



‘We will not abandon our struggle; companies and governments investing in extracting projects need to know that they are buying themselves a problem’



CIVICUS speaks to Medardo Mairena Sequeira, Coordinator of the National Council for the Defence of the Land, Lake and Sovereignty, a social movement organised in opposition to the construction of the projected Inter-Oceanic Canal in Nicaragua. In September 2017 Medardo Mairena joined the CIVICUS delegation at the 36th session of the United Nations’ Human Rights Council and participated as a speaker in a side event on civic space restrictions targeting indigenous and environmental movements around the world.

1. What are the reasons behind the mobilisation against the Inter-Oceanic Canal project? What will be the consequences if the canal is built?

The concession to build and operate the canal for 50 years, extendable to an additional 50 years, was granted to the Chinese company HKND (Hong Kong Nicaragua Canal Development Investment Company) through Law 840, also known as the “canal law” in June 2013.

The canal would be about 500 meters wide, 30 meters deep and 278 kilometres long, with a restricted area of 10 kilometres on both sides. It would also include a 400-square-kilometres artificial lake, plus another lake for a hydroelectric power station, plus an airport and scores of businesses that would take enormous extensions of land.

It is estimated that this would displace more than 350 000 people. But there would be a lot of additional people that would be indirectly affected, because if we are displaced we will have an impact wherever we move to: we would have to occupy other properties, given that there is no additional land to spare in Nicaragua for us to be relocated, regardless of what the government has said on some occasions.

The lands that the canal would go through are the best lands in Nicaragua: they have water, they sustain crops, and that is where we the peasants live. The canal would also go through and ruin Lake Cocibolca, the only freshwater reservoir not just in Nicaragua but in all of Central America. The pollution of its water equals death, because thousands of people drink the water from that lake.

I live in an area that is on the projected trajectory of the canal. I live in Punta Gorda, which is close to an indigenous territory, the Indio Maíz Reservation, the Punta Gorda Nature Reserve, the San Miguelito wetlands and the Río San Juan Wildlife Refuge. We

are neighbours and have a very good relationship with our indigenous brothers; and we, like them, have not been consulted. We have not been asked whether we agree to sell, lease or give up our land. In the four years since the canal concession was given away, the government has never asked for the opinion of those directly affected. All they have done is militarise the area, bring scores of military and police to repress the people. Thus, in the canal strip you can find humble peasants who have been intimidated and have even suffered torture.



But our position is very firm: we are not surrendering our properties nor accepting the environmental destruction that the canal would bring; instead, we demand the repeal of Law 840. Article 12 of that law states that “the expropriation of any real estate or rights over real estate which is necessary within reason to carry out all or part of The Project is in the public interest of the people of the Republic of Nicaragua”. But it is obviously not

in our interest to be stripped of our land so as to enable the government to do business with the Chinese.

2. What actions does the anti-canal movement carry out to push for the repeal of the law?

We have done more than 90 marches in various parts of the country, and six national marches. The local marches have always summoned between 3 000 and 7 000 people per march, while the national ones have gathered between 18 000 and 30 000 people.

In addition to marching, we work continuously to publicise the canal law. We hold forums in municipalities, counties and districts in order to explain to people the situation and our struggle. What happened is that this law was passed behind our backs, which is why most Nicaraguans do not know what it means or in which ways it threatens them. As a result of these forums, people have felt the need to organise, and this is how the movement has progressed.

We have also followed all the legal procedures established in our Political Constitution for citizens’ initiatives. The Nicaraguan Constitution states that with the signatures of at least 5 000 citizens it is possible to introduce an initiative either to repeal a law or to propose a new one. In April 2016 we brought to the National Assembly a petition to repeal the canal law that was backed by more than 28 000 signatures, but the Assembly declared itself incompetent with the argument that it had no jurisdiction because the canal law had constitutional status, and therefore they could not repeal it. But we are clear that deputies are authorised to do and undo as they want, so we filed a review petition, which was rejected soon afterwards. So following the steps established in the Constitution, we filed an amparo petition with the Supreme Court of Justice. After eight months, the Supreme Court also ruled against us peasants, thus violating our constitutional rights. Once we exhausted all legal channels in Nicaragua, we sued the State before the Inter-American Commission on Human Rights (IACHR) in Washington DC for the violation of our human rights.

The government claims that the canal project is supported by most Nicaraguans, but this is not true. This is apparent in the number of people who have joined us despite the fact that we don't have the financial resources to mobilise. With the few resources that we have, we have organised huge demonstrations, and if we had more resources it would be clearly evident that the reality is exactly the opposite of what the government is saying.

The government does not listen to us, to the point that after four years of struggle it does not recognise us as an organisation, even though we have led large mobilisations. And on top of this, the government has just modified the law in order to be able to exploit natural resources without even making environmental impact studies. For the construction of the canal, they were never able to show any environmental or socio-economic impact study because they handled everything on the sly: they made the law, sold our lands to a businessman and then tried to justify this with alleged studies. But as they do not have the studies they need, given that every study that was conducted shows exactly the opposite, they finally modified the law and now they are allowed to build without an environmental impact study, which is yet another violation of our constitutional rights.

3. Have you been free to mobilise against the canal?

We have encountered many obstacles to mobilise and have often been repressed; for instance, on 29 November 2016 we tried to hold a national march but had to suspend it as a result of the repression we faced from the police and the military. From the previous day the government put obstacles on the roads, set up checkpoints and requisitioned vehicles at all the entrances and exits to and from the capital. Demonstrators attempting to reach Managua were attacked by riot police. There were infiltrations, provocations and violence; several peasants were injured and one of them, who sustained serious injuries, is still not doing well and has already undergone two surgeries.



Persecution and criminalisation are ongoing. Repression is getting worse every day and our families suffer. When we leave the house our children fear that something will happen to us, because the government is capable of anything to stay in power, from intimidation all the way to murder. Some leaders who have fought against the regime are now dead, and it was never known why, how or by whom. Impunity is absolute.

4. You were not into politics before. How did you come to lead this fight?

We have organised ourselves out of necessity, because as peasants we dedicate our lives to work the land and we are not used to go about these things. Those of us who have undertaken this struggle are peasants, that is, we are autonomous, we don't depend on anybody but ourselves. We go organised all by ourselves, although human

rights organisations have supported us and now that we have filed our lawsuit we also expect support from the IACHR.

5. Does the anti-canal movement have ties with other social movements that are also being targeted and repressed?

We have been in touch with other movements and have tried to make alliances in order to be stronger. In fact, the canal project is placed within the framework of a broader extractive model, which requires the appropriation of large amounts of land and brings much destruction. The movements that oppose mining or monoculture plantations, as well as the indigenous communities that defend their territories, are in the same situation as we are, as they are threatened by the same laws that seek to appropriate them and they are repressed by the same government.

The government does business with extractive projects, granting concessions without consulting with indigenous communities – they have not sought to obtain prior, free and informed consent as required by law – or with us peasants. The government only wants to keep accumulating wealth in order to stay in power. The canal project is so unnecessary that it allows for the worse speculations regarding its motivations: for instance, that it seeks to provide mobility without controls to dark, even illicit, business interests. We are not against progress, but progress can and should be environmentally friendly and respectful of human rights.

6. You recently suffered an instance of criminalisation. Could you tell us what happened?

I had travelled to Costa Rica because my son there was sick; I spent five days with him in the hospital. As I was coming back into Nicaragua, I had my passport stamped in Costa Rica, paid my taxes, crossed the border, and then had my passport stamped on the Nicaraguan side, where they also revised my backpack as usual – everything was normal. And when I was about to re-board the bus, someone from Nicaragua's immigrations came to tell me that they wanted to talk to me. Two riot police came, put me on handcuffs and shoved me. I asked why I was being detained, whether they had an arrest warrant, what crimes were imputed to me; I also asked to be allowed to make a phone call to my family so they would know that I was being arrested. But they never explained anything to me: they only repeated that they wanted to talk to me. First they kept me for two hours at the border, and then a police patrol came and took me to the police station. When I asked them what my crime was, they responded that there was an ongoing investigation and that their law gave them the authority to detain anybody for 48 hours in order to make inquiries. I told them that I am a public person and I was not hiding, and had they given me a citation I would have gone to the police station if they wanted to talk to me. There was no need for the handcuffs or for them to lock me up.

I was taken to a jail in Managua that is known as a torture prison. Thank God they did not physically torture me, but they did psychologically torture my family, because from the moment they made me disappear without letting me make a call, I considered my situation a kidnapping. In the meantime they kept interrogating me, asking me illogical

questions. They kept me detained for two days and in the end, when they were going to release me, they apologised, said that they were not charging me with any crime, that I was right, that I had been telling the truth.

I think they are trying to intimidate us into giving up this fight. But we are sure that ours is a very fair fight, so we are going to continue. In my case there was a lot of pressure from human rights organisations that were asking about my whereabouts, and peasants had already started to mobilise to protest my disappearance throughout Nicaragua. Some of the mass media and social media also put pressure that helped a lot to get public attention.

7. What kind of support does the movement need from the international community?

We need media space to spread our struggle. We want the whole world to know what is happening in Nicaragua.

We want to send a message to corporations and governments that could be interested in investing in the Inter-Oceanic Canal project. They must know that the land on which they intend to build the canal does not belong to Daniel Ortega but to Nicaraguans; and that Nicaraguans, and peasants in particular, are organised and have a very firm position in defence of our land. We live in the countryside and this is the only way we know how to survive. We cannot go to the city; nothing and nobody awaits us there. Before starving to death, we would rather die defending our land.

Interested companies and governments should not throw away their money and that of their peoples. They need to know that we are firm in this struggle and that we are going to take it to the end, so that if they try to invest here they will be buying themselves a problem.

Civic space in Nicaragua is rated as “obstructed” by the [CIVICUS Monitor](#).

Get in touch with the National Council for the Defence of the Land, Lake and Sovereignty through their [Facebook](#) page.