

Supporting Indigenous Rights to the Land Through Self-Determination in Panama



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Project Overview

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 Location: District of Calovebora, Veraguas, Panama
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About the McBurney Fellowship Program

Through McGill's Institute for Health and Social Policy, the McBurney Fellowship Program supports students in international service programs related to health and social policy in Latin America. McBurney Fellows serve abroad in organizations working to meet the basic needs of local populations. One key aspect of this fellowship is its mandate to make a significant contribution to improving the health and social conditions of poor and marginalized populations through the delivery of concrete and measurable interventions. Students and their mentors identify issues, make connections with local organizations, and develop a strategy for the fellowship. The views expressed in this document are the opinions of the fellow, and do not necessarily reflect the opinions of the IHSP.

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Fellowship Rationale

While Panama has created a system of semi-autonomous indigenous territories, they have failed to provide territorial recognition to many of the extant indigenous communities that inhabit the country. The Ngobe and Bugle communities of Veraguas in the current districts of Santa Fe, El Cuay and Calovebora, are such a group – while their land was part of the original land claim for the Comarca Ngobe y Bugle, which lies directly to the west of them, their territory was entirely excluded from the land title that was awarded to the larger indigenous group in 1997. While they have been organizing themselves and engaging in tactics to achieve recognition for their rights to the land since that date, they as of now still have no legally recognized rights to their territory whatsoever. As such, they have no ability to control or direct development projects which occur on their land, whether it be beneficial programs such as educational and health related ones, or harmful ones such as resource exploitation. As there has been no formal documentation of their indigenous ancestry nor of their inhabitation of the land, the Panamanian government is able to behave as though the land is uninhabited.

These communities are entirely vulnerable to land predation by ‘outsiders’, such as multinational corporations or individuals seeking to purchase and sell land. For the past 30 years, a local governance body, called the Congreso local, has been operating as a decision-making body in these communities, as part of the network of several local congresses organized under the general Ngobe-Bugle Congress in the larger region. When the Comarca was awarded and the Eastern communities were excluded from the law, the Congreso local began operating more independently and working directly on the issue of achieving territorial rights. As land figures centrally in their livelihoods and cultural consciousness, threats to Ngobe and Bugle land sovereignty places not only their material survival and well-being but also their cultural continuity and right to self-determination as a people at risk. As the primary and sole organization consistently operating in the area, it functions not only as a democratic and decision-making authority, but also as a mechanism through which to implement social initiatives and projects, which community members decide on collectively, in the communities.

One of these social initiatives, which is being undertaken by the working group called Quibian-Nune-Köre-Toi-Gnäklne, focuses on strengthening the cultural and environmental heritage of the local communities through historical and geographic documentation. They are the primary point of contact for the Montreal-based group CICADA with whom I worked. The members of this working group made up my primary research partners while I was conducting my fieldwork – we worked together to set the orientation of the research as well as to conduct it on the ground. Nonetheless, they are a subset of the larger Congreso local and as such directly represent the needs and wants of community members as their mandates are discussed and voted upon democratically each year at the annual Congresses, to which all community members are invited. This year, our work involved collecting field data to integrate into a document, which I will be

writing after the completion of this fellowship that defends their legal right to territorial recognition under both Panamanian and international law. Research conducted in the field comprised mainly of interviews in which community members were asked to discuss cultural traditions, environmental conditions, social issues, and threats to livelihoods, as well as participatory observation research oriented towards understanding the central importance of land to self-determination and livelihoods. This will be the first document of its kind – meaning that there are no public documents that even attest to their inhabitation of the land in present day. The intention of the document is therefore to begin providing them with a body of work that they can use in whatever manner they see fit – whether it is to gain traction in international justice circles or directly defend their claim to the land.

Objectives

The main bulk of my work in the communities involved interviews. I discussed cultural practices, social-environmental change, land use, agricultural customs, perceptions of the state, environmental imagination, perceived threats, and possible future initiatives. From these interviews, I am constructing an argument in support of them receiving a land claim from the Panamanian state. As such, I used the information I received about cultural history, social issues, land use, and sustainable livelihoods to construct this argument. This allowed me to address the issues of tenure insecurity and loss of cultural and environmental sovereignty using the perspectives of community members.

Background/Context

The main issue that this project seeks to address is the lack of any form of tenure security for the communities in the region. There are many direct consequences of this problem, including the fear of making long-term investments in the land, rising conflict over the land, and the encroachment on land by outside industries and individuals. The indirect consequences of the lack of tenure, however, are equally concerning. For instance, community cohesion is decreasing as conflict and distrust between community members is rising, a result of fear instilled by foreign land grabs and information asymmetries. Younger generations are losing the ability and desire to learn their parents' native languages because they are unable to secure bilingual education in schools and are therefore forced to learn Spanish exclusively in the classroom. The lack of documentation of their presence in the area makes it difficult for them to establish local medical services – they have to travel on foot for hours to reach the closest clinic and longer for a hospital. The fear of losing access to land makes it difficult and risky to start any initiative, such as medicinal plant gardens or agricultural educational projects, that could be beneficial for community members. As land is at the center of practically every activity, both traditional and common, in the communities, the insecurity of land tenure affects every aspect of life.

Activities

While in the field, my main activity was conducting interviews with different community members. We traveled to people's homes in several communities in the district of Calovebora (last year, when I was doing similar research, we were in the district of Rio Luis). While the interviews were formally meant to be held with individuals, the informal setting of the home made this impossible in most cases and so, more often than not, the entire household was

involved in answering the questions. This was beneficial in that the questions covered a range of



topics, about which different family members had different levels of expertise. Their participatory involvement in the interviews gave us more well-rounded information and also appeared to make the interviewees more at ease. During this period, I traveled to six different communities in which I conducted interviews. I lived with a host family in San Antonio, where I was located for the majority of the time, and stayed with other families when I traveled. When I wasn't conducting interviews, I was acting as a participant observer – I participated in most daily household activities and tried to constantly be learning about what was going on in my surroundings. This was a huge source of information for me because it was often during the more informational conversations I had with people over coffee or dinner that crucial details of life and history were revealed to me. Living with families was also central to this kind of work because it allowed me to fully observe real peoples' daily lives and approach an understanding of the internal logics and cosmovisions underlying the way they behave. These are the things that are difficult, if not impossible, to explain orally especially when considering the linguistic and cultural barriers between us. Participant observation also meant that, because much of the supporting information I was collecting had to do with the physical spaces inhabited by people, I was constantly trying to absorb and record information about the surroundings. I looked for different trees, tried to notice when houses were constructed of different materials and documented the ways in which people's land plots were spaced out across the landscape.

Challenges and Successes

I was able to complete close to 30 interviews during my time there, which exceeded my original goal of 20 interviews. More importantly, I was able to attend the annual local congress, which is run by the regional governance body of the area, which provided a lot of information about the central issues I was researching. This allowed me to have a well-rounded understanding of the opinions of those who participated in the congress there were around 300 attendees as well as of the ways in which the democratic structure is practiced and the ways in which individuals participate and express themselves. While I was there, I completed a detailed outline for the



working document that I will be finalizing later this year and was able to have some community members review the document and give me comments before continuing on.

Questions Raised

The collaboration that I had from different members of the community, specifically members of the governance organization who were directly working with me on a daily basis, was extremely invigorating and rewarding for me (and, I hope, for them too). I truly felt like I built long term and beneficial relationships from which I learned so much while I was there. I felt like I could truly be honest with my ‘team’ – the individuals who worked in the organization and who accompanied me on my interviews. This allowed me to ask all sorts of questions and have them clarify a variety of details covered in the interview or simply observed in daily life, which enriched my understanding of the things I was learning. It also made it such that we could work together at each step to improve the questions and communicate more effectively with interviewees. I also was very lucky to have such a wonderful host family, comprised of members of my team, who were attendant to my needs and always interested in engaging in conversation.

One thing that was frustrating for me during my visit was the different pace of work and life that other people in the communities had. While the members of the organization usually tried to pack my days full of interviews and other work, there would often be several days out of the week when interviewees wouldn’t be available when they said they would or when no one would accept to do the interviews. On those days, I wished that there was another element of the work that I could do more independently, in which I didn’t have to rely so wholly on other individuals, such as some sort of environmental monitoring. While I was also doing the participant observation while I was there, the days were long and I often found myself laying on the floor or in a hammock for long hours which I always felt I could be using more productively. As I was the only outsider in the communities that I visited, it was also ill advised for me, as a woman, to even walk around alone and this eventually made me highly claustrophobic. It was difficult to live in a crowded host family with no cell service, internet, or filtered water but it was made much harder by the fact that I was unable to have any time alone. This was more a product of the specific location of the

community than of the fellowship, but it could be something to consider for future fellowship candidates. Another challenge was that I felt that my expertise could have been used more effectively for other projects or questions and that it was indeed a bit misdirected for me to be conducting these sort of nuanced interviews. Because most of the interviewees spoke one of the local indigenous languages primarily, there was often a desperate need for translation and, even then, it often felt like the intended sentiment of the question was lost. I had to sit with one of the members of the organization after each interview to comb through the information and make sure I had understood and that we didn't need to return to ask the questions over again.

Training and Mentoring

While I was working under the auspices of the local organization, the support that they provided me did not really amount to training or mentoring. The coordinator of the women's congress and the president of the general congress were supporting me throughout the work process and helped me draft the questions (and understand interviewees' responses) so that they were appropriate and accessible. They were constantly explaining things to me about my surroundings and helping me understand why things were the way they were and what people were saying to me. They always made sure that I had what I needed to complete my tasks efficiently and effectively.

For the most part, the support provided by my faculty mentor was given during the school year, when I was writing my thesis on the issues faced by these communities. The support he gave then informed much of the ways in which I conducted my subsequent fieldwork during this fellowship. While he did provide information when I asked him and when necessary, he did make it clear that this phase of the work was mine to pursue alone and that I would have independent control over what I wanted the outcome to be.

What did you learn?

The biggest lesson I learned was about acceptance. I had little control over the pace of the work, the outcomes that I would get from different interviews, or even the locations visited during my trip. Often, individuals would refuse to give me an interview or would be unable or unwilling to answer certain central questions. Something in the plans would change without me knowing and the entire itinerary of our trip would shift. I would get sick and be unable to work for the two days that we were in a specific community. It would rain so hard that the rivers would swell and we would have to sleep in a neighboring community after a day's work because we could not walk all the way home. While I was away, a close friend of mine from home died suddenly and unexpectedly. More than ever before, every element of my personal and work life felt outside of my control. At first, it was hard to accept – at home, I can be a bit of a control freak and I derive satisfaction from being able to have predictable days. I began to realize that my frustration at plans being changed and of always feeling like I had the right to be able to change my situation

was making my entire experience a lot more anxiety-ridden. It seems like a simple lesson but as someone who isn't a big outdoorsperson and who is perhaps more used to matters being at the behest of nature, it took a lot for me to be able to breathe and let go of my desire to control the situation. Of course, in these instances, there was no option for me to change the outcome but letting go of the thought that it was absurd and unjust that there was nothing I could do was helpful, too. Admittedly, I was not able to always let go and I



am still a long way from truly finding peace and acceptance, but the understanding of the importance of such acceptance was a big step for me and one I did not even previously realize I needed to take. If I were to go back another time, as I said before, I think it would have been nice to have another project to do alongside this one. There were many long days in which I wished I had an independent project on which I could be working to make my time there more productive. The food situation was a little bit tough for me – it was mainly composed of starches and as someone with digestive health issues, I really should have brought some additional supplements or snack options for myself. It would have also been nice to find some way to incorporate physical activity into my schedule because on the days that we weren't walking long distances, I often didn't walk much at all.

Community Implications and Further Work

In the short term, while I was in the community, I think the biggest positive impact my project made was engaging people in this kind of work. The members of the organization who collaborated with me on the daily work activities learned a little bit about planning and managing research, ethical concerns and conducting interviews. They also got to pursue answers to some questions about which they were concerned through these interviews, such as the effectiveness of their own work in the communities and the reasons why community members did or did not participate in the organization's work. This will hopefully allow them to modify their practices to better serve the entirety of the population in the future. The interviewees themselves were happy to participate, and we figured out that giving people a preview of the kinds of questions we would ask helped them prepare their answers. Some of the questions, such as the ones that related to identifying cultural elements, the importance of cultural preservation, and the importance of the natural surroundings, were ones that appeared to be so ingrained into people's consciousness that it took them some time to formulate comprehensive responses. On several occasions, after interviews, people commented that the questions had really made them think and that they had never really considered how to explain these basic innate elements before. While this is likely a subjective judgement, I do think that it's a benefit to bring some personal and cultural awareness in this way. It also brought people to think about the issues of territorial

threats and resource extraction in a slightly different light, and I believe it contributed to their short term well-being to be able to discuss these kinds of fears and to know that someone else in the world is trying to support and protect them.

In the long term, the document that I will be writing up based on the research I conducted in-site seeks to provide a first documentation of their presence on the land and a legally-oriented argument as to why they should be awarded an indigenous title. I am conducting secondary research on national and international laws concerning indigenous land claims to try to base this argument in the existent requirements for land claims as well as the tenets of indigenous and human rights. As these communities are currently not recognized as being indigenous, this document will also demonstrate their historical inhabitation of the land as well as their 'cultural authenticity' (which is not something that I agree with but rather something required by the Panamanian state in filing an indigenous land claim). The descriptions of these communities will also include a study of their land use and tenure forms, which are incompatible with private titling and therefore support the proposition of having a collective land claim. The document will also clearly state their opposition to foreign resource extraction and land titling on their territory and thus make it more difficult for the state to deny their opposition to it. While they do not currently formally have the right to free and informed prior consent – because they are not recognized as an indigenous community and because this is not a right enshrined by the Panamanian state – this documentation will make it impossible for foreign agencies, such as the World Bank, to support Panamanian projects on their lands. As of now, they view one of their main challenges as their lack of access to a national or international stage on which to discuss and publicize the human rights violations of the Panamanian state against their communities. While this document doesn't pretend to even approach the amount of work necessary to make their fight for land feasible or prevent encroachment on their territories, it is a first work that they will be able to utilize (as it will be in Spanish) to communicate about their existence and their struggles with entities locally and around the world. For example, the document will be used at a conference on indigenous land rights held in Washington, D.C. in February. This kind of conference is an opportunity during which they can make connections with other indigenous communities facing similar struggles as well as organizations and individuals who can further support their efforts. Members of the local Congress are also hoping to create a web platform in the upcoming years on which they will gather documents and projects that they have worked on about their fight and this document will serve as a holistic introduction to many of the problems they are struggling with. We recently discovered that the World Bank is set to fund a project to install electricity lines in the entire Atlantic coast of the country – currently, they have no obligation to consult with local populations because there is no record of there being communities, let alone indigenous ones, living in the area. This document could easily serve as an official statement of their inhabitation of the land.

As they have little access to resources and technology and constitute an actively marginalized population in the country, they viewed it as necessary that an external organization or individual be responsible for making this initial connection with the outside world and communicating it in

such a way that is comprehensible and appealing to outsiders. It will provide a strong starting point for resistance and advancement.



What would be the next steps to translate your findings into policy action?

I was conducting similar research in a neighboring region last year and subsequently did extensive research and completed my thesis on this topic. This year's work was essentially about translating all of the information gathered in both of these two years into something that was more directly policy—related. The next steps to actually turn these changes into policy will be finishing this document and then finding an attorney who can discuss the actual intricacies of the Panamanian government with the community leaders and help them identify strategies to make their goals reality. Unfortunately, the end game relies on the compliance of the Panamanian state, which at this stage seems highly unlikely as they have little interest in granting land rights to a community which inhabits such a resource rich area. As such, I think the biggest challenge for community members will be to keep people engaged and continue organizing for the long term – this kind of work can be extremely discouraging and hard to complete especially when they have few resources to support their efforts. I also think that continuing to do this kind of work that I did – elaborating documents, working on community maps – can continue through collaborations with CICADA and other McGill students. Replicating these studies in other areas or with more individuals will only bolster the legitimacy of their arguments. In terms of what other outsiders or workers from CICADA can do, I think it would be valuable in the future to have workshops and trainings for members of the community so that they can actually continue this kind of work on their own and when outside workers are not around. This year, another CICADA project occurred during my time in the area in which a group of about six community members were trained in how to use videography and editing equipment, and ultimately they made a video in which they interviewed community members about their opinions on mining. This kind of media is extremely accessible both for people within the community (many of whom can not read) as well as others all around the world. It is an easy mode of communication and direct demonstration and this kind of skill is infinitely useful for these communities. While CICADA can provide a lot of support, they

will hopefully also begin making connections with different individuals and organizations around the world from whom they can also learn and with whom they can share valuable lessons and skills.

Program Evaluation

This fellowship and all the research I have done with this community has actually proved pivotal in my future career goals as it has given me a huge appreciation for legal knowledge and arguments. I am now most likely going to pursue a legal degree after my masters – the combination of being able to do research but also move towards building policy is extremely important for making long lasting and sustainable change. What I valued most about the fellowship was the long-term nature of it and the independence that I got to have while completing it. Having a real and elongated relationship with the communities I was working in allowed me to build intimate personal relationships and have a better overall context for my work. Because the work I was doing was sensitive and because it was so uncommon for outsiders to be living in these communities, there was a lot of doubt about what my actual intentions were when I first arrived there – many accused me of coming to map and title land for my own use or using their information to incriminate them with the state. Because I was there for an extended period of time and because I had already previously worked with neighboring communities, I was able to assuage these fears with the majority of people and begin building networks of trust with them. In terms of my work, my familiarity with the area also made me better able to understand and interpret the ways in which people spoke and behaved – in my first weeks there last year I was often so overwhelmed by all of the newness that it was difficult to absorb. I would definitely recommend that fellows travel to areas or with people with whom they have already established relationships or at least to remain in their communities for long periods of time. In addition, while I was relatively independent last year, my previous experience in the area inspired me to think of what kind of work I wanted to be doing there this year and made me more comfortable formulating a research plan on my own. It was extremely rewarding to determine the kind of work that I would be doing – in accordance with what community members thought was most practical – and see it come to fruition. This allowed me to plan ahead and to adjust according to what my objectives were.

Was your project part of a larger/ongoing program? If so, what are the next steps?

If anything, my project is part of an ongoing relationship between CICADA and community members. There are other things that can be done within my project but there are actually other ongoing projects that are part of this relationship, such as one about articulating oral histories of the area and community mapping, that could also present opportunities for students to get involved. Nonetheless, this isn't really a typical internship-type of fellowship opportunity – it is more based on independent research and as such possible candidates should be prepared for those circumstances. What this means concretely is that you don't really have any direct trainings or mentorships – you go to the communities by yourself – and you will also likely be almost fully responsible for planning and executing your own project. It is not for everyone. It's difficult and frustrating and tiring but also a unique and rewarding experience in which they will meet some of the most incredible and hard-working people ever.