rights, October 2002.

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