

# **COSTA RICA**

## **Indigenous Peoples**

Activity: 1994-2020

### **General notes**

- According to MRGI: “Most of Costa Rica’s indigenous peoples live in the isolated stretches of jungle near the Panamanian border in the south of the country. Twelve ethnic groups exist, although only six languages have survived [...] The two largest groups are the Cabecares and the Bribri.” According to IWGIA, “Eight Indigenous Peoples live in Costa Rica: the Huetar, Maleku, Bribri, Cabécar, Brunka, Ngäbe, Bröran and Chorotega, constituting 2.4% of the total population.”

### **Movement start and end dates**

- The National Front of Indigenous Peoples (FRENAPI) was formed in 1994 (Cultural Survival 2022). According to the same source, FRENAPI organizes two National Assemblies involving representatives of five of the country’s eight indigenous groups every year. It remained active as of 2020. FRENAPI makes claims regarding land rights, human rights, and indigenous rights.
- The evidence we collected suggests that Costa Rica’s indigenous movement likely emerged before 1994, though the evidence is less clear and mobilization seems to come from individual, smaller indigenous groups. According to one source, Costa Rica’s indigenous peoples started mobilizing and forming organizations “by the late 1980s” (Kikken 2021: 55). While this could point to relevant mobilization already before 1994, the evidence is too thin including especially regarding what claims were made and how the significant the mobilization was. We use 1994 as our start date.
- MRGI suggests that the movement’s main concern are land rights. In theory, only indigenous peoples are allowed to hold land in their reserves. In practice, though, much of the land has fallen into the hands of non-indigenous ranchers and farmers, or land is threatened by mining and petroleum exploration. Kikken (2021: 21) suggests that around half of all officially recognized territory is de facto held by non-indigenous people. “The main issues affecting indigenous people are therefore encroachment on indigenous traditional lands, environmental degradation, unemployment and the lack of job opportunities on or near reservations” (MRGI). [start date: 1994; end date: ongoing]

### **Dominant claim**

- MRGI suggests that the movement’s main concern are land rights. [1994-2020: autonomy claim]

### **Independence claims**

NA

### **Irredentist claims**

NA

## **Claimed territory**

- The exact contours of the claimed territory are not clear. That said, indigenous peoples' main claim is for the protection of their reserves from land theft (MRGI). There are a total of 24 reserves claims recognized, almost all of which (22/24) were created before the movement's start date in 1994. Therefore, we use the 24 reserves as the claimed territory.
- More specifically, we code this claim based on a map published by the Observatorio del Desarrollo at the University of Costa Rica (2019), which displays the boundaries of the 24 legally recognized and titled indigenous territories.

## **Sovereignty declarations**

NA

## **Separatist armed conflict**

- We found no evidence for reciprocated separatist violence above the threshold, though it is worth mentioning that, in 2019, Sergio Rojas, a prominent indigenous rights activist focused on land rights, was murdered (Al Jazeera 2022) and that, more generally, there have been recurrent clashes between indigenous communities and landholders who occupy indigenous land (Brown 2022). [NVIOLSD]

## **Historical context**

- Historically, Costa Rica's indigenous peoples had been subjected to strong assimilation pressure (Vaage 2011).
- Costa Rica set up the National Commission for Indigenous Affairs (CONAI) in 1973. CONAI's mission is to improve the socio-economic and cultural situation of indigenous peoples. However, CONAI has been underfunded and generally been neglected. Bilingual education although sanctioned has no direct budget which hampers development of teaching materials and training of the indigenous teachers who are best able to transmit the traditional values and culture (MRGI). We do not code a concession.
- Costa Rica created the first three indigenous reserves in 1956; subsequently, more reserves were created after the adoption of the Indigenous Law in 1977, which created a framework for the recognition of indigenous territorial rights. Reserves continued to be created on the basis of this law in subsequent years, the most recent one in 2001, which brought the total tally to 24. In practice, autonomy is limited and much of the land has fallen into the hands of non-indigenous ranchers and farmers, or land is threatened by mining and petroleum exploration (MRGI). Still, the creation of reserves with some level of self-government constitutes a concession. The land theft constitutes a restriction given the state's refusal to do much to counter it despite prior assurances; however, the land theft seems to be of continuous nature and we could not find a specific, significant event which would allow us to pinpoint a restriction in any given year. This constitutes an autonomy concession, but is more than ten years before the start date.
- In 1982, the Mining Code was passed, which eliminated the co-ownership by indigenous peoples and the state of subsoil resources in indigenous territories and gave the state sole ownership (Vaag 2011: 24). This constitutes an autonomy restriction, but is more than ten years before the start date.

## **Concessions and restrictions**

- According to MRGI, indigenous peoples earned the right to vote only in 1994. This refers to representation/the center and is therefore not coded as a concession in this context.

- According to IWGIA, the state has not taken any action to the issue of land theft. A law on indigenous autonomous development is in discussion, but faces strong resistance from the extractive industry.
- Since 1970, Costa Rica had been considering and planning the construction of a large hydro-electric dam on indigenous territory which met significant resistance from indigenous peoples as its construction would flood significant chunks of indigenous land (MRGI; Vaag 2011). Plans to build the El Diquis hydro-electric project were finally cancelled in 2018. This could be seen as a concession; however, as construction of the dam had never been fully decided-upon policy, we do not code a concession.
- In 2018, Costa Rica adopted the Charter of Rights on Access to Justice for indigenous Peoples, which tries to ensure indigenous rights in the judiciary system (Kikken 2021: 57, 73f). This is not a concession as defined here.
- In 2019, Costa Rica passed a further law which aimed to increase consultation of indigenous peoples before policy decisions that affect them, such as development projects (Kikken 2021: 57, 74ff). A right to be consulted is not a sufficient increase in self-rule for us to code a concession.

### Regional autonomy

- There are indigenous reserves, which are self-governing in theory. In practice, though, their autonomy is limited and much of their land has been taken by non-indigenous ranchers, farmers, and through mining and petroleum exploration (EPR; MRGI). [no autonomy]

### De facto independence

NA

### Major territorial changes

NA

### EPR2SDM

<i>Movement</i>	Indigenous Peoples
<i>Scenario</i>	1:1
<i>EPR group(s)</i>	Indigenous peoples
<i>Gwgroupid(s)</i>	9403000

### Power access

- We follow EPR, which codes the indigenous peoples as powerless throughout. [powerless]

### Group size

- MRGI cites an estimate of 1%, referring to the CIA World Factbook. EPR, by contrast, suggests a significantly higher 2.4%. The latter matches with information from IWGIA, which specializes in questions related to indigenous groups. [0.024]

## Regional concentration

- We could not find good figures. EPR suggests regional concentration, but EPR uses a lower bar. A look at a map of the 24 indigenous reserves (e.g., Kikken 2021: 19) suggests that most indigenous reserves are located in the country's east grouped broadly into four non-contiguous areas. Additional reserves can be found scattered throughout the country and, notably, significant parts of the reserves are effectively held by non-indigenous people. All of this suggests that it is unlikely that the group occupies a single, spatially contiguous territory in which group members make up the majority and in which more than 50% of all group members live. [not concentrated]

## Kin

- No transborder ethnic kin according to EPR. However, we found evidence for transborder kin groups:
  - o Most importantly, there are more than 250,000 Ngöbe in Panama.
  - o Another kin group are the Naso/Teribe in Panama, which are closely related to the Teribe in Costa Rica. They number just 3,500, though. [kin in adjacent country]

## Sources

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